



Assessment of Environmental Effects

1/527 Wairakei Drive, Taupo

Date	September 5, 2003
Reference	Wairakei International Golf Course
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Resource Consent Application and Assessment of Environmental Effects

Applicants	TW Property Limited & Wairakei International Golf Course Limited
Address	1/527 Wairakei Drive, Taupo
Legal Description	Lot 1 DP 426900
Record of Title	505925
Land Area	145.7187 hectares
Operative District Plan	Taupo District Plan
Proposed District Plan	N/A
Operative Zoning	Rural Environment
Proposed Zoning	Rural Environment – Plan Change 42
Operative Overlays	Geothermal Rule
Proposed Overlays	N/A
Regional Council	Waikato Regional Council
Consent Sought	A 33 lot Subdivision and Land Use consent as a Non-Complying Activity.

1.0 Introduction

Simpli Consulting (The Agent) on behalf of TW Property Limited & Wairakei International Golf Course Limited (The Applicants) are applying for the following consents as a bundled Land Use & Subdivision application.

A non-complying subdivision resource consent is sought in accordance with Rule 4b.3.6 of the Taupō District Plan by TW Property Limited to subdivide 1/527 Wairakei Drive, Wairakei, Taupō into a farm park, with 30 rural lifestyle lots, a balance native sanctuary lot, golf course and water reservoir lot to be vested with the Taupō District Council.

A discretionary land-use activity resource consent is sought in accordance with Section 4b.2.9 of the Taupō District Plan by TW Property Limited to construct dwellings on the proposed allotments that will breach the setback and site coverage rules.

2.0 Background & Existing Consents

The applicant is working on behalf of the owner of Wairakei International Golf Course Limited to develop a unique subdivision that complements the unique Rural Environmental attributes within the receiving area. The development would have a strong connection to the golf course and would attract prospective purchases that are passionate about and enjoy playing regularly on New Zealand’s premier international golf courses. The subdivision would create 30 premier lifestyle lots that would take advantage of the views of rural New Zealand to the east and south of the site. The development would also promote regeneration of native flora and fauna within the balance lot that would be development to revive the biodiversity values that has been in decline.

This subdivision is not intended to be another standard residential development for the benefit of the wider Taupō community. The design and layout are focused on creating an exclusive, privately owned, golf resort comparative to the luxury 5-star golfing destinations of likes of Cape Kidnappers, Matakauri, or Kauri Cliffs. With internal access from the rural farm park to the Wairakei Golf and Sanctuary, the subdivision would attract golf enthusiasts who are accustomed to playing their golf on

Internationally rated course throughout New Zealand and abroad and discern high-end, world-class facilities, surroundings, and accommodations.

The attraction of this subdivision is the opportunity to create their own privately owned golfing holiday retreat within a rural environment, on the doorstep to an international golf course and a native sanctuary. For some this would extend to creating a permanent privately owned oasis, but for the majority (approximately 60%) of purchases, this would be an opportunity to create another holiday home. Owners would be amongst similar social and professional back grounds. Strong covenants with design standards would create a unique and sort after opportunity. The subdivision would be marketed as an exclusive privately owned resort experience, and initial expressions of interests would be discretely sought from identified suitable purchasers.

The site was subject to a previous land-use and subdivision consent application approved in 2017 (RM170294 & RM170295) allowing for the construction of a 20-room hotel with lodge/restaurant building and 40 standalone chalets. The parallel subdivision consent application (RM170295) was also submitted to create allotments around the chalets and dwelling (Lot 44), the hotel and two balance lots over six stages. To date the consent holder has not given effect to the commercial accommodation activities approved, but as a 10-year consent it does not lapse until August 2028 and as such forms a strong consented baseline.

In 2018 (RM180138 & RM180139) a further Land Use and Subdivision consent was granted which allowed for the subdivision of Lot 44, the construction of a new dwelling and infringements on building coverage, setbacks, Rural Effects Area Radius, and allotment size of the Rural Environment for a new owners dwelling, this consent has been given effect with the house being completed and 224(c) issued for the subdivision.

In 2022 (RM220357) was granted as a Land Use consent for a new Managers Residence on the large balance Golf Course to enable better management and oversight of the general golf facilities and future development. This consent has not yet been given effect to.

The 2018 (RM180138) consent has a five-year duration and will lapse unless the consent holder gives effect to the application. The consents are valid until 14 February 2023 and the status and weight given to these consents is discussed further in Section 4 of this report.

3.0 Description of Subject Site and Surrounding Area

The subject site at 1/527 Wairakei Drive, Taupo and is identified as Lot 1 DP 426900, record of title 505925 and is 145.7187ha's in size and is an internationally recognised Golf Course.

The subject site is irregular in shape and consists of gentle to moderate sloping hills, with steep gullies and gentle rolling hills.

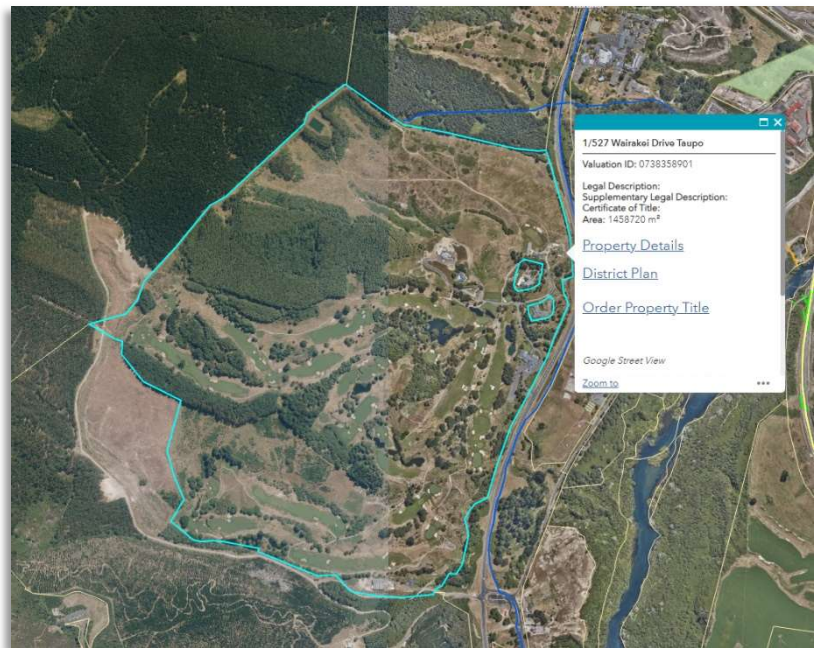
The site supports an 18-hole international golf course, clubhouse and parking area. Driving, pitching and putting ranges are spread across the site along with several buildings associated with the recreational golfing activities. Four dwellings and sheds used for the maintenance and grounds keeping are also spread throughout the Wairakei Drive property.

The Wairakei Drive property also supports native and exotic bush, including a large area of exotic forest located in the centre of the Wairakei Drive property. With the exception of the clubhouse and car park area, and the green keeps house in the southern corner, the entire Wairakei Drive property is encompassed by a large predator proof fence.

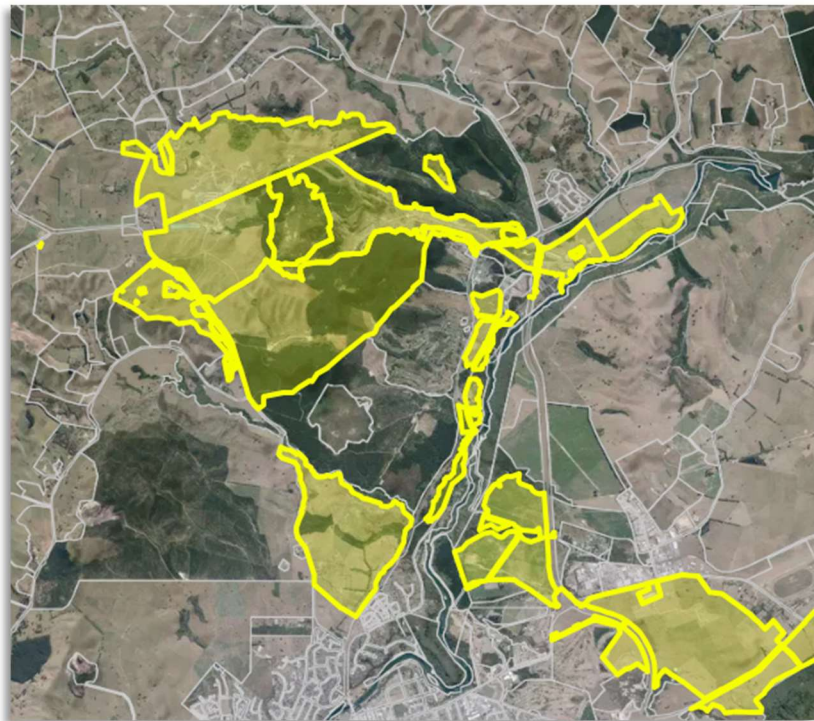
The site is access directly off Wairakei Drive, a dual lane Regional Arterial Road which forms part of the wider Taupō District Roding Network. The road services the tourism attractions and accommodation activities within the Wairakei Tourist Park, geothermal and hydrological power generation activities and wider rural community of the Taupō and the greater Waikato Region.

The Wairakei Drive property is bordered by rural, recreational, tourism and geothermal properties. To the north, the neighbouring property supports a block of forestry that runs the length of the northern boundary and a golf course, both associated within the Wairakei Thermal Resort located to the north of the site, which is owned by an international investment company, Kah New Zealand Limited.

To the west of the Wairakei Drive property is a large property owned by Contact Energy which supports another large forestry block that borders the western boundary of the site and is also used for geothermal power generation activities. The majority of the surround land is owned by Contact Energy for use in geothermal power generation and reinjection wells as can be seen by the yellow highlight lots above.



Location of 1/527 Wairakei Drive, Taupo



Surrounding land owned by Contact Energy Limited.

The only other adjacent block of significance is to the south which is the 'Craters Mountain Bike Park' and 'Craters of the Moon' tourist areas that were held in trust by LINZ and have since been returned to Iwi as part of ongoing Treaty Settlement.

The legal road frontage with Wairakei Drive runs the length of the eastern boundary.

TDC's mapping tool identified that there is a Council watermain that runs along Wairakei Drive and provides potable water to the land-use activities onsite.

While not located within the park, all boundaries of the subject site adjoin the Wairakei Tourist Park and as such is located at the heart of the Tourism Park and is very different to typical rural areas.

Several easements run through the property. The easements include a right of way in favour of the owners and occupiers of Wairakei Thermal Resort, and potable/geothermal water easements in favour of the golf course and three rural lifestyle sites created within the golf course as part of previous subdivision consents.

4.0 Proposal

4.1 Subdivision

The applicant proposes to subdivide the 145.7187ha Wairakei Drive property into a golf course lot (Lot 300), 30 rural lifestyle lots (Lots 1 to 30), a balance lot (Lot 200) and private road (Lot 100) and rights of way JOALs. A manager's home is shown on the site and scheme plan. The manager's house is located on Lot 300, but does not form part of this application. A copy of the scheme plan can be found in **Appendix B**.



Proposed Scheme Plan.

As described above in Section 3, there are several easements running through the site (right of way and water). These would be realigned as part of this application, with the services following the proposed private road. Consultation with those owners and occupiers with interests in these easements is ongoing at the time of lodging this consent application.

As noted, there exists an inspection well owned by Contact Energy (black dot). Access will continue to be provided to the well in perpetuity via the proposed private road and right of way layout as proposed in the scheme plan above.

The lifestyle allotments would vary in area of between 1500m² and 2239m².

Balance Lot 200 (Native sanctuary balance lot) would comprise of an area of 18.5 hectares and Balance Lot 300 (Golf Course) would comprise of 119 hectares.

It is proposed that Lots 1 to 20 & 22 to 28 would include site coverage of up to 400m², while site coverage on Lots 21, 29 and 30 would include site coverage of up to 500m².



Location of development, the northern part of the WIGC.

4.2 Land Use

Land-use consent is sought to construct one dwelling on Lots 1 to 30. The dwellings will not comply with the minimum allotment area, site coverage or boundary setback rules as discussed below.

The proposed allotments would not comply with the minimum allotment area of 10 hectares respectively, in the Rural Environment. Resource consent is therefore required to construct dwellings on each allotment.

A building footprint of 400m² (Lots 1 to 20 & 22 to 28) and 500m² (Lots 21, 29 and 30) is proposed. This equates to a site coverage range of approximately 27% on a 1500m² to 22% on the largest 2239m² lots.

Total building coverage over the entire site would equate to 1.3 hectares or 4.8% site coverage over the entire subdivision. The dwellings would also not comply with the 15m boundary setbacks. An alternative setback of 5.0m is sought from the internal boundaries.

Otherwise, the dwelling designs would consist of a maximum height of 6.0m from the finished ground level.

There would be restrictions on the colours and materials that can be used on the exterior of the buildings.

The land-use activities would be restricted to a single dwelling and attached/detached garage or carport. No other buildings, including pools, or garden sheds of any size are proposed on each lot.

A farm building used to store equipment and materials used for the maintenance of the native forest activities on balance Lot 200 may be constructed.

More details on the building design requirements can be found within the Landscape and Visual Assessment ("the LVA") and Master Plan in **Appendix C** of this application.

As part of the development, a predator proof fence, similar to the fence surrounding the golf course has been constructed to aid the native sanctuary to be created within balance Lot 200.

Please note that the reservoir at the top of the site will be decommissioned and relocated to downstream of the gully on Lot 300. These works do not form part of this application.

4.3 Roading and Parking

A private internal road would be constructed from Wairakei Drive via a new access. The design of the vehicle crossing/intersection is yet to be confirmed but would be follow a similar design to those detailed in the Taupō District Council Engineering Code of Practice ("the ECoP"). The new access would be setback 60m north of Karetoto Road.

The internal private road would be a Jointly Owned Access Lane ("JOAL") with a legal width of 14m and a formed carriageway width of 6m. No parking spaces are proposed, however accessible kerbs would be constructed to allow cars to park on the verges, while allowing vehicles to pass. Rights of way and JOALs would then peel off the private road to the individual lots.

The rights of way would vary in legal and formed width of between 7.0m to 8.0m (legal width), and 3.0m to 4.0m (formed width) as required in Rule 6.5.10 of the TDP. The private internal road and rights of way would comply with the Minimum Sight distance required in rule 6.5.3.

Each lot has been designed to accommodate two car parking spaces and the required manoeuvring areas, with the latter to be formed and sealed as required by Rules 6.2.6, 6.3.1 and 6.3.2.

Other methods of transport would be provided within the subdivision. Access for golf carts, cycling and a footpath for pedestrians would be provided for within the private road. A pedestrian track would also be provided though the balance farm lot.

These accessways would provide linkages to the golf course, Wairakei Drive and the wider tourism recreational activities in the area.

4.4 Services

A combination of public and private services are proposed. More information on the methods of servicing can be found in the Servicing Memorandums in **Appendix D**. Below is a summary of these services.

Chorus and Unison have advised that telecommunication and power can be provided to the proposed subdivision.

Individual private wastewater disposal would need to be provided on each lot. Wastewater would be discharged to ground via a secondary treatment system. A disposal field of 40m² and reserve area of 20m² would be required on each lot. The disposal fields may extend beyond the boundaries of the allotments and into the balance native forestry lot to provide a water supply to the native plants and trees within the sanctuary. Should this proceed, appropriate easements over the balance lot would be created as part of the Section 223 certification process.

Stormwater from the dwellings would be treated and disposed onsite via discharge to soakpits. The location of the soakpits would be determined, along with their design and size at the time of building onsite.

Stormwater attenuation for the private road may be accommodated within the proposed rural lifestyle allotments, in stormwater collection tanks. This would be determined and designed at the detailed engineering stage, following a decision on this proposed subdivision. Otherwise, stormwater from the private road would be directed toward one side of the road. The runoff would be collected in an open drain and discharged to rain gardens within balance lot 200. The rain gardens would assist in distributing stormwater across the site, providing a natural filter system, allowing clean water to soak to ground.

Stormwater from manoeuvring areas on each lot, driveways the other JOAL and right of ways would also be captured and discharged to grass swales and rain gardens. These catchments would provide natural filtration and act as oil interceptors to filter the water before it is discharged to ground. The design of these mechanisms would be determined at the engineering design stage, post consent approval.

Potable water would be provided to the allotments from the main in Wairakei Drive. There is sufficient head of pressure to access a new reservoir (location yet to be confirmed) without the need for pumping. Water would then be trickle feed downhill to water tanks on each property. The size and location of the tanks would be confirmed at the time of building consent, otherwise the development design standard detailed in the Landscape Assessment submitted with this application require the tank colours to be limited to green, and located to the rear of the dwellings, out of view from the private road, and the Wairakei Drive boundaries. The reservoir and water mains within the private road to the boundaries of the allotments would be vested with Council and appropriate easements created.

Two potential methods of providing firefighting water are proposed as part of this application. Either hydrants would be constructed in the private road, or the water supply tanks would provide a 30% reserve for firefighting purposes. Should the tank option proceed, appropriate female firefighting couplings would need to be installed. Otherwise, an appropriate supply of water would be provided in accordance with the New Zealand Fire Service (FENZ) Fire Fighting Supplies Code of Practice SNZ PAS 4509:2008.

4.5 Summary of Consents Sought

A bundled Subdivision and Land Use resource consent is required for the following:

- A rural subdivision of less than 10ha
- A rural subdivision within the geothermal residential area as shown on Map D3
- Dwellings that are within the 50m Rural Effects Area Radius to internal boundaries
- Building coverage exceeding 2.5% on each individual lot
- Building setback encroachments into the 15m minimum building setback

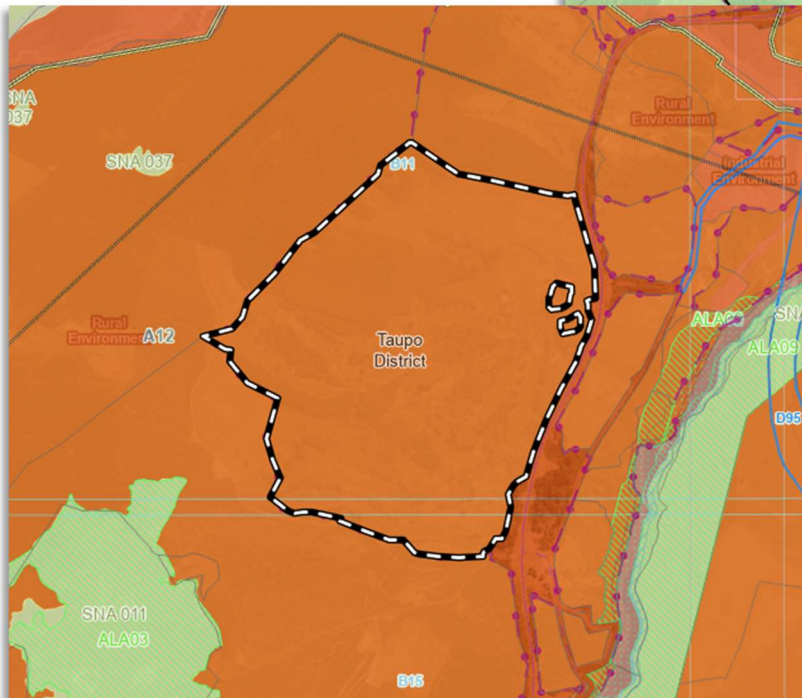
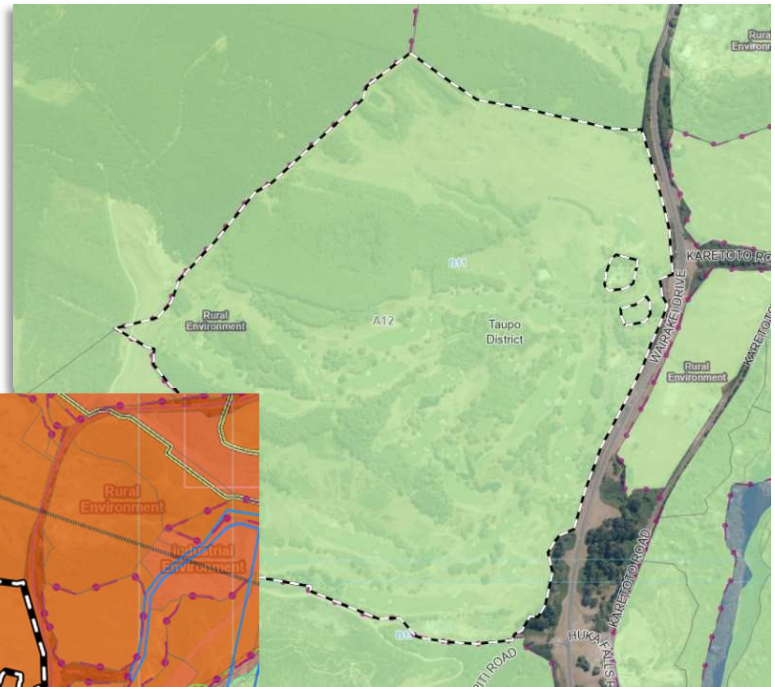
All other performance standards of the Taupo District Council District Plan will comply.

5.0 Reasons for the Application

5.1 Operative Taupo District Plan

The proposal is subject to the rules of the **Taupo District Plan**.

The site is located within the **Rural Environment** (Section 4b) and affected by the **District Wide Rules** (Section 4e) and the **Parking, Loading and Access Rules** (Section 6) and is located on planning maps **B11 & A12** and is



identified on planning map D3 as being within the **Geothermal Residential Area**.

District Plan Zoning – Rural Environment and Geothermal Areas as shown on planning map D3.

The proposal requires resource consent under the following performance standards and rules of the Taupo District Plan:

Operative Taupo District Plan – Land Use Consent Criteria			
Performance Standard	Parameter	Activity Status	Comment
4b.1.2	Maximum Building Coverage 2.5% aggregate total of all buildings or 1000m ² ground floor area of a single building whichever is the more restrictive.	Discretionary in accordance with Rule 4b.2.9	The proposed coverages range from 400m ² to 500m ² which results in building coverages ranging from 22% to 27% and average 4.8% across the large parent allotment.
4b.1.4	Minimum Building Setback from All other Boundaries - 15m	Discretionary in accordance with Rule 4b.2.9	The proposed dwellings will be setback 5m from internal boundaries, or 10m within the 15m minimum building setback.
4b.1.5	Rural Effects Area Radius of 50m from an allotment boundary	Restricted Discretionary in accordance with Rule 4b.2.5	Each dwelling will be located within its own allotment, ranging in size from 1500m ² to 2239m ² and will be up to 5m from this internal boundary and as such will be up to 45m inside the REAR. Note all proposed dwellings will meet the 50m REAR to all external boundaries of WIGC.
4b.1.22	Nominal Allotments – The second and subsequent dwelling shall be located within its own 10 hectare nominal allotment.	Discretionary in accordance with Rule 4b.2.9	Each dwelling will be located within its own allotment, ranging in size from 1500m ² to 2239m ² and will add an additional 30 dwellings to the 145ha site which has five dwellings already built (four owners' dwellings and 1 greenkeepers dwelling) and 1 more consented (the managers dwelling), taking the total number of built and consented dwellings to 36. This provides an average density of 1 dwelling per 4ha and as such cannot comply with nominal allotments.

Overall, the Land Use consent is a discretionary activity in accordance with Rule 4b.2.9

Operative Taupo District Plan – Subdivision Criteria

Rule	Parameter	Activity Status	Comment
4b.3.3	Any subdivision of rural land that is located within an Outstanding Landscape Area or in Area X on Planning Map D ₃ where the resulting lots are 4 hectares or larger, or is located in Area Y on Planning Map D ₃ where the resulting lots are between 4 hectares and 10 hectares, is a discretionary activity.	Discretionary	The proposed subdivision is within Area X on Planning Map D ₃ .
4b.3.6	Unless specifically provided for by another rule in this plan any subdivision of land in the Rural Environment where the resulting allotments are smaller than 4 hectares is a non-complying activity.	Non-complying	While the average density across the greater extent of WIGC will be over 4ha, the individual proposed rural lifestyle lots are all under 4ha with sizes ranging from 1500m ² – 2239m ² .
4b.3.12	Any subdivision of land where more than twelve (12) allotments share a single common access in the Rural Environment is a discretionary activity.	Discretionary	There will be up to 30 dwellings being serviced off the proposed private road from Wairakei Drive.

Overall, the subdivision is to be assessed as a non-complying activity under Rule 4b.3.6.

Proposed Taupo District Plan – Subdivision Criteria¹

Rule	Parameter	Activity Status	Comment
4b.5.1.ii	Subdivision resulting in lots that are smaller than 10 hectares is a non-complying activity.	Non-complying	While the average density across the greater extent of WIGC will be over 4ha, the individual proposed rural lifestyle lots are all under 4ha with sizes ranging from 1500m ² – 2239m ² .

Overall, the subdivision is to be assessed as a non-complying activity under the proposed District Plan Rule 4b.5.1.ii, albeit this rule has no current legal effect under s86A of the RMA 1991.

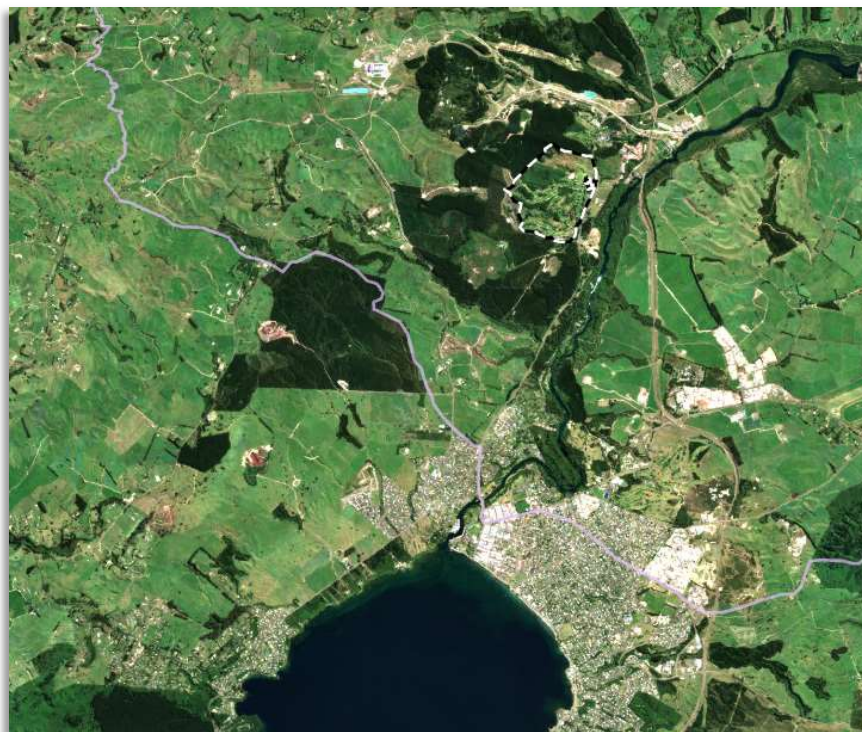
¹ District Plan Change 42 (Rural Environment) was notified on Friday 14 October 2022 with submissions closing 9 December 2022 and further submissions closing on the 7 April 2023 with hearing anticipated in late August. Under section 86A of the Act, a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule has been made and publicly notified. That said, section 86B states that sections 86B-G do not affect the weight that a consent authority may give to objectives and policies before the plan changes become operative; and section 104(1)(b)(vi) requires that the consent authority must have regard to the provisions of a proposed plan (which includes plan changes).

Resource consent for the Land Use and Subdivision activities is required. A Discretionary Activity consent is required for the Lan Use activities, while the Subdivision requires a non-complying activity consent. The Resource Management Act 1991 ("the Act") requires the most stringent assessment criteria to be applied. Therefore, a **Non-Complying Resource Consent** is required pursuant to **Rule 4b.3.6** of the TDP.

5.2 Waikato Regional Plan

The proposal is a permitted activity under the Regional Plan as there are no requirements for discharge to the air or significant earthworks and ground discharge for the wastewater tank will be a permitted activity under the Regional Plan.

The subject site is outside the Lake Taupo Catchment for nitrogen discharge and as such the specific rules for wastewater are covered under Rule 3.5.7.6 which allow for a permitted activity for improved on-site domestic sewage systems as follows:



Lake Taupo Catchment Area for wastewater discharge.

Rule 3.5.7.6 Permitted Activity Rule – Discharge of Sewage from Improved On-Site Domestic Sewage Treatment and Disposal Systems

Except as provided for by Rule 3.5.7.5, the discharge of domestic sewage effluent (including grey water but not including stormwater) onto or into land outside the Lake Taupo Catchment from an on-site domestic sewage treatment and disposal system is a **permitted activity** subject to the following conditions:

- a. The volume of effluent to be discharged shall not exceed three cubic metres per day averaged over any one month period.
- b. The design, construction, operation and maintenance of the system shall meet the following standards:
 - i. pre-treatment of effluent to a standard not to exceed concentrations of 20g/m³ of Biological Oxygen Demand and 30g/m³ of suspended solids
 - ii. during times of normal wet winter groundwater level, there shall be at least 600 millimetres separation distance between the groundwater level and the bottom of the disposal trench or 300 millimetres between the groundwater level and dripper irrigation lines, where dripper irrigation lines are used and the design loading rate for effluent disposal is less than five millimetres/day.

- iii. there shall be no adverse change in groundwater quality as a result of the discharge, or in combination with other discharges
- iv. there shall be no adverse change in surface water quality as a result of the discharge, or in combination with other discharges
- v. there shall be no direct discharge of effluent into groundwater or surface water.
- c. The discharge shall not result in any objectionable effects from odour beyond the boundary of the subject property.
- d. The sewage disposal system shall not be sited within 30 metres of a Natural State Water Body or Fisheries Class Water Body as specified in the Water Management Class Maps, and 10 metres from any other surface water body.
- e. Written proof of compliance with this Rule shall be provided to the Waikato Regional Council on require in the form of either:
 - i. certification by a person who is qualified and experienced in the field of onsite sewage treatment and disposal that the system will consistently satisfy the above standards taking into account the relevant site constraints, or
 - ii. documentation which demonstrates achievement of the standards.
- f. The discharge shall not occur within 20 metres of a Significant Geothermal Feature.

5.3 National Environmental Standards

There are nine National Environmental Standards (NES) that have been prepared under sections 43 and 44 of the Resource Management Act 1991 and are in force as regulations. These cover air quality, human drinking water, telecommunications facilities, electricity transmission, plantation forestry, freshwater, marine aquaculture, outdoor storage of tyres and management of contaminants in soil.

5.3.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The NESCS seeks to manage the actual and potential adverse effects of contamination in soil on human health from particular activities that may have occurred on the site. The NESCS includes a Hazardous Activities and Industries List (HAIL) that sets out which activities may have potentially contaminated the soil. The NESCS applies when a person wants to undertake an activity described in subclauses (2) to (6) on a piece of land described in subclause (7) or (8).

A Preliminary Site Investigation (**Appendix F**) has been prepared for the site by EAM New Zealand Limited (Reference: EAM2202-01, Date: November 2021). The investigation identified that the site is unlikely to have or had activities undertaken that has contaminated the soil. The report concluded that:

"For contaminated soils to pose a risk to a receptor, a complete pathway must exist between the contamination source and the identified receptor(s). If there is an incomplete pathway, then there is no risk. In this instance the results show that a risk to human health at this site is highly unlikely to exist."

In the centre of the site is a Contact Energy groundwater monitoring well. Advice has been provided by Contact that this well provides access to the groundwater table in this location and is not a geothermal well. As such its drilling did not produce any contaminants therefore this location is not a HAIL site.

While subdivision is an activity that is covered by the NES, the site is not considered to be a piece of land as described in subclause (7) or (8), therefore the proposal does not trigger an activity under the NES.

No other NES's are applicable to the proposed development.

5.4 National Policy Statements

There are six National Policy Statements (NPS) that have been prepared under section 52(2) of the Resource Management Act 1991 and enable Government to prescribe objectives and policies for matters of national significance which are relevant to achieving the sustainable management purpose of the Act. These cover; highly productive land, urban development, freshwater management, renewable electricity generation electricity transmission and the NZ Coastal Policy Statement.

5.4.1 NPS Urban Development 2020

This NPS is a replacement of the NPS on Urban Development Capacity 2016. The NPS-UDC did not have any policies for car parking whereas the NPS-UD includes car parking policies which have the effect of removing minimum car parking rates from the District Plans of tier 1, 2 and 3 territorial authorities. Taupo is a tier 3 territorial authority.

The purpose of this direction is to enable more housing and commercial developments, particularly in higher density areas where people do not necessarily need to own or use a car to access jobs, services, or amenities. It will enable urban space to be used for higher value purposes other than car parking and remove a significant cost for higher density development. Developers may still choose to provide car parking in many areas, but the number of car parks will be driven by market demand.

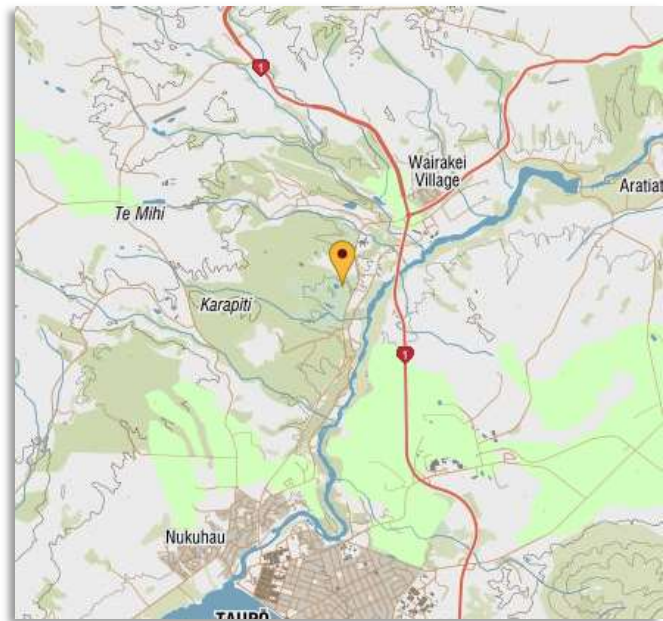
In this case, the proposal does not trigger any carparking rule non-compliances of the District Plan and is not in contravention of the NPS-UD.

5.4.2 NPS for Highly Productive Land 2022

The NPS-HPL came into effect 20 September 2022 and seeks to protect New Zealand's most favourable soils for food and fibre production. The intent is to stop development and urbanisation of highly productive land and ensure that food and fibre production is protected for future generations.

Regional Council's must map out highly productive land indicated by land categories LUC 1, 2 or 3 and Territorial Authorities must give effect to the NPS by restricting urban rezoning and development of classified land.

The NPS is not applicable to this application as the area of development is not on land recognised as being highly productive based on



Location of site and baseline data from Landcare Research shows the site is not considered to be highly productive land.

the Landcare Research baseline maps as shown above. These maps are to be used until the Regional Council have undertaken their own identification and mapping process.

5.5 Overall assessment

Overall, the application is a **Non-Complying Activity** in accordance with Rule 4b.3.6 of the Taupo District Plan.

*Rule 4b.3.6 Unless specifically provided for by another rule in this plan any subdivision of land in the Rural Environment where the resulting allotments are smaller than 4 hectares is a **non-complying activity**.*

6.o Statutory Assessment

Before making a decision on a non-complying activity, Council must consider the proposal in terms of sections 104(1), 104B and 104D of the Act.

Section 104(1) outlines the following matters, which are relevant to this application:

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of-*
 - (i) a national environmental standard:*
 - (v) a regional policy statement or proposed regional policy statement:*
 - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

TDC's decision in terms of the non-complying activity must be made in terms of section 104B and 104D of the Act.

Section 104B states:

- (1) After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority-*
 - (a) may grant or refuse the application; and*
 - (b) if it grants the application, may impose conditions under section 108."*

Section 104D states:

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
 - (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

(2) To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.

Assessment in terms of Section 104 of the Act

The Assessment of Environmental Effects (AEE) in Section 7 below confirms that the potential adverse environmental effects of the proposal would be less than minor.

Overall, the proposal will have positive social, economic and environmental effects by providing accommodation in support of the tourism and recreational activities, particularly the golfing activity onsite. The development will also assist in enhancing the native biodiversity and ecology within the region.

The assessment of the activity against the relevant objectives and policies of the TDP, Waikato Regional Policy Statement is provided in **Section 11** of this report.

In terms of section 104B and 104D of the Act, it is considered that Taupō District Council can grant this resource consent on the basis that both gateway tests are met- the adverse effects are less than minor and the proposal is consistent with the relevant objectives and policies.

7.0 Assessment of Environmental Effects

As confirmed in Section 6 of this report, the proposal is a **Non-Complying Activity** under the TDP. Councils' discretion is not limited, and any relevant matter can be considered. The application has been assessed in accordance with the relevant matters in the assessment criteria Section 4b.4 and Chapter 4e.15 Geothermal Areas and any other relevant matters.

The relevant actual and potential environmental effects are considered to be:

- Positive effects;
- Effects from Reverse Sensitivity
- Effects on Rural Amenity and Character;
- Effects from Natural Hazards
- Effects from Traffic Generation and Access.
- Effects from the Provision of Services
- Permitted and Consented Baseline
- Density Effects
- Urban Development and relevant Caselaw

7.1 Permitted and Consented Baseline

In considering the actual and potential effects of the activity, it is appropriate to take into account the permitted baseline. The permitted baseline is established by the activities that are provided for in the Rural Environment that do not require resource consent. These matters are discussed below.

With respect to the land-use activities, the TDP permits one dwelling for every 10-hectare nominal allotment area, provided that the activities complies with the building setback and Rural Effects area

Radius performance standards and that the nominal allotment area for each dwelling were treated as if they were legal boundaries. Five dwellings are already established onsite. Therefore, nine additional dwellings could be established without resource consent. The nine dwellings could be distributed throughout the site in a similar layout to the proposed subdivision and require the same access and earthworks to provide access to the allotments from the internal driveways or Wairakei Road.

With respect to the previous subdivision and land-use consents, Council approved the establishment of 40 chalets, a hotel and other activities on their own individual record of title. The equivalent of 40 lots of 409m² in area, a balance hotel balance lot of 10ha, a balance farm lot of 15ha and a balance golf course lot 118.68ha. A large car park and roading network can be established on the lower slopes and parts of the upper slope of the site.

While not considered a permitted baseline, the previously approved activities can be considered as forming part of the existing consented environment. Therefore, any adverse effects associated with this application that are the same or similar to the activities approved in the previous resource consents can be disregarded.

On review, it is considered that the following adverse effects can be disregarded:

- The visual and amenity effects of the proposed subdivision on the lower and middle sections of the site.
- Vehicle movements and their adverse effects on the roading network as the proposed subdivision would generate significantly fewer movements than the previously approved activity.
- The temporary and long-term adverse visual effects of earthworks associated with lot platform construction, road, right of way, Joint Ownership Access Lanes and driveway construction.
- Light-spill from the dwellings and three storey hotel and vehicle headlights in the lower and middle parts of the site.
- The additional density and cluster of development within this northern part of the golf course.
- The effects on reverse sensitivity in relation to other surrounding tourism and geothermal activities from the overall activity consented for the site with 40 chalets and a large hotel complex.

Overall, it is considered that the consented and permitted baseline provide significant support for the proposed development. The overall adverse effects are significantly reduced with a smaller number of dwellings across the site (30 instead of 40 chalets) and the removal of the large three-storey hotel complex that would have had much greater visual amenity effects and potential for reverse sensitivity onto adjacent tourism and geothermal activities.

7.2 Positive Effects

The proposal would provide accommodation that would result in positive economic benefits to the area, especially for the surrounding tourism and recreational activities.

The proposed dwellings will be on an internationally recognised Golf Course that will attract high-value owners and visitors and will contribute some \$45 million in building work (based on an average build cost of \$1.5 million) and will contribute significantly to the local economy with short- and long-term visits to the region.

The area of site development is currently underutilised for any productive land use given the location, topography and site constraints and so currently have no economic value to the District, where-as the redevelopment with 30 new high value dwellings will be significant and provide ongoing support to the economy while having little to no adverse effects.

7.3 Reverse Sensitivity

The TDP and the Waikato Regional Plan (“the WRP”) both seek to avoid incompatible activities locating near each other, particularly in the Rural Environment where this can adversely affect productive land-use activities and geothermal power generation, of which the latter is of national significance.

To avoid these reverse sensitivity effects from the new accommodation, the applicant has agreed to enter into no complaint covenant/encumbrance with Contact Energy. The no complaint agreements will mitigate the potential reverse sensitivity effect. The applicant has consulted with Contact Energy and their written consent is provided to Council as part of this application in **Appendix J**.

The previous consents included measures to achieve internal noise levels within the chalets. It is considered that the same mitigation measures should be applied to the dwellings proposed onsite (refer to Conditions 4 and 5 of the existing consent). The proposed accommodation is no closer to the sources of noise than the previously approved development.

It is considered that the conditions volunteered will mitigate the reverse sensitivity effects and health and wellbeing effects on the future dwelling owners and occupiers. It is considered that the adverse reverse sensitivity effects would be less than minor.

7.4 Effects on the Rural Amenity and Character

The dwelling density proposed in this application has the potential to adversely affect the Character and Amenity of the Rural Environment. The TDP seeks to maintain a dominance of open space between buildings, on large sites, which allow for residential and rural activities to co-exist in a manner that avoids conflict and maintains privacy on each lot. However, in some cases, the policies within the TDP allow for a higher density.

To understand the characteristics of the site and surrounding environment, a LVA was prepared (**Appendix C**). The LVA has identified the amenity and character attributes of the Rural Environment. The assessment considered the adverse visual and character effects associated with this resource consent application, focusing on several key viewing locations in the immediate and wider Rural and Urban Environments and identified that the site and development would be visible from surrounding properties and public spaces and this is discussed further below.

To conclude, the LVA determined that the development and proposed mitigation measures will ensure that the amenity and character of the Rural Environment is maintained with the addition of this development.

7.4.1 Immediate Rural Environment

The LVA noted the uniqueness of the receiving rural environment, identifying that the site is located within an area of concentrated tourism, recreation and industrial activities.

The future development on the lots would be visible from those properties immediately adjacent and surrounding the site, such as the tourism business operators, forestry blocks and farms, bike park and Craters of the Moon, the Waikato River, Wairakei Road and Karetoto Road. However, given the topography of the site, surrounding area and existing landscaping and forestry activities, views of the site and dwellings will be fleeting and intermittent. The landscaping will largely screen the site from these public and private spaces. The LVA recommends further landscaping to mitigate the visual effects of the dwellings, private road and rights of way. Otherwise, the predator proof fence and open golf course will continue to be the prominent landscape features in the immediate area.

The increase in traffic would be the only noticeable change from that which currently visits the site. This is expected to be the only noticeable change. As the access would be constructed in the same location as the previously approved hotel and chalet development, any effects can be disregarded as they form part of the existing approved consents and are anticipated within the receiving Rural Environment.

The landscape assessment finds that the adverse effects on the character and visual amenity within the immediate Rural Environment would be less than minor.

7.4.2 Wider Rural and Urban Environments

The LVA noted that the site will be visible from State Highway 1, uninhabited farmland and industrial environments to the east and south near Taupō Township. The assessment detailed that the large separation distances reduced the impact of the allotments and visual presence of future residential dwellings onsite.

The subdivision and dwellings will not be immediately visible, unless intentionally looking to the west and the hills. It is however noted that the focus of most road users will be to the north and south in the direction of the road, and therefore away from the site. The owners and occupiers of those other properties in the industrial and rural areas are unlikely to notice the development onsite, although roofs of dwellings at the top of the site and dwellings along the ridgelines may be visible.

The LVA details that the development will benefit from the backdrop of trees and forestry located to the rear of the site. The forestry block provides a backdrop of vegetation to mitigate the visual dominance of the development and dwellings, particularly where they are located on ridgelines. This forestry cannot be relied on as it is on a neighbouring property that the applicant does not own and has no control over.

To maintain a backdrop of vegetation behind the dwellings the LVA recommends the planting of native trees within next available planting season in the Rural "Effects Area" Radius. This will assist in blending the dwellings in the Rural Environment and maintaining the prominence of vegetation as the dominating characteristic.

In addition to the mitigation provided by additional vegetation, the applicant has proposed covenants to control design approval within the subdivision. To further control the potential visual effects, design controls are proposed within the LVA. These design considerations include:

- One dwelling per lot either an internal garage/car port or detached garage/carport only.
- Detached garages/carports to be located to the behind the dwelling, between the house and right of way/driveway only.

- Maximum height of all dwellings and detached garages/ carports and covered outdoor areas shall not exceed 6.0m above the finished building platform;
- Exterior cladding colours shall be restricted to dark greys, greens and browns with a light reflectance value of no less than 5% and no greater than 20% from the group A11 to A14, B25 to B29 (Weight for Section 08 to 12) and C37 (Weight for Section 12), C39 (Weight for Section 10 to 14) and C40 (Weight for Section 04 to 14) on the Resene BS5252 Colour Chart. (See **Appendix G**: Resene Colour Chart BS5252 and the Masterplan).
- External roof, window and door trim colours shall be restricted to dark greens and greys with a light reflectance value of no more than of between 5% to 20% in the darker colour range of Group A11 to A14 and B25 to B29 (Weight for Section 08 to 12) on the Resene BS5252 Colour Chart.
- Exterior cladding materials shall be restricted to:
 - Natural dark river rock and volcanic stone found within the immediate area of the subdivision and Waikato River;
 - Natural wood cladding systems that are allowed to weather naturally (no staining unless consistent with colour palate listed above) including:
 - vertical and/or horizontal shiplap,
 - board and batten; and
 - horizontal weatherboard with an exposed face of no more than 200mm.

The list of building design elements will ensure appropriately design houses are constructed to maintain the dominance of vegetation within views of the surrounding landscape. It is noted however that the potential effect of dwelling design is significant and could have a lasting effect if not designed in accordance with the recommendations. Conditions of consent are volunteered to ensure adherence to the design protocols (**Appendix I**).

On review, these mitigation measures will ensure that the dwellings do not visually dominate the landscape.

There is the potential that lighting within the subdivision from the private road, headlights from vehicle movements within the subdivision and internal lighting from the dwellings themselves may have an adverse visual effect on rural amenity values. As discussed, the adverse light spill effect on the lower and middle sections of the site can be disregarded as they form part of the existing environment. The adverse effects associated with the development on the upper slope need to be considered.

Road lighting would be kept low with illuminated bollards lighting road and footpath. The curves in the road design and topography onsite would assist in screening the bollards and headlight glare. Overtime the dwellings, street tree canopy and mature landscaping within the wider subdivision, will assist in further screening light spill within the road, JOALs, rights of way, driveways and manoeuvring areas. The adverse visual effects associated with the road lighting and headlight glare are considered to be less than minor of the wider environment as the mitigation measures proposed assist in screening light spill beyond the boundaries of the site.

Any adverse effects associated with the construction of the subdivision will be temporary in duration. On completion of all cut and fill works, the areas are to be immediately treated with hydroseed to encourage grass growth avoid further erosion onsite.

It is also noted that the surrounding Rural Environment has clearly been modified by metal roads and skid pads used in the harvesting of forestry. It is considered that the private road and rights of way would have a much less visual impact than these activities.

It is considered that the adverse visual effects of the construction and physical presence of a private road, driveways, rights of way and JOALs would have an adverse visual effect on the amenity and character of the Rural Environment that is less than minor. With respect the character and amenity within the wider Rural and Urban Environments, it is considered that the adverse amenity and character effects would be less than minor.

As discussed, the balance of the site would support a native statuary, an activity similar to those adjacent forestry activities. The exception is that the proposed forest would not be commercially harvested and would be planted with native flora. Forestry is considered a productive land-use within the Rural Environment, and the proposed use of the balance lot would be consistent with this productive use. Therefore, the use on Lot 200 as a sanctuary would maintain the character and amenity of the Rural Environment, while assisting in improving the ecology and biodiversity values within the area.

7.4.3 Dominance of open space between dwellings

Future dwellings on the proposed lot will not comply with the setback requirements. It is recognised that the setback provides for the dominance of open space and to mitigate potential conflicts between activities. In lieu of the 15 metres required, a five-metre setback is proposed.

On review of the subdivision layout the balance lot will provide a buffer between the houses that, with the inclusion of the proposed boundary setback, will ensure that a minimum setback between of 30m between dwellings, similar to what would be found in the wider Rural Environment. Of those thirteen lots (Lots 2, 3, 4, 8, 9, 11 to 13, 18, 22 and 25 to 27) and apart from Lots 3 and 26 that have two setbacks, each of these lots only have one setback of less than 30m between dwellings. The setback departures vary between 21 to 27m.

It is considered that the dominance of open space will be maintained within this subdivision regardless of the number of allotments and dwellings proposed onsite.

With that said, conditions are volunteered to require those shape factor/dwelling locations identified on the abovementioned lots be restricted. Volunteer conditions are outlined in **Appendix I** to facilitate this mitigation measure.

7.4.4 Summary of Effects on the Rural Amenity and Character

To summarise, the site location and development is considered unique. The existing Rural Environment, topography, plantings along with further landscaping as proposed in the LVA will effectively mitigate the adverse effects from future development preventing over dominance of the immediate and wider Rural Environment. Glimpses may be visible in the wider Rural and Urban Environment, but the measures proposed in the LVA would ensure that the dwellings are not prominent, and would ensure that views towards the hills in and around the Wairakei Tourism park remain dominated by vegetation.

Landscaping and design conditions have been volunteered to resolve any other amenity and character effects.

It is concluded that the proposal will maintain the character and amenity of the Rural Environment and the adverse visual effects on persons would be less than minor and acceptable.

7.5 Effects from Natural Hazards.

A review of both the TDP and WRP planning and hazard maps identified no known natural hazards onsite. Nonetheless, given the number of allotments proposed in this application, a geotechnical report has been prepared by WSP (**Appendix H**). An initial desktop study identified potential liquification and slope instability issues onsite. Further invasive investigations were undertaken to better understand the potential hazards onsite.

The investigation of the site concluded the adverse natural hazard effects on neighbouring landowners, their health and wellbeing, property and land will be less than minor. Those identified hazards could have an adverse effect on the future dwellings onsite. Nonetheless, measures are recommended within the geotechnical report will ensure that the subdivision and dwellings can be constructed onsite while avoiding bearing capacity and ground instability issues.

The risk to people, property and land damage resulting from liquefaction was identified as negligible. The site is classified as having a very low susceptibility to liquefaction.

The risk of slope instability near the gully is also considered negligible provided vegetation along the gully slopes and gully floor is retained and the installation of baffles or check dams within the gully as recommended in the stormwater service plan are constructed. A setback of 10m between the gully slope crest and any fill and/or future dwellings will avoid any adverse stability issues onsite. Site specific geotechnical investigations will be required where the applicant or future property owner wants to dispose of fill or build closer than 10m from the slope crest.

Earthwork including cuts into the hillslopes to create building platforms are also expected. Their adverse effects will be negligible provided the cuts are no greater than 1.5m in height, 1H:1V in gradient and are revegetated and in some cases geocells installed. Alternative retaining structures are also considered appropriate. Where cuts greater than 1.5m in height or fill slopes are proposed, a slope stability assessment will be required from a geotechnical engineer or engineering geologist as part of any future building consent application.

The report also noted that there existed possible bearing capacity and ground movement issues within the allotments. This does not limit the ability to build onsite, rather requires either the removal of soft material and backfilled with engineered fill or site-specific foundations or both. While good ground may not be achievable initially, the adverse effects can be mitigated through site specific ground investigation and geotechnical assessment.

The investigation also touched on the proposed methods of stormwater and wastewater disposal. Discharges onto or into areas of fill may compromise their stability. To mitigate the adverse effects, the site-specific testing, setbacks from the crest of slopes, design of systems to carry water to underlying in-situ soils and maintaining a minimum 5.0m separation distances between disposal areas is recommended.

It is recognised that there are competing elements within the geotechnical report and the cut and fill plan. This is particularly relevant where fill in proposed near the gully and cuts are proposed to the foot of the slope below the former reservoir (Lots 24 and 25). These matters will be further explored at the detailed engineering design phase to ensure that all cut and fill works are consistent with the finding within the geotechnical report and in accordance with best practice engineering guidance. Additional geotechnical investigations may be undertaken as required to find a suitably engineering solution.

The adverse natural hazard effects onsite can be mitigated provided that the measures recommended in the geotechnical report attached to this application are implemented at the time of design and construction and of the subdivision and of any future dwellings. The subdivision will maintain the health and wellbeing of people, their property and land.

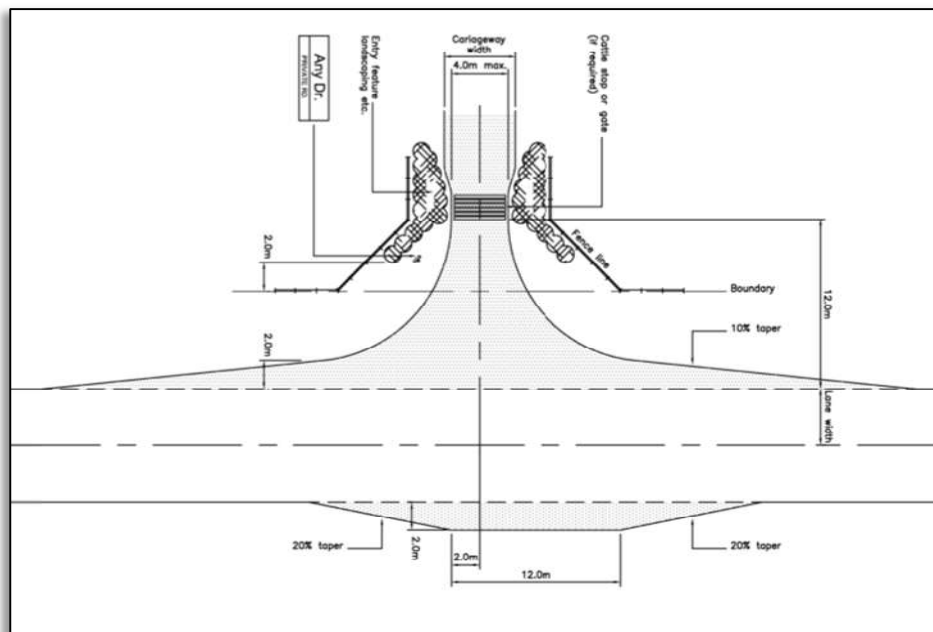
7.6 Effects from Traffic Generation and Access.

It is noted that since issuing the decision for the previous land-use and subdivision consent, the road hierarchy has changed. Wairakei Drive has transferred from State Highway to Regional Arterial Road.

As discussed, the access to the site was approved as part of the previous consent. The vehicle movements from the proposed development are expected to be less than the consented development, and not dissimilar in nature.

The access to Wairakei Drive would comply with the setbacks from an intersection, and sightlines in both directions. Access to the site no longer requires the median strip design previously approved as vehicle movements have greatly reduced due to the new bypass road and the reduced vehicle movements anticipated by the proposed subdivision.

A revised crossing with tapers similar to ECoP Plan 12: Private Road Intersection would be sufficient to provide access to the site while maintaining the safe and functional management of Councils roading network. The final design would be confirmed as part of the engineering design, with agreement from Council Roding Department. It is considered that access can be provided to the site that would maintain the safe and functional management of Councils Roding network.



Plan 12 – Private Road Intersection from the Code of Practice.

7.6 Effects from the Provision of Services

Details on the servicing methodology is provided in **Appendix D**. Wastewater and stormwater are to be discharged to ground, while water will be provided via the water supply from the main in Wairakei Drive.

Given the soil profiles within the site, the land is capable of supporting onsite stormwater and wastewater disposal. With respect to stormwater from the dwellings, water will be captured and discharged to soakage pits onsite. The soakage pits sizing would be determined at the time of building consent.

With respect to wastewater, this would be treated on each lot via a proprietary secondary treatment system designed in accordance with AS/NZS1547 and AS/NZS1546. This system will require a disposal field of 40m² and a reserve of 20m². The allotments will be large enough to support disposal onsite, however the applicant has advised that their desire is to use the drip-feed lines to irrigate the native plantings within the balance lot. The exact location of the disposal fields and any necessary easements to dispose the water over the boundaries would be confirmed as part of the Detailed Engineering Design and Section 223 certification process.

The separation distance between allotments and natural ground soakage will avoid the mixing of the two liquids and adverse discharges of contaminated water and odour affecting the health and wellbeing, and pleasant use of those neighbouring rural lifestyle properties.

Water would be fed from the main in Wairakei Road to a holding reservoir at the top of the site. The water will then be fed via a restricted supply to the allotments. The design of the network will provide for the average daily demand required for each lot and to provide sufficient supply of water for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice (SNZ PAS 4509:2008). It is accepted that the site and allotments can be serviced with water from Councils reticulated network. The design will be determined as part of the Detailed Engineering Design.

As detailed in the stormwater design methodology, measures including the discharge of stormwater to the gully and baffles within the gully are proposed to control downstream flood effects. The discharge and works within the gully are subject to rules within the Waikato District Plan. As the design and discharge are not know at this stage, it is unclear whether consent from the Regional Council will be required or not. A review of the stormwater design and disposal methodology will be undertaken at the time of detailed engineering design. This will determine whether the activities are permitted under the Regional Plan and if not, the appropriate regional consents will be obtained at that time.

On review of the methods proposed to service the subdivision, it is considered that the allotment areas will be large enough to support onsite stormwater and wastewater disposal. The allotments can also be provided with connections to Councils reticulated water network, without compromising the supply to the wider network. The provision of services in the subdivision will not have an adverse effect on the health and wellbeing of the community or the Rural Environment.

7.7 Rural Effects Area Radius

The District Plan recognises reverse sensitivity as a potential adverse effect within the Rural Environment by the inclusion of the Rural 'Effects Area' Radius (REAR) performance standard. This requires more sensitive residential and/or accommodation activities to be more than 50m from the boundaries of the site onto which it will be located.

While the REAR is not targeted at specific effects, it requires a 'buffer' distance of 50m to minimise potential reverse sensitivity effects and conflict between the residential activity and surrounding rural activities. The proposed dwellings on each individual site will result in there being only 5m between the dwelling and internal boundaries, instead of the required 50m, but the balance land will not be used for productive rural purposes, rather as part of the predator fenced sanctuary for birds and wildlife and as such the effects are very different from normal rural land use that would require a reverse sensitivity buffer. The owners of the dwellings and allotments are purchasing into a development with the understanding of the balance land use and covenants will be in place to ensure that all future owners are aware of the activity and their obligations, such as no pets.

There will still be a minimum of 50m separation between the actual dwellings and any external boundaries to ensure other rural activities outside of the Sanctuary aren't adversely affected by reverse sensitivity from the additional dwellings and this balance land area as per the LVA and recommendations for revegetation will further mitigate any adverse effects to a less than minor level.

It is not considered there are any adverse effects from a reduction in the REAR from 50m to 5m to internal boundaries and a complying 50m to external boundaries.

7.8 Density Effects

The current 145ha site has five dwellings (three are already on their own title) two on the golf course itself, being the one greenkeeper dwelling and one owner's dwelling and one proposed (yet to be built) managers dwelling on the balance land.

The proposed development will add a further 30 dwellings the site or a total of 36 dwellings (5 already built and 31 to be built) across the large 145ha site, or an average density of just over 4ha per dwelling, which would fall into a discretionary consent status if the dwellings were scattered across the full extent of the golf course on individual 4ha sites. This would have an adverse effect on the golf course given it couldn't operate with dwellings across the site and would have a greater impact on the visual effects from dwellings dispersed over the site.

Instead, the proposal is to create a well-defined area for a cluster of 30 dwellings that will have significant mitigation through landscaping, design, colours and overall built form that is supported by the LVA.

When considering the consented environment, the hotel and chalets under RM170294 & RM170295 would create 40 standalone dwellings and a large three storey hotel in the same area with much greater effects visually and an average density of 3.3ha, well short of the required 10ha's under the District Plan for a controlled activity and under 4ha to be considered as a discretionary activity.

It is therefore clear that the proposed development has much lesser adverse effects than the current consented environment on the WIGC and as such the density effects can largely be disregarded subject to conditions of consent to address the built form and proposed landscaping.

The chalets and hotel have undergone extensive assessment in terms of their visual effects through a LVA and the proposed development has provided an updated and revised LVA to address the changes being proposed and as such the overall development across the golf course will be subtle and mitigated to manage the effects from the increased density.

7.9 Urban Development and Relevant Case Law

The District Plan seeks to 'avoid' urban development unless undertaken through the TD2050 Structure Plan Process and associated plan change (Objective 3b.2.1.ii & 3e.2.1.iii) and while these will be addressed further in Section 11 of this application, it is useful to consider the effects of the proposal in terms of what is defined as 'Urban Development' in more detail.

The Operative District Plan has some specific criteria under the Rural Cluster Provisions (Section 4b.3.9) that enable cluster development to occur as a restricted discretionary activity and while this is not suitable for this application given the size and scale of the proposed development, it does provide some guidance that clustering is anticipated by the District Plan and averaging of density is considered to be a suitable approach to avoid urban style development.

In the case of the cluster provisions, 1 dwelling per 10ha is considered as an average density, with up to 10 dwellings being contained within an area not exceeding 3ha in size or 3% of a larger balance allotment.

The intent of the clustering provisions is to enable smaller allotments to be created within the rural environment while preserving larger productive rural land from being carved up into individual lots of between 4ha – 10ha and protecting that balance land with a consent notice that no further subdivision is to occur.

This is good planning practice as it enables the ability to create rural lots while preserving the character and amenity of the rural environment and aligns with Waikato Regional Policy Statement and NPS for Highly Productive Land in terms of the protection of productive land.

This creates a significantly different planning framework compared to previous caselaw in the Sade Decision (SADE DEVELOPMENTS NO.2 LIMITED ENV-2008-AKL-000028) and in particular para 74, attached here for reference, where the Court did not consider averaging as an appropriate tool to assess and avoid urban development.

The Court took a stance that anything under 4ha as a non-complying activity was the trigger

[74] Mr Maclean submitted, that the plan provides for cluster subdivision of lots less than 4 hectares but with an overall density of less than 1 lot per 4 hectares in the Rural Environment. He submitted that in reality the level of "subdivision and development density" (a quote from the Explanation to objective 3b.2.2 and associated policies) is a function of the number of allotments per given land area (ie density), not their individual lot sizes. We do not agree in the context of Plan Change 19. The full quote is:

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

The highlighted words "**subdivision and development density rules**" clearly refer to the subdivision rules in section 4(e) of the plan. Those rules set the activity status of a subdivision by minimum lot size not by density. In the plan density is controlled by lot size.

for when a development became urban development as it is presumed to be for residential living and not associated to a rural land use (para 73).

While the Sade decision is the more recent and relevant decision to consider in the local landscape of the Taupo District Plan of what is 'urban development', the clustering provisions have been in place for a significant number of years since that decision was made and clearly provide for an averaging of rural lots and clustering within a smaller confined area of development while creating large balance lots, that as a restricted discretionary activity provides for a very different planning framework and consideration that the Court made on Sade.

It's likely that should the same application be made to the Courts today, they would need to take a wider considered approach to the definition of urban development and not just rely on individual lot sizes. It's clear in the case of Sade they didn't see the need for this as District Plan didn't allow for clustering and as such anything under 4ha was simply defined as urban.

The proposed District Plan under Plan Change 42 is proposing to implement the TD2050 Strategy of enabling lifestyle development within the rural areas by encouraging existing 4ha lots to be subdivided down to 2ha in size and again this is a clearly quite a different planning framework from when Sade was considered by the Courts and a loose definition of urban development was derived from that decision.

The District Plan has a clear set of Subdivision Rules and Assessment Criteria for Rural Development and so a broader look at these is required under Section(1)(b)(vi) of the RMA when considering what is 'urban development' as there is no clear definition in the District Plan and as such a broad assessment must be undertaken and this is clearly supported by Caselaw.

Other relevant case law that is appropriate to consider in determining what the Courts have defined as urban development are stated below:

- Runciman Rural Protection Society Inc v Franklin District Council [2006] NZRMA 278 (HC), in which the High Court considered if schools are rural or urban and the decision was clear that it very much depends on their size, character and nature rather than some arbitrary assessment.
- Albert Road Investments v Auckland Council, where the Environment Court commented that "what is meant by 'urbanisation' is... inherently a matter of degree" and as such a broader assessment is required under the provisions of the relevant planning instruments. Again, this directs us to take a broader approach to assessing what is deemed as 'urban'.
- Ahuareka Trustees (No 2) Ltd v Auckland Council, in which the Environment Court: defined urbanisation, in the context of the Auckland Unitary Plan, as: *a process whereby (in this context) a developed area acquires characteristics more typical of a town or village and the rural qualities of the developed area are lost*; and concluded that a development amounted to urbanisation on the basis of ten factors, including its intensity, nature, mix, of residential components, size, visual character, and demand for works and utility systems. Again, a broad approach and assessment is directed.

The recent NPS-HPL provides a clear definition for 'urban' development that is helpful and the most relevant definition in terms of urbanisation of the rural areas and what is to be avoided within areas of highly productive land as follows:

Urban, as a description of a zone, means any of the following zones:

(a) low density residential, general residential, medium density residential, large lot residential, and high density residential:

(b) settlement, neighbourhood centre, local centre, town centre, metropolitan centre, and city centre:

(c) commercial, large format retail, and mixed use:

(d) light industrial, heavy industrial, and general industrial:

(e) any special purpose zone, other than a Māori Purpose zone:

(f) any open space zone, other than a Natural Open Space zone:

(g) sport and active recreation.

The development involves lots within a large rural lot that provides an average density of 4/ha and ensures that the large balance lot remains as open productive land, in this case as a golf course and sanctuary that enables rural activities to continue.

It does not include standard residential development, either low density, general, medium & high density and large lot residential given the residential lots sit within a large farm park type development with open large undeveloped land to be preserved around the lots that is rather unique.

There is no neighbourhood centre or town centre, or commercial/retail use proposed or industrial use of the site.

It is therefore considered under the NPS-HPL definition that the development would not be urban development, and while the NPS-HPL is not relevant in this situation as the land is not HPL, it still provides useful guidance to consider what the NPS-HPL is trying to avoid while preserving rural land that can have an ongoing productive use, which in this situation is exactly what is occurring.

The application is being assessed under Section 104D(1) as a non-complying activity which provides a pathway that the application can be granted if the effects are minor or the proposal is consistent with the objectives and policies. The application is not a prohibited activity and so failing the test for just lot size seems like a simplified and incorrect approach when considering relevant Caselaw as to what is 'urban' development and therefore decisions should be based on more broader evaluations of environmental impacts, rather than simple around lot sizes.

Reviewing the District Plan assessment criteria provides a broad scope of matters that all need to be considered and include how the development affects the functioning of the Rural Environment, the specific design, density, layout, amenity and landscape effects, provision of services, planting of vegetation, increased coverages, reduced setbacks, noise, light spill among many of the key matters to consider. These have all been assessed within this application and it has been demonstrated that adverse effects are less than minor and can be mitigated through robust conditions of consent.

The other consideration is how the development is associated with a rural activity as this is a matter that can distinguish urban development from rural living. In this case the dwellings will be on an internationally recognised golf course and will predominantly be holiday homes for residents who come to the area to play golf. This is quite typical of large upmarket golf courses that are all generally found in rural environments and are therefore considered to be a form on well-established rural activity as they cannot be located within urban areas due to the land size required and the character

and amenity that is anticipated. The future owners will be required to maintain an ongoing membership with WIGC as this will ensure a direct relationship between the owners of the future dwellings and the golf course.

What is clear from the above assessment is that averaging is a suitable assessment tool when assessing what is acceptable under the Operative District Plan and that the 4ha lot size is no longer a clear tool for assessing urban development. Caselaw provides for strong direction that a broad and nuanced evaluation of all the assessment criteria is required when determining what is urban development and therefore what the Taupo District Plan is looking to avoid.

Overall, based on the supporting documentation, it is not considered that this proposal is urban development when assessed against the broader assessment criteria, but rather a unique rural development with strong connections to an existing rural activity that will be continued through future owners having a direct and real connection to the golf course and has strong mitigating factors to ensure that the overall adverse effects are less than minor and provide for a unique form of rural development.

7.10 Overall Effects Summary

To summarise, the previously approved chalet and hotel activities form part of the existing environment and as a consented activity the adverse effects from the existing consent and the proposed activity can be considered and similar effects disregarded. The adverse effects associated with the movement of vehicles across the site and entering and exiting from Wairakei Road would be the same or similar to the previously approved activities and the overall density is being significantly reduced on this large rural allotment.

The potential for conflict between the potentially incompatible activities will be mitigated through no complaint covenant conditions offered by the applicant and through housing insulation requirements. The potential for reverse sensitivity effects will be no greater than the previously approved development.

Conditions would ensure that the adverse effects associated with the appearance of future buildings are mitigated and that the important landscape characteristics will be maintained. The adverse effects on landscape character and persons would be less than minor, and not dissimilar to those from the previously consented development.

The geotechnical assessment concluded the subdivision design and construction will not create an adverse effect on the health and wellbeing of people, their property and land surrounding the site. In addition, dwellings can be constructed on the proposed allotments subject to site specific investigation, foundation design, and appropriately designed and located wastewater and stormwater disposal areas, all matters that require detailed engineering input prior to lodgement of any building consent application.

The proposed vehicle crossing location and its construction will ensure that the safe and functional management of TDC's roading network will be maintained.

Private and public services can be provided to the allotments while avoiding adverse effects on the health and wellbeing of people, property and the environment, and on Council's continued supply of water to the wider network.

It is considered that the adverse effects from the proposed subdivision and resulting land-uses will be acceptable and less than minor.

8.o Notification of the Proposal

Step 1	95A(3) Mandatory public notification in certain circumstances	
	<i>(a) The applicant has requested the application be publicly notified?</i>	No
	<i>(b) Public Notification has been determined to be required under section 95C?</i>	No
	<i>(c) The application is an application to exchange recreation reserve land under s.15AA of the Reserves Act 1977?</i>	No
Process	The answer is no, go to Step 2	Go to step 2
ep 2	95A(5) Public notification precluded in certain circumstances	
	<i>(a) The application is for an activity that is subject to a rule or National Environmental Standard that precludes notification?</i>	No
	<i>(b)(i) The application is a controlled activity?</i>	No
	<i>(b)(iii) The application is a restricted discretionary, discretionary, or non-complying activity, <u>but only if the activity is a boundary activity.</u></i>	No
Process	95A(4)(a) if the answer is yes, go to step 4 (step 3 does not apply); and 95A(4)(b) if the answer is no, go to step 3.	Go to step 3
Step 3	95A(8) Public notification required in certain circumstances	
	<i>(a) The application is subject to a rule or National Environmental Standard the requires public notification?</i>	No
	<i>(b) The consent authority pursuant to s.95D has determined that the activity will have or is likely to have adverse effects on the environment that are more than minor.</i>	No
Process	The answer is no, go to step 4.	Go to step 4

Step 4	95A(9) Public notification in special circumstances	
	Do special circumstances exist in relation to the application that warrant public notification? Special circumstances are those that are: <ul style="list-style-type: none"> • Exceptional, abnormal or unusual, but something less than extraordinary or unique; • outside of the common run of applications of this nature; or • circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor. 	No
Process	The answer is no, public notification is not required.	NO

95B LIMITED NOTIFICATION OF CONSENT APPLICATIONS		
Step 1	95B(2) & (3) Certain affected groups and affected persons must be notified	
	(a) Are there any affected protected customary rights groups?	No
	(b) Are there any affected customary marine title groups?	No
	(a) Is the proposed activity on or adjacent to, or may affect land that is subject to a statutory acknowledgement (Schedule 11)?	Yes - The site is within the Wairakei-Tauhara Geothermal Area that is identified as a statutory acknowledgment area as shown on map OTS-575-48
	(b) Is the person to whom a statutory acknowledgement made, an affected person under section 95E?	No - The proposal does not take or use any geothermal fluid or energy that would have an impact on this area of interest.
Process	There are no affected groups or persons under section 95B(2) and (3).	
Step 2	95B(6) Limited notification precluded in certain circumstances	
	(a) The application is for a resource consent for 1 or more activities and each activity is subject to a rule or national environmental standard that precludes limited notification?	No

	<i>(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).</i>	No
Process	The answer is no, go to step 3.	Go to step 3
Step 3	<i>95B(7) & (8) Certain other affected persons must be notified</i>	
	<i>(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.</i>	No
	<i>(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.</i>	No for the reasons explained within this AEE
Process	There are no affected groups or persons under section 95B(7) and (8).	
Step 4	<i>95B(10) Further notification in special circumstances</i>	
	Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95D as not being affected persons)?	No
Process	The application does not require limited notification.	

The activity is not precluded from public notification. The adverse effects of the proposal would not be more than minor on the wider environment. There are no special circumstances that would warrant the application being publicly notified.

Regarding limited notification to the neighbours, the assessment of effects in section 7 has gone into specific detail on the effects and adjacent properties and it is concluded that no party is adversely affected that hasn't been consulted with.

8.1 Conclusion on notification

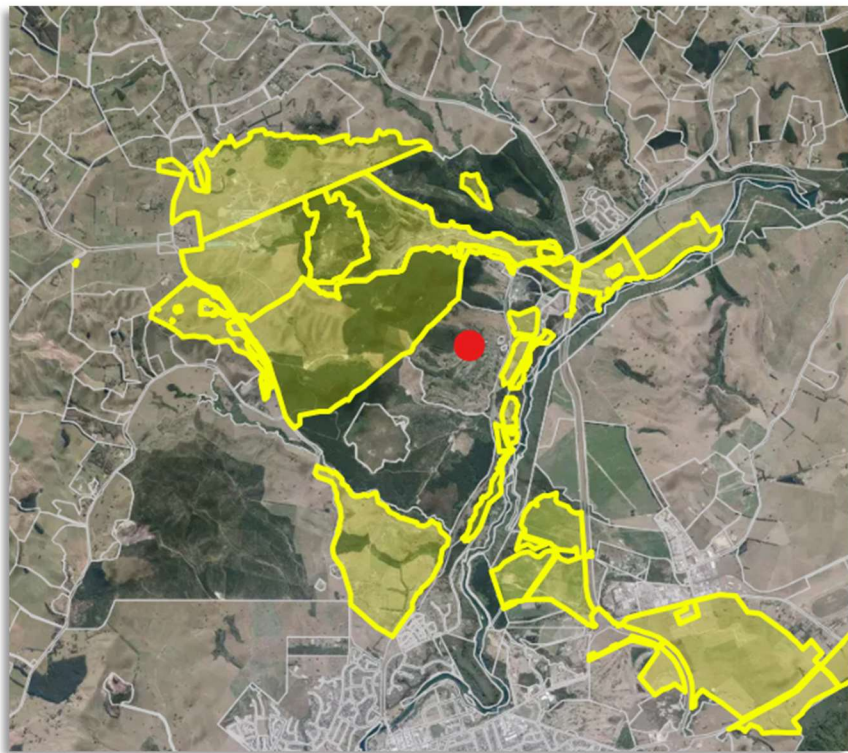
In conclusion, any adverse effects resulting from the proposal would not warrant full or limited notification. No one is considered to be affected by the proposal who hasn't provided their written approval.

8.2 Consultation

While the Resource Management Act does not specifically require consultation, any consultation undertaken and any response to the views of any person consulted must be included within the assessment of environmental effects in accordance with Schedule 4 s6(f).

Contact Energy as discussed in the AEE section are a significant user of the geothermal resource in this area and are considered to be of National Significance in terms of the production of renewable geothermal energy and as such any reverse sensitivity issues could adversely affect their continued operations in the area.

Contact Energy Limited are the largest landowner that surround the development site and as such have the greatest interest in protecting their ongoing geothermal exploration and extraction activities.



Land parcels owned by Contact Energy Limited that surround the subject site.

As such consultation has been undertaken with Contact Energy and their written approval is anticipated to be provided shortly.

No other parties are considered to be affected or have been consulted with as discussed in more detail in the previous AEE section.

9.0 Section 104 RMA Assessment

Section 104 addresses the consideration of applications by Consent Authorities. Consent Authorities must, subject to Part II of the Act, have regard to any actual and potential effect on the environment of allowing the activity, any relevant provisions of the relevant policy statement or plan and any other matter the consent authority considers to be relevant.

This report provides an assessment of the relevant actual and potential effects on the environment within Section 5 above. This meets the requirements of the Act and focuses on those effects that are relevant to the proposal. It is concluded that the effects of the proposal will be acceptable on the environment (s104(1)(a)).

The applicant has also assessed the applicable provisions of the relevant planning instruments within Section 8 below (s104(1)(b)). An assessment in terms of Part II matters is also provided within Section 9 below. No other matters need to be considered to determine this application (s104(1)(c)).

9.1 Gateway test

It is concluded in this report that the adverse effects of the proposal would not be more than minor thus passing the 1st limb of the gateway test as determined in Section 7. The application can be considered for granting. Furthermore, the activity has been found not to be contrary to the relevant objectives and policies as outlined in Section 11 below.

10.0 s106 RMA Assessment

A consent authority may refuse to grant a subdivision consent, or may grant the subdivision subject to conditions, if it considers that;

- There is a significant risk from natural hazards; or
- Sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

Natural hazards were identified in the geotechnical desktop study of the site and further onsite testing assessment was carried out. The risks to property and human life were either negligible or will be mitigated through engineering solution and setback which are likely to be included as conditions of consent. All future works onsite will be consistent with the findings of the geotechnical reporting. The assessment above concludes that any effects from natural hazards will be less than minor.

Sufficient provision has been made for access.

As such, the tests in Section 106 of the Act can be considered met.

11.0 Planning Documents

11.1 Operative Taupo District Plan

The proposal has been assessed against the relevant objectives and policies as follows:

AVOID URBAN CREEP	
Objective: 3b.2.4	The efficient and effective functioning of the Rural Environment by enabling the use and development of natural and physical resources, while ensuring appropriate environmental outcomes are achieved.
Policy 3b.2.1.ii	Avoid urban development in the Rural Environment unless through a TD2050 Structure Plan Process and associated plan change.
Policy 3b.2.2.iv	Prevent urbanisation of the rural environment except as provided through the TD2050 Structure Plan Process and associated plan change process to prevent a dispersed pattern of settlement and the resulting inefficiencies in the management of resources.
Policy 3b.2.2.xi	Recognise that development of land in the Rural Environment at higher densities may be appropriate where associated with recreation, commercial accommodation and tourism activities provided that adverse effects are avoided, remedied or mitigated and that granting consent will not lead to patterns of urbanisation and reverse sensitivity issues.
Policy 3b.2.4.iv	Avoid creating a pattern of fragmented titles that reduces the potential for rural land use diversity.
Policy	Prevent urban development in the rural environment outside of the identified Urban Growth Areas.

Comment

The focus of the TDP is to confine urban development to the growth areas identified around the Taupō urban areas. In this regard, words "Avoid" and "Prevent" in the objectives and policies imply that subdivision applications must comply with these directives. Urban creep into the Rural Environment is an activity that the objectives and policies seek to avoid and prevent.

The TDP seeks to avoid the urbanisation of the Rural Environment and sets a minimum standard of 4ha when considering the transition from a rural development into an urban development. The overall density of the proposed 30 dwellings and including the existing 5 dwellings and 1 other proposed dwelling is over 4ha in average density and is therefore still considered as rural development.

The proposed farm park subdivision is an activity that the TDP seeks to avoid within the growth areas. The activity will maintain the productive balance of the site and its productive potential. This would fragment the potential for growth in these areas, therefore the activity is not seen to be an urban development. As there are no urban environments that encourage an activity such as the subdivision proposed in this application, it is considered that the proposal is not an urban development and does not represent urban creep into the Rural Environment. This application is not considered urbanisation of the Rural Environment.

Policy 3b.2.2.xi provides for an increase in densities in the Rural Environment where there is a benefit to the surrounding tourism and recreational activities. The focus of this policy is on the integration between accommodation and neighbour tourism and recreational activities co-existing and providing opportunities for one another. This was the premise of the previous consent, providing accommodation on a site in the heart of the Wairakei Tourist Park. The chalets and hotel would provide a high turnover of transient tourist that would frequent and utilise the activities within the wider area.

As described, this is not the usual subdivision expected in Taupō. It is also noted that this is not the norm for Taupō developments. Most focus on views of the lake and mountains to the south. As discussed, the attraction to this development is the opportunity to stay and play on an international golf course. It is unlikely that this development would attract much local demand. The housing market will determine who purchases land and dwellings within this subdivision and why they have chosen this particular location. It is not expected that the development would attract the usual holiday home interest.

The applicant has advised that the bulk of the dwellings would be used as holiday homes, with approximately 10 of the 30 lots expected to supporting permanent residents. It is not anticipated that the development will be restricted to just permanent residences or private holiday home. Dwellings could be rented out for high end, short term holiday rentals similar to those on sites likebachcare.co.nz and amazingaccom.com. This is not too dissimilar to the chalet accommodation and subdivision approved in the previous resource consents.

The earlier proposal allowed for the creation of unit titles. This allowed for the creation of timeshare arrangements where investors in the resort could negotiate a ratio of private

occupation and public visitor accommodation. The chalets would therefore be used for a mixture of private and public transient accommodation.

It is not considered fanciful that the dwellings within this subdivision could provide an element of commercial accommodation not too dissimilar to the chalets. While the turn-over of transient tourist would be less than the previously approved commercial activity, the cumulative effects of the subdivision versus the hotel and chalet arrangement with its large car parking area, high volume of traffic movement and communal wastewater treatment facilities etc. would be greatly reduced by this proposal. The farm park development will still provide for a transient element of tourist, whether it be the owners themselves infrequently staying and/or the dwellings being rented out on a nightly tariff.

On the whole, the subdivision and future dwellings can provide an element of accommodation onsite associated within the recreational golf and other activities within the wider tourism park. The subdivision will provide opportunities that benefit the surrounding activities, likewise the recreational activities have attracted the development of a subdivision and potential visitor accommodation to the area. Whether the accommodation be within a dwelling similar to those proposed in this subdivision or a chalet like those proposed in the previous consent, the visual and amenity effects of both structures is hard to differentiate. On reflection, it is considered that the activities are very similar, with this proposal having lesser cumulative effects. Otherwise, the proposal will be consistent with the outcomes sought by the abovementioned policy.

It is considered that a higher density is warranted given the location of the site and the potential accommodation and reciprocal benefits the subdivision and future land-use could lend to the surrounding tourism and recreational activities.

It is therefore considered that the development is unique and appropriate within the Rural Environment at this location.

MAINTAIN THE AMENITY AND CHARACTER	
Objective 3b.2.1	The management of the Rural Environment to maintain and enhance rural amenity and character.
Objective 3b.2.2	Manage the subdivision of rural land to reflect rural amenity values, rural land use and appropriate levels of infrastructure.
Objective 3e.2.5	Ensure land development does not detract from the amenity value or qualities of the local environment.
Policy 3b.2.1.vi	Avoid, remedy or mitigate adverse effects of subdivision, use and development of land on areas or features of cultural, historical, landscape or ecological value
Policy 3b.2.1.iii	Maintain the open space and dispersed building character.

Policy 3b.2.2.i	Enable the subdivision of rural land in a manner that encourages a diversity of lot sizes that reflects the rural amenity and character of the area, and the landform.
Policy 3b.2.2.x.a.	Maintain significant open space area and increase net environmental gain – Encourage sensitive rural design in subdivision, use or development where areas of continuous open space predominate. In particular protect and enhance topographical, water, and vegetation features that contribute to the character of the Rural Environment.
Policy 3b.2.2.x.c.	Appropriate Overall Density based on the level of development anticipated for the Rural Environment – Maintain the expected level of built character in the Rural Environment, as anticipated by the District Plan.
Policy 3b.2.2.x.d.	Site analysis – Undertake a design process and rationale that includes, but is not limited to identification of sensitive areas such as dominant ridgelines, water courses (constant and ephemeral), existing vegetation that contributes to the rural character, and any important cultural, historical, natural or landscape values.
Policy 3b.2.2.x.e.	Appropriate Building Design and Location – Site and design buildings appropriately in a manner that is well integrated with the surrounding landform, maintains continuous areas of open space, and reduces any potentially adverse visual effects. Levels of infrastructure are minimised through appropriate siting of buildings and structures.
Policy 3e.2.5.i	Ensure that proposals for the subdivision and development of land assess the particular amenity values of the area including the physical characteristics of the land and avoids, remedies or mitigates any adverse effects.
Policy 3e.2.5.ii	Subdivision and subsequent development shall either maintain or enhance, but not detract from, the significance of features or areas of cultural, spiritual, historical, landscape or natural value, (as identified through the provisions of this Plan).
Comment	
<p>With respect to amenity and character values, the TDP aims at <i>"maintaining and enhancing, but not detracting"</i> from the elements that make the Rural Environment an attractive place to live and work, while maintaining the productive use of the area.</p> <p>These attributes include maintaining the dominance of open space between buildings to avoid conflict or privacy issues between land-use activities, maintaining open and uncluttered views particularly to prominent ridgelines and along watercourses; retaining a dominance of vegetation features and backdrops behind buildings within the hills surrounding the Waikato River; and nestling buildings into the receiving Rural Environment by providing a variety of allotment sizes and shapes.</p>	

The assessment in Section 7.4 of this application details how the subdivision and associated development will maintain the amenity and character of the receiving rural environment without detracting from the key landscape qualities.

It is considered that the application is consistent with the abovementioned objectives and policies.

REVERSE SENSITIVITY EFFECTS ON POWER GENERATION ACTIVITIES AND OTHER RURAL PRODUCTION ACTIVITIES

Objective:3b.2.2	Manage the subdivision of rural land to reflect rural amenity values, rural land use and appropriate levels of infrastructure.
Objective:3b.2.4	The efficient and effective functioning of the Rural Environment by enabling the use and development of natural and physical resources, while ensuring appropriate environmental outcomes are achieved
Objective:3o.2.2	The avoidance of reverse sensitivity effects arising from incompatible land uses establishing or expanding on Geothermal Areas[1] shown on the maps at the end of this section.
Policy 3b.2.1.viii	Recognise that the Rural Environment encompasses a range of landscape characteristics, amenity values and land use patterns and activities when considering the appropriateness of development within the zone.
Policy 3b.2.2.vi	Manage the subdivision of rural land overlying Geothermal Areas to avoid conflict with the resource use and development associated with geothermal electricity generation on identified Development and Limited Development Geothermal Systems.
Policy 3b.2.4.i	Control activities which may potentially restrict or compromise the operation of existing activities of the Rural Environment including the creation of new rural allotments that may lead to conflict between residential and rural activity.
Policy 3b.2.4.ii	Require potentially sensitive activities to provide mitigation methods to protect them from the effects of existing activities within the Rural Environment, in order to avoid the potential effects of reverse sensitivity.
Policy 3b.2.4.v	To recognise the important role of resource use and development in the Rural Environment, by providing for the continued operation and associated development of existing electricity generation facilities and network utilities by allowing their use, maintenance and minor upgrading where all additional significant adverse effects are avoided, remedied or mitigated.

Policy 30.2.2.i	To discourage land uses which are or may be incompatible with the use and development of geothermal based industry in the Geothermal Areas shown on the maps at the end of this section.
Policy 30.2.2.ii	To ensure that new activities are compatible with existing geothermal based industry.
Comment	
<p>The TDP seeks to “avoid” reverse sensitivity effects and “discourage” sensitive activities (such as dwellings) locating near geothermal power production facilities and interfering with productive rural land-use activities.</p> <p>To mitigate the potential reverse sensitivity effects, the applicant has consulted with and volunteered conditions to enter into no complaint covenants with the adjacent geothermal power producer and forestry owners. These conditions are provided in Appendix J below.</p> <p>In addition, conditions are expected that require that appropriate internal noise levels are achieved within the dwellings. This will assist in mitigate the potential for adverse effects on the future property owners and occupiers. Ensuring compliance with the internal noise rules is detailed in the assessment in Section 7.3 of this application.</p> <p>The proposal is consistent with the above-mentioned objectives and policies as the potential for reverse sensitivity would be avoided.</p>	

Natural Hazards	
Objective 3b.2.2	Manage the subdivision of rural land to reflect rural amenity values, rural land use and appropriate levels of infrastructure.
Objective 3l.2.1	Protection of activities, development and life from the adverse effects of natural hazards.
Objective 3l.2.2	Activities and development do not create, accelerate, displace, or increase the effects of a natural hazard.
Policy 3b.2.2.v	Avoid the subdivision of rural land where there are hazards, in particular, land affected by geothermal hazards and where land is unstable or prone to erosion or flooding.
Policy 3b.2.2.vii	Encourage the retirement of steep land where such land is not appropriate for more intensive farming or further development including buildings, earthworks or clearance of vegetation.
Policy 3l.2.1.i	Control the design and location of activities and development within identified natural hazard areas, or areas which have significant potential to be affected by a natural hazard, to avoid or mitigate the effects of the natural hazard.

Policy 3l.2.1.ii	Manage the location, design, and type of new activities and development to avoid or mitigate the adverse effects of erosion, ground rupture and deformation, hot ground and land instability on development and the community.
Policy 3l.2.2.i	Ensure that activities do not alter or change the nature of a natural hazard event, increase the intensity of a natural hazard event or increase the risk of the event occurring.
Policy 3l.2.2.ii	Ensure that activities and structures do not increase the risk to the community or the environment from the effects of natural hazards.
Policy 3l.2.2.iii	Ensure that where development occurs within areas subject to the effects of natural hazards, property owners and/or occupiers are informed of and manage the risk.
Policy 3l.2.2.iv	Control the location and presence of hazardous substances in areas subject to natural hazards to ensure that there is no increase in the effects of the natural hazard or risk to the community from hazardous substances.

Comment

No known natural hazards have been identified on TDC or WRC planning maps or any other geographic information systems.

No geothermal hazards have been identified onsite.

The geotechnical report prepared as part of this application identified areas with possible bearing capacity issues and ground movement and recommends further detailed geotechnical investigations are to be completed once the building platforms are further refined. This does not preclude the construction of dwellings on these allotments.

Recommendations in terms of site-specific investigations at the time of building, setbacks of dwellings from the gully and the setbacks between wastewater and stormwater disposal areas and those areas from the crests of filled sections of the site will avoid adverse effects on the health and wellbeing of people, their property and land.

It is considered that the proposal is consistent with the abovementioned objectives and policies.

Services

Objective 3e.2.4	Avoid the degradation of Taupō District's lakes, waterways and aquifers from effluent and wastewater resulting from land development.
Policy 3b.2.2.ii	Allow subdivision of rural land only where there is adequate rural infrastructure
Policy 3b.2.4.iii	Avoid subdivision and development of rural land that will put pressure on rural infrastructure and may require an increase in the level of service now or in the future.

Policy 3e.2.3.i	Allow new activities and development to connect to existing water and wastewater infrastructure where there is adequate capacity to meet the needs of the development.
Policy 3e.2.3.ii	Avoid, remedy or mitigate any adverse effects of the disposal of stormwater on the receiving environment.
Policy 3e.2.4.ii	Allotments that are not serviced by an off-site wastewater disposal system are to be of an adequate size to ensure that the proposed land use can operate and maintain appropriate on-site effluent and waste water treatment systems.
Comment	
<p>The activity is consistent with the abovementioned objectives and policies as water supply is available from the public mains without impacting capacity; and wastewater and stormwater can be managed appropriately on-site. The development would not put pressure on any rural infrastructure that can't be mitigated through the normal application of Development Contributions and/or headworks contributions.</p>	

Access	
Objective 3f.2.1	The safe and efficient operation of the roading network, and movement of traffic, including cyclists and pedestrians within the District.
Policy 3e.2.3.iv	Avoid, remedy or mitigate the adverse effects of new development and activities on the safe and efficient functioning of the existing and future roading networks including those identified through the Taupō District Structure Plan Process.
Policy 3f.2.1.i	Ensure activities avoid, remedy or mitigate any adverse effects on the operation and function of the roading network, including the movement of traffic cyclists and pedestrians, as accordance with the Roding Hierarchy.
Policy 3f.2.1.ii	Encourage activities, including the design and location of new vehicle crossings, to provide for the safe and efficient movement of traffic, including cyclists and pedestrians.
Comment	
<p>The proposal is consistent with relevant objectives and policies detailed above. An appropriately design intersection and private road would provide access to the proposed allotments. The design will be confirmed as part of the detailed engineering design.</p> <p>The design would be consistent with the previous subdivision and land-use consents, although given the reduction in vehicle movements between the activities proposed in this application and those in the previous, a lesser design, consistent with TDC Engineering Code of Practise is considered appropriate.</p>	

The safe and functional management of Council roading network would otherwise be maintained with the addition of this development.

11.2 Summary of Operative Taupo District Plan Objectives and Policies

To summarise, the proposed is consistent with the abovementioned objectives and policies. The development does not represent urban creep into the Rural Environment. The concentration of recreational and tourism activities and reciprocal opportunities supports the higher density proposed in this application. The development would not detract from the amenity and character of the Rural Environment.

Overall, it is considered that the proposal would be consistent with the objectives and policies within the District Plan

11.3 Waikato Regional Policy Statement

The Waikato Regional Policy Statement (RPS) recognises, among other matters, significant resource management issues to relate to land and soil, water, coast, air, geothermal, natural hazards, wastes, hazardous substances, plants and animals (biodiversity), energy, structures (infrastructure), minerals and heritage.

The relevant RPS provisions relating to geothermal systems seek to ensure 'that development and use of land within Geothermal Systems is compatible with the purpose for which each Geothermal System is classified.' The implementation method of these provisions is via promoting the preparation of growth management and inclusion of objectives, policies and rules in district plans.

Through Taupō District Council 2050 Growth Management Strategy (TDC2050), Wairakei International Golf course has continued to be zoned Rural Environment. It is located within the Wairakei-Tauhara Geothermal Area however it is excluded from Planning Map D1 (and Rule 4e.15.1) in relation to residential and accommodation activities.

The primary issue is the matter of reverse sensitivity which the RPS seeks to address in relation to the use of land within the Geothermal Development Systems. The proposal includes significant acoustic treatment and design considerations in relation to the proposed dwellings and an encumbrance has been proffered essentially would restrict the users of the 30 proposed dwellings from objecting to any future consent applications by Contact Energy or complaining about Contact Energy's drilling operations on the land opposite the site to the east.

As such, the proposal is considered to be consistent with the RPS provisions relating to the geothermal resource.

11.4 Waikato Regional Plan

The Regional Plan provides for the use of the Geothermal Resource through its objectives, policies and rules. It identifies Development Geothermal Resources of which the Wairakei-Tauhara Geothermal Field is one. There are also rules providing for ongoing use, operation, replacement and/or maintenance of geothermal energy infrastructure. There are no specific rules within the

Regional Plan limiting land use within a Development System to avoid effects on the geothermal resource as this responsibility falls to the District Council.

The proposal is a permitted activity under the Waikato Regional Plan in terms of onsite wastewater discharge.

11.5 Regional Policy Statements

On review of the Objectives and Policies in the Waikato Regional Policy Statement, the relevant objectives and policies are discussed in the table below.

Integrated management	
Objective 3.1	Natural and physical resources are managed in a way that recognises:
a	the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;
b	natural processes that inherently occur without human management or interference;
c	the complex interactions between air, water, land and all living things;
d	the needs of current and future generations;
e	the relationships between environmental, social, economic and cultural wellbeing;
f	the need to work with agencies, landowners, resource users and communities; and
g	the interrelationship of natural resources with the built environment.
Policy 4.4	Regionally significant industry and primary production The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:
f	avoiding or minimising the potential for reverse sensitivity; and
Comment	
<p>On review of the application, it is considered that the proposal is consistent with the abovementioned objectives and policies.</p> <p>Forestry and geothermal electricity generation are important industries not only to the region, but nationally. Accommodation has the potential to affect these activities through reverse sensitivity. As discussed in Section 9 of this application, the applicant is resolved to avoid reverse sensitivity effects arising while balancing the adverse internal noise effects that arise when living near noise generating activities.</p>	

Overall, the proposal would be consistent with the abovementioned objectives and policies.	
Sustainable And Efficient Use Of Resources	
Objective 3.10	Sustainable and efficient use of resources 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.
Comment	
The activity would allow for rural lifestyle allotments, while ensuring that the soil resource onsite is not fragmented or compromised and can be used for continued productive land-use. Located within the tourism and recreational setting, linkages to these activities will that relies less on fossil fuelled vehicles to access these activities. This would reduce the reliance of fossil fuels. It is considered that the proposal is consistent with this objective.	
Built Environment	
Objective 3.12	Built environment 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:
g	minimising land use conflicts, including minimising potential for reverse sensitivity;
Policy 6.1	Planned and co-ordinated subdivision, use and development
	Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:
a	has regard to the principles in Section 6A;
b	recognises and addresses potential cumulative effects of subdivision, use and development;
c	is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and
d	has regard to the existing built environment.
Policy 6.11	Implementing Taupō District 2050
	Growth in the Taupō District will be managed in a way that:

a	<p>recognises that Taupō District 2050 provides for the management of future growth, including by:</p> <ul style="list-style-type: none"> i. recognising the appropriateness of the urban growth areas as an important resource for providing for new urban land development and as the focus for future urban growth; ii. ensuring patterns of future urban development are consistent with the strategic directions of Taupō District 2050, the identified urban growth areas, and any subsequently adopted structure plans; iii. avoiding urban development in the rural environment outside of the identified urban growth areas to prevent a dispersed pattern of settlement and the resulting inefficiencies in managing resources; iv. avoiding the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of the urban growth areas in providing the supply of land for urban development; <p>ensuring that staging of development in the urban growth areas is efficient, consistent with and supported by adequate infrastructure; and</p>
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Comment

As discussed in Section 7, the Assessment of Environmental Effects concluded that the access to the site can be provided while maintaining the safe and functional management of Councils roading network. The activity will provide for multiple modes of transport. The location of the subdivision to the recreational and tourism will further reduce the need or reliance on fossil fuelled vehicles to access these activities.

Measures are included to control the residential activities onsite to avoid any adverse reverse sensitivity effects on nationally significant infrastructure, their service corridors and on other rural activities. The activities will not compromise the safe and efficient effective operation of any other regionally significant infrastructure.

The proposal will maintain the character and amenity, mitigate potential cross boundary effects and can be safely and efficiently serviced and provided with access from the roading network. The biodiversity values will be enhanced with the native planting and fencing within the site.

New water assets would be vested with the TDC, this would not compromise the wider water supply `network operated by the Council.

The development is not considered urban creep into the Rural Environment as the density proposed in the application is provided is special circumstances. It is considered that the density proposed is appropriate, as the site and development is located within a unique setting and reciprocal benefits would be available between the development and recreational and tourism activities. The growth development areas have been considered and will remain available for future urban development.

Overall, the proposal is not inconsistent with these regional objectives and policies.	
Amenity	
Objective 3.21	Amenity The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.
Policy 12.3	Maintain and enhance areas of amenity value
	Areas of amenity value are identified, and those values are maintained and enhanced. These may include:
d.	other landscapes or seascapes or natural features; and
e.	areas adjacent to outstanding natural landscapes and features that are visible from a road or other public place.
Comments	
<p>The LVA for the site and development has concluded that the proposal, along with restrictions on development and future dwelling designs will ensure that the amenity and character of the Rural Environment is maintained.</p> <p>Given the location, within the heart of the tourism and recreational area of Taupō, a higher density is anticipated by the District Plan in these areas. The adverse effects of this subdivision will be avoided, remedied or mitigated through conditions of consent. In addition, the development of the native forestry activities would improve the biodiversity in the receiving Rural Environment.</p> <p>Overall, it is considered that the proposal is consistent with the abovementioned objectives and policies.</p>	

11.6 Proposed Plan Changes 38-43

District Plan Changes 38-43 were notified on Friday 14 October 2022 with submissions closing 9 December 2022 and further submissions closing on the 7 April 2023 with hearings completed over August 2023.

The Plan Changes cover:

- 38 *Strategic Directions* – replaces the 'Significant Resource Management Issues' chapter with six key strategic or significant resource management matters for the Taupo District: (Tangata Whenua, Fresh Water Quality, Urban Form and Development, Climate Change, Strategic Infrastructure and Natural Values and Landscapes)
- 39 *Residential Building Coverage* – increases maximum building coverage limit in most residential environments from 30% to 35%
- 40 *Taupo Town Centre* – Changes to building height provisions, temporary activity rule and verandah requirements over service lanes
- 41 *Deletion of Fault Lines*

- 42 *General Rural and Rural Lifestyle Environments – full review of Rural Environment and removal of the Mapara Valley Structure Plan Area and Environments*
- 43 *Taupo Industrial Environment – zoning of additional land for Taupo Industrial Environment*

Only Plan Change 42 has relevance to this proposal. Under section 86A of the Act, a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule has been made and publicly notified.

That said, section 86B states that sections 86B-G do not affect the weight that a consent authority may give to objectives and policies before the plan changes become operative; and section 104(1)(b)(vi) requires that the consent authority must have regard to the provisions of a proposed plan (which includes plan changes).

As the plan changes are still within the early phases of the process and because a large number of submissions were received on all of the proposed changes and no hearings have been held as yet, it is considered that limited weighting should be given to the changes in relation to this application at this time but an assessment of the objectives and policies are provided below under Section 3b.2 of the Proposed District Plan.

General Rural Environment under Proposed Plan Change 42	
Objective 3b.2.1	Enable Primary Production Primary production is enabled by protecting the availability of the rural land resource and its productive capability.
Objective 3b.2.2	Maintaining the established General Rural character The established character of the General Rural Environment is maintained and the cumulative erosion of its character through incremental subdivision and development is avoided.
Objective 3b.2.4	Other activities Māori cultural activities, tourism activities, visitor accommodation and renewable electricity generation and transmission activities are enabled in the General Rural Environment.
Objective 3b.2.5	Avoidance of reverse sensitivity Reverse sensitivity effects on permitted and legally established activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.
Objective 3b.2.6	Impacts on infrastructure The impacts on infrastructure arising from subdivision and development are managed.
Objective 3b.2.8	Tāngata Whenua The important relationship that tāngata whenua have with their ancestral lands and the wider Rural Environment is recognised and provided for.
Policy 3b.2.9	Maintaining the established character Maintain the established General Rural Environment character, as defined by: a) Large open spaces between built structures b) A mix of residential and rural industry buildings

	<ul style="list-style-type: none"> c) Noises related to production activities during the day but low levels of noise at night d) Low levels of light spill. e) Infrequent vehicle movements to and from a site f) Limited signage that directly relates to the activity operating on the site.
Policy 3b.2.10	<p>Residential units Avoid the cumulative effects of rural lifestyle development by limiting residential units that:</p> <ul style="list-style-type: none"> a) Increase the demand for community infrastructure and services b) Result in the inefficient use of land or loss of future flexibility for productive uses c) Erode the general rural character through its density, scale and location.
Policy 3b.2.13	<p>Avoiding reverse sensitivity Any adverse effects generated by an activity must be managed within the allotment so as to avoid adversely affecting permitted and lawfully established neighbouring activities.</p>
Policy 3b.2.15	<p>Allotment size Maintain allotments at a size of 10 hectares or larger to allow flexibility for a wide range of productive land uses in the future.</p>
Comment	
<p>Objective 3b.2.1 seeks to enable primary production, but given the site sits within a tourist park and is part of a wider high-value international golf course, primary production is not suitable for this site and as such alternative use through a farm park style development limits that total area of residential development while maintaining the large balance lot as a nature sanctuary and as such is considered to be an effective and efficient use of the land.</p> <p>With respect to character values, the PDP seeks to prevent the erosion of rural land character through restricting subdivision. The proposal development isn't within a normal rural area where the character is quite different and as such being within the tourist park and the mitigation provided by the LVA will ensure the unique character of this area is maintained. Tourist activities are supported by Objective 2.4 and given the unique character of the development and benefit provided to other tourist activities in the area it is considered the proposal is supportive of this objective.</p> <p>Reverse sensitivity matters have been addressed within Section 7 and the main effects onto Contact Energy have been mitigated through building design and location and reverse sensitivity covenants.</p> <p>The impact on infrastructure is addressed within Section 7 and shown to have no wider impact on Council's services.</p> <p>The site is not identified as having any sites of cultural significance and the LVA and proposed revegetation will reintroduce indigenous flora and fauna that will enhance the development more in line in Māori values as Kaitiakitanga.</p>	

The wider policies around maintaining the rural character have been addressed within Section 7 and the key points around built form and general development are addressed within the LVA and proposed conditions of consent.

It is considered that the application is consistent with the above-mentioned objectives and policies.

11.7 Summary of Proposed District Plan Objectives and Policies

To summarise, the proposed is consistent with the abovementioned objectives and policies. The development does not detract from the existing character of the Rural Environment and rather enhances the rural character with strong emphasis on revegetation and specific design controls on the future dwellings.

The concentration of recreational and tourism activities and reciprocal opportunities supports the higher density proposed in this application. The development would not detract from the amenity and character of the Rural Environment or have any impact on reverse sensitivity that can't be fully mitigated.

As such it is considered the proposal is consistent with the overall intent of Plan Change 42 to reduce urbanisation in the rural environment and protect rural productive pastoral land.

11.8 TD2050 Growth Management Strategy

The TD2050 Growth Management Strategy was originally drafted in 2006 and was created as a key guide to future District Plan changes as to where future residential development was most appropriate and tools to enable this. The document was reviewed in 2020 and many growth areas removed as part of that review that had either been implemented through subsequent plan changes or the growth area was no longer deemed as suitable or required for growth.

One of the key considerations in the TD2050 was around preventing urbanisation and fragmentation of rural land and in the review, there is clear direction to enable more lifestyle development in appropriate areas while protecting other larger rural productive land.

It is considered that this proposed development is consistent with the TD2050 as it has been demonstrated that this is not a form of urban development and does not fragment rural land, rather it is an alternative rural land use on land that has lower productive use and as such can be better utilised for tourism and recreation purposes in accordance with action point 11 of the TD2050.

12.0 Part II of the Resource Management Act

12.1 Purpose – Section 5

Section 5(1) of the Act states the purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is defined in section 5 (2) of the Act as “managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and their communities to provide for their social, economic, and cultural well-being and for their health and safety”.

Having regard to the definition of "sustainable management" in section 5(2), the use of the site for a mix of residential, commercial and tourist activity is considered to meet this intent.

The 30 new dwellings will provide a significant investment into the local economy to provide for economic and social wellbeing of the wider community while injecting direct investment into a high-end tourism activity.

The proposal will promote the sustainable management of the relevant natural and physical resources, in this case residential land, in accordance with section 5 of the Act.

12.2 Matters of National Importance – Section 6

There are no relevant matters in Section 6 of the Act.

12.3 Other Matters – Section 7

Section 7 lists the matters that a consent authority is required to have particular regard to in achieving the purpose of the Act. The listed matters are not threshold tests but are to be given particular regard. The matters identified as being of relevance to the application are outlined below.

- (b) the efficient use and development of natural and physical resources
- (c) the maintenance and enhancement of amenity values

As noted above, the proposal is an efficient use of the rural land resource given there is little to no productive value in the land and the 30 new dwellings will enable the applicant to continue with the significant investment in the nature sanctuary with new predator proof fencing and reintroduction of threatened indigenous flora and fauna.

12.4 Treaty of Waitangi – Section 8

Section 8 of the Act reads as follows:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The proposal is consistent with all matters pertaining to the Taupo District Plan which gives effect to Section 8 of the Act.

13.0 Conclusion

This report has outlined the details of the proposed activity to build and subdivide 30 new dwellings (33 lots in total) within a farm park like development and the surrounding balance land to form a nature sanctuary at 1/527 Wairakei Drive, Taupo, and has demonstrated that the effects of granting the resource consent on the environment will be acceptable subject to conditions relating to compliance with approved plans.

This report has considered the proposal in terms of the relevant planning instruments, particularly the Taupo District Plan, Waikato Regional Plan and Proposed Taupo District Plan and found that it will not be contrary to all relevant objectives and policies.

Weighing up all of the relevant considerations and making a broad overall judgement, it is considered that the purpose of the Act would be achieved by granting a non -notified consent to the proposal as outlined in this report.

Appendix I - Volunteer Conditions of Consent

SUBDIVISION

General Conditions

1. The subdivision shall proceed in general accordance with the site plan and information prepared by Simpli Consulting Limited and submitted to the Taupō District Council on the 5th September 2023.

Services

2. The consent holder shall apply for and construct a connection to the water main within Wairakei Drive prior to any application for Section 224 Certification.

Geotechnical Matters

3. All works undertaken to construct the subdivision (including earthworks, road and right of way construction, retaining walls and drainage) shall be designed and constructed in accordance with the recommendations within the geotechnical report prepared by WSP New Zealand (Reference: ... , Dated: ...), or any recommendations contained with any addendums to this report as set out in a Detailed Geotechnical Assessment undertaken by a geo-professional specialising in the field of geotechnical engineering.

Access

4. The private road, JOALs, Rights of Way and driveways shall all be completed (i.e. formed and sealed) as shown on the approved plan prepared by WSP, dated XXX and referenced 'XXX' prior to any application for Section 224 Certification. Onsite stormwater management measures shall be created to ensure runoff volumes and discharge flowrates offsite do not increase.
5. The new vehicle entrance onto Wairakei Drive shall be constructed to the satisfaction of the Taupō District Council Infrastructure Manager prior to commencement of construction of any buildings, but after the improvements to Wairakei Drive are completed (Condition 2). The gate shall be located 20m from the kerb on Wairakei Road.
6. The consent holder shall ensure that all external lighting of within the private road is within bollards of no more than 1m in height.

Landscaping Conditions

7. A detailed Landscape Planting Plan shall be submitted for approval to Taupō District Council's Consents and Regulatory Manager prior to works commencing onsite. The Landscape Plan shall be designed in accordance with the approved Landscape Valuation Report prepared by WSP and include details on the species, plant heights at time of planting, expected maturity height, method of planting and maintenance regime.
8. The landscape planting as detailed on the approved Landscape Planting Plan (required under Condition 8) shall be implemented prior to construction of any dwellings onsite. Photographic evidence of the planting shall be provided to Taupō District Council's Monitoring Officer within one month of the planting being implemented.

- 9 The implemented landscaping in accordance with Condition 8 shall be maintained in perpetuity by the owners and occupiers of Lots 1 to 30 and Lot 200 and is generally preserved to a healthy standard so as to achieve and maintain the maturity heights stated on the approved detailed Landscape Mitigation Planting Plan (Condition 7).
- 10 Pursuant to Section 221 of the Resource Management Act 1991 a consent notice condition must be imposed on the Record of Title of Lots 1 to 31 and Lot 200 advising of the requirements of Conditions 9 above.
- 11 An encumbrance in favour of Contact Energy Limited shall be placed on each of the residential lots (Lots 1 – 30) ensuring that future residents are aware of the ongoing geothermal activity within the area, including extraction, drilling and reinjection and shall ensure that no-complaints can be made against Contact Energy Limited while undertaking their normal consented activities on the surrounding land. Evidence of this encumbrance shall be provided at 224(c) approval.
- 12 An easement shall be created to provide access to the 'Monitoring Well' located on the approved scheme plan along with rights of way being established over Lot 100 and Area E, to provide access in perpetuity for Contact Energy Limited.

LAND-USE

1. The land-use activities shall proceed in general accordance with the site plan and supporting information prepared by Simpli Consulting Limited and submitted to the Taupō District Council on the 5th September 2023.

Lapse Date

2. The consent shall lapse in 5 years being 2028, unless given effect to before that time.

Building Setbacks

3. No dwelling shall be constructed within 5.0m of any boundary when measured from the eave and gutter of the dwelling.
4. No dwelling shall be constructed within 10.0m of the gully identified onsite.

Acoustic

5. All dwellings shall be designed and constructed to meet the following minimum building construction standards detailed in the table below. Written evidence of compliance with this condition shall be submitted with the building consent applications.

Table 1: Building construction minimum standards

Building Element	Construction Material
Roof – skillion	0.4mm steel/18mm plywood/150mm joist /insulation and 13mm plasterboard ceiling
Roof – pitched	0.4mm steel/framing/insulation and 13mm plasterboard ceiling
Wall including external doors	Exterior cladding with minimum surface density of 10kg/m2 on framing/insulation/13mm plasterboard
External door	Solid core with perimeter seals or same as glazing
Glazing	Double glazing construction 4mm glass/12 mm airgap/4mm glass

Advice Note: For the purposes of the above condition, a 'habitable space' is a bedroom, living room, kitchen or study. It does not include garage, bathrooms, toilets, and laundries.

6. All habitable spaces of any buildings shall have a ventilation system installed to ensure that an adequate supply of fresh air in accordance with the Building Act 2004 requirements is provided when windows and doors to the habitable spaces are closed, which does not reduce the acoustic performance of the building construction. Evidence of this shall be provided at the time of building consent application for buildings containing habitable spaces.

External Building Materials / Colours

7. The following building restrictions apply to Lots 1 to 30:
 - a) One dwelling per lot, with either an internal garage/car port or detached garage/carport
 - b) Detached garages/carports to be located to the between the house and right of way/driveway only.

- c) Maximum height of all dwellings and detached garages/ carports and covered outdoor areas shall not exceed 6.0m above the finished building platform;
8. The following external cladding materials for all buildings shall comply with the following design criteria:
- a) Exterior cladding colours shall be restricted to dark greys, greens and browns with a light reflectance value of no less than 5% and no greater than 20% from the group A11 to A14, B25 to B29 (Weight for Section 08 to 12) and C37 (Weight for Section 12), C39 (Weight for Section 10 to 14) and C40 (Weight for Section 04 to 14) on the Resene BS5252 Colour Chart.
 - b) External roof, window and door trim colours shall be restricted to dark greens and greys with a light reflectance value of no more than of between 5% to 20% in the darker colour range of Group A11 to A14 and B25 to B29 (Weight for Section 08 to 12) on the Resene BS5252 Colour Chart.
 - c) Exterior cladding materials shall be restricted to:
 - i. Natural dark river rock and volcanic stone found within the immediate area of the subdivision and Waikato River or similar product;
 - ii. Natural wood cladding systems that are allowed to weather naturally (no staining unless consistent with colour palate listed above) including:
 - a. vertical and/or horizontal shiplap,
 - b. board and batten; and
 - c. horizontal weatherboard with an exposed face of no more than 200mm.
 - d) All exterior windows and glass doors shall use low reflective tinted glass.
9. A detailed design sheet shall be submitted with every application for building consent and shall detail the proposed external materials, colours and roof materials and how they comply with Condition 9.

Geotechnical

10. Any development onsite (including dwelling and other building design, earthworks, foundation design, site access, and retaining walls and drainage) shall be designed and constructed in accordance with the recommendations within the geotechnical report prepared by WSP New Zealand (Reference: ... , Dated: ...), or any recommendations contained with any addendums to this report as set out in a Detailed Geotechnical Assessment undertaken by a geotechnical professional specialising in the field of geotechnical engineering.

Stormwater

11. The consent holder shall ensure that stormwater is disposed of on-site for a 10 year return period event of one hour duration (45mm depth of rainfall). The design of the soakage systems shall be submitted at the time of each building consent application and must comply with any recommendations within the site specific geotechnical report for the site. The design will be subject to the approval of Taupō District Council's Development Engineer.

12. The method of stormwater disposal must be in place and operational prior to completion of the roof construction onsite. Gutters and downpipes shall ensure that stormwater is managed to prevent erosion onsite.
13. The consent holder shall ensure that a private proprietary secondary wastewater treatment system, disposals field of 40m² and a reserve area of 20m² is constructed onsite. The design of the soakage systems shall be submitted at the time of each building consent application and must comply with any recommendations within the site-specific geotechnical report for the site. The design will be subject to the approval of Taupō District Council's Development Engineer.
14. A minimum separation of 5.0m shall be provided between wastewater and stormwater soakage devices.

