

ATTACHMENTS

Ordinary Council Meeting

22 February 2022

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Ordinary Council Meeting Minutes

1 February 2022

**TAUPŌ DISTRICT COUNCIL
MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ONLINE VIA 'ZOOM' AND LIVESTREAMED TO WWW.TAUPO.GOV.NZ
ON TUESDAY, 1 FEBRUARY 2022 AT 1.00PM**

PRESENT: Mayor David Trewavas (in the Chair), Cr John Boddy (from 1.02pm), Cr Kathy Guy, Cr Tangonui Kingi, Cr Kylie Leonard, Cr John Mack, Cr Anna Park, Cr Christine Rankin, Cr Kevin Taylor, Cr Yvonne Westerman, Cr John Williamson

IN ATTENDANCE: Chief Executive, General Manager Corporate, General Manager Policy and Strategy, Legal, Risk and Governance Manager, Communications Manager, Community Development and Engagement Manager, Infrastructure Manager, Finance Manager, Property Advisor, Executive Assistant, ICT Support Officer, Governance Quality Manager

MEDIA AND PUBLIC: Nil

Notes:

- (i) *His Worship the Mayor, David Trewavas opened the meeting at 1pm and Cr Tangonui Kingi recited an opening karakia.*
- (ii) *His Worship the Mayor advised that agenda item 4.2 Kinloch Triathlon – Temporary Road Closure had been withdrawn because the event had been cancelled.*
- (iii) *Cr John Boddy joined the meeting at 1.02pm. He was not present for resolution TDC202202/01.*

1 APOLOGIES

TDC202202/01 RESOLUTION

Moved: Cr Anna Park
Seconded: Cr Tangonui Kingi

That the apologies received from Cr John Boddy (for lateness) and Cr Kirsty Trueman (for absence) be accepted.

CARRIED

2 CONFLICTS OF INTEREST

Nil

3 CONFIRMATION OF MINUTES

3.1 ORDINARY COUNCIL MEETING - 14 DECEMBER 2021

Cr John Boddy joined the meeting at this point (1.02pm).

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TDC202202/02 RESOLUTION

Moved: Cr Christine Rankin
Seconded: Cr Kathy Guy

That the minutes of the Council meeting held on Tuesday 14 December 2021 be confirmed as a true and correct record.

CARRIED**4 POLICY AND DECISION MAKING****4.1 MINISTER OF CONSERVATION CONSENT- EASEMENT TO THE LINES COMPANY FOR ELECTRICAL WORKS ON LOCAL PURPOSE RESERVE (UTILITY)**

The Infrastructure Manager summarised the report.

In answer to a question, the Community Development and Engagement Manager advised that Council staff were liaising with The Lines Company (TLC) staff to explore options for TLC to work with local artists to beautify the transformer.

TDC202202/03 RESOLUTION

Moved: Cr Tangonui Kingi
Seconded: Cr John Mack

That Council, acting in its capacity as delegate to the Minister of Conservation, and pursuant to Section 48(1) (d) of the Reserves Act 1977, consents to the granting of an easement over Lot 63 DP 28115, in favour of The Lines Company for electrical works.

CARRIED**4.2 KINLOCH TRIATHLON - TEMPORARY ROAD CLOSURE**

Item withdrawn.

4.3 COUNCIL AND COMMUNITY FEEDBACK OVER THE CHRISTMAS NEW YEAR PERIOD

The Chief Executive summarised the report, which covered highlights, issues addressed and community feedback received over the Christmas New Year period. In relation to the issues arising from antisocial behaviour in Kinloch, the Kinloch locals' response had been amazing, with people coming out to take care of their back yard by cleaning up broken glass and rubbish, together with Council's team.

Members made the following comments:

- Communication was key to explaining to the community why some services may be disrupted over the busy Christmas New Year period. People were generally understanding of delays if they understood the reasons for those delays. Council's Communications Team had done an excellent job of getting messages out.
- A member added thanks to Council staff who brought in a sweeper machine to help with the clean up in Kinloch; and also staff who provided advice in relation to mitigating issues with people driving and camping on reserves in the Kinloch area.
- Taupō town was looking beautiful over the holiday period and Council staff members' efforts to have everything ready and operating properly over Christmas were acknowledged. It was good to be able to explain to people that the Taupō Town Centre Transformation Project was funded by Central Government, not ratepayers.

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TDC202202/04 RESOLUTION

Moved: Cr John Williamson
 Seconded: Cr Kathy Guy

That Council notes the content of the report "Council and Community Feedback over the Christmas New Year Period".

CARRIED**4.4 OVERVIEW OF COUNCIL MEETING AGENDA ITEMS FOR 2022****TDC202202/05 RESOLUTION**

Moved: Cr Anna Park
 Seconded: Cr John Mack

That Council receives the overview of Council meeting agenda items for 2022 up until the 8 October 2022 elections.

CARRIED**4.5 MEMBERS' REPORTS**

Cr Kathy Guy reported that she had attended a meeting to discuss issues with antisocial behaviour in Kinloch over the summer period, and noted that further discussions would be had with the Kinloch Community Association at a meeting scheduled to take place the following week.

TDC202202/06 RESOLUTION

Moved: Cr John Boddy
 Seconded: Cr Kylie Leonard

That Council receives the reports from members.

CARRIED**5 CONFIDENTIAL BUSINESS****TDC202202/07 RESOLUTION**

Moved: Cr Christine Rankin
 Seconded: Cr John Williamson

RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48[1] of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Agenda Item No: 5.1 Confirmation of Confidential Portion of Ordinary Council Minutes - 14 December 2021	Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage,	Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure

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	commercial activities Section 7(2)(i) - the withholding of the information is necessary to enable [the Council] to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	of information for which good reason for withholding would exist under section 7
Agenda Item No: 5.2 Review of Taupo District Council's Shareholding and Participation in Waikato Local Authority Shared Services	Section 7(2)(h) - the withholding of the information is necessary to enable [the Council] to carry out, without prejudice or disadvantage, commercial activities	Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7

CARRIED

The meeting closed with a karakia from Cr Tangonui Kingi at 1.45pm.

The minutes of this meeting were confirmed at the ordinary Council meeting held on 22 February 2022.

.....
CHAIRPERSON



**Waikato Regional Council
Lake Taupō Protection Project Joint Committee**

OPEN MINUTES

Date: 19 November 2021, 10.37am

Location: Virtual Meeting Via Teams

Members Present: Cr K Leonard (Taupō District Council)
Cr K Hodge (Waikato Regional Council)
Cr K White (Waikato Regional Council)
Cr J Williamson (Taupō District Council)
R O'Connor (Tūwharetoa Māori Trust Board)
L Stephen (Crown Representative - Ministry for the Environment)

Staff Present: A Robinson- Regional Consent Manager – Waikato Regional Council
M Peck -Lake Taupō Protection Trust Manager
C Stent- Lake Taupō Protection Trust Chairman
M Ahipene - Manager Tai-Ranga-Whenua Waikato Regional Council
J Winston II- Democracy Advisor – Waikato Regional Council
W Wilkinson- Democracy Advisor – Waikato Regional Council

Doc # 22951597

Lake Taupō Protection Project Committee 19 November 2021 Open Minutes

10.37 – the meeting opened

1. Apologies

There were no apologies.

2. Confirmation of Agenda

LTJC21/25

Moved By L Stephen

Seconded By Cr K Hodge

Resolved (Section A under delegated authority)

1. That the agenda of the Lake Taupō Protection Project Joint Committee of 19 November 2021 as circulated be confirmed as the business of the meeting.
2. That the addendum, *Waikato Regional Council's response to the Trust's Service Level Agreement* will be taken directly following the item *Service Level Agreement 1 July 2021 - 30 June 2023* on the agenda.
3. That the meeting may sit longer than two hours continuously and continue longer than six hours including adjournments.
4. The Joint Committee defer item 10 on the agenda until the arrival of Trustee C Stent.

carried

3. Disclosures of Interest

There were no disclosures of interest.

4. 2021 Update on Disclosures of Interest for Lake Taupō Protection Project Joint Committee Members

L Stephen stated that she had no interests to disclose in the register which should reflect "nil" in both categories.

LTJC21/26

Moved By Cr K White

Seconded By Cr J Williamson

Resolved (Section A under delegated authority)

That the *Register of Interests for Lake Taupō Protection Project Joint Committee* be received.

carried

5. Confirmation of Minutes - 14 June 2021

LTJC21/27

Moved By Cr K White

Seconded By Cr J Williamson

Resolved (Section A under delegated authority)

Doc # 22951597

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Lake Taupō Protection Project Committee 19 November 2021 Open Minutes

That the open minutes of the Lake Taupō Protection Project Joint Committee meeting of 14 June 2021 be confirmed as a true and correct record.

carried

6. Confirmation of the Outcome of the Long-Term Plan - Joint Hearings Committee

LTJC21/28

Moved By Cr K White

Seconded By L Stephen

Resolved (Section A under delegated authority)

That the report *Confirmation of the outcome of the Joint Hearings Committee* (Lake Taupō Protection Project Joint Committee 19 November 2021) be received.

carried

7. Review of Monitoring Deed - Survey Results 3 September 2021

LTJC21/29

Moved By Cr J Williamson

Seconded By L Stephen

Resolved (Section A under delegated authority)

- 1. That the report *Review of Monitoring Deed – Survey Results 3 September 2021* (Lake Taupō Protection Project Joint Committee 19 November 2021) be received.**
- 2. That the Lake Taupō Protection Project Joint Committee approve the Monitoring Deed survey report.**

carried

8. Lake Taupō Monitoring for 2019-2020

LTJC21/30

Moved By L Stephen

Seconded By Cr K White

Resolved (Section A under delegated authority)

That the report *Lake Taupō Monitoring for 2019-2020* (Lake Taupō Protection Project Joint Committee 19 November 2021) be received.

carried

Lake Taupō Protection Project Committee 19 November 2021 Open Minutes

9. **Delay in Annual Audit Year Ended 30 June 2021**

LTJC21/31

Moved By L Stephen

Seconded By Cr J Williamson

Resolved (Section A under delegated authority)

That the report *Delay of annual audit for the financial year ended 30 June 2021* (Lake Taupō Protection Project Joint Committee 19 November 2021) be received.

carried

11. **WRC Funding request to Lake Taupō Protection Trust**

Moved By L Stephen

Seconded By Cr K White

Resolved (Section A under delegated authority)

1. That the report *WRC Funding request to Lake Taupō Protection Trust* (Lake Taupō Protection Project Joint Committee 19 November 2021) be received.
2. That the Committee endorses Lake Taupō Protection Trust making a payment of \$20,000 to Waikato Regional Council to enable the processing and issuing of new resource consents under Overseer FM for farms the Lake Taupō Protection Trust has an interest in.

12. **Resolution to Exclude the Public**

LTJC21/34

Moved By Cr K Hodge

Seconded By L Stephen

Resolved (Section A under delegated authority)

1. That in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 Act (Act) and the particular interest or interests protected by section 6 or section 7 of that Act, the public is excluded from the following parts of the proceedings of this meeting. The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by section 48(1) of the Act, are set out below:

Lake Taupō Protection Project Committee 19 November 2021 Open Minutes

Item	Reason for excluding the public	Reason for excluding the public
12.1 Confirmation of Public Excluded Minutes	To protect the privacy of natural persons (section 7(2)(a) of the Act).	Section 48(1)(a)(i) of the Act – the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7 of the Act.
12.2 Quarterly Updated on Compliance with NRDS	To protect the privacy of natural persons (section 7(2)(a) of the Act).	

2. That M Ahipene, M Peck and C Stent (as required by the Committee) are permitted to remain at this meeting after the public has been excluded because of their knowledge of one or more items. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those items as authors of the relevant report.

carried

10.58am – the meeting moved into closed session

11.01am – the meeting moved back to open session

10. Service Level Agreement 1 July 2021 - 30 June 2023

Presented by the Manager Lake Taupō Protection Trust (M Peck). During discussion, the following was noted:

- a. The Trust would use reserves to cover lost contributions from Waikato Regional Council. The change in funding would not hamper Trust budgeting or ability to meet financial obligations.
- b. Waikato Regional Council was unlikely to change its position if reconsidered given the unanimous nature of its decision.
- c. It was agreed that, as Audit NZ did not have capacity to undertake a project review; that Waikato Regional Council, Taupō District Council, and Lake Taupō Protection Trust would come back to the next meeting of the Committee with three independent entity options able to complete the review by September 2022. Information on the scope of the review would also be provided.

LTJC21/38

Moved By Cr K Hodge

Seconded By L Stephen

Resolved (Section A under delegated authority)

Lake Taupō Protection Project Committee 19 November 2021 Open Minutes

That the report *Service Level Agreement 1 July 2021 - 30 June 2023* (Lake Taupō Protection Project Joint Committee 19 November 2021) be received.

carried

LTJC21/39

Moved By Cr J Williamson

Seconded By L Stephen

Resolved (Section A under delegated authority)

That the Committee endorses the Trust maintaining its current service providers for the term of the project extension.

carried

Cr K White voted against

LTJC21/40

Moved By Cr K Hodge

Seconded By L Stephen

Resolved (Section A under delegated authority)

That the Committee approves the use of reserve funds by the Trust, until the completion of the project review.

carried

Cr K White voted against

Addendum

WRC response to Lake Taupō Protection Trust Service Level Agreement report dated 27 August 2021

LTJC21/33

Moved By Cr K Leonard

Seconded By Cr K Hodge

Resolved (Section A under delegated authority)

- 1. That the report *WRC response to Lake Taupō Protection Trust Service Level Agreement report dated 27 August 2021* (Lake Taupō Protection Project Joint Committee 19 November 2021) be received.**
- 2. That Waikato Regional Council's resolution regarding the matters raised by the Lake Taupō Protection Trust is noted.**

carried

12.13pm meeting closed

Extract from the minutes of the Taupō District Council meeting held on 26 August 2014

6 NAMING OF PUBLIC ROADS – TAUPŌ HEIGHTS SUBDIVISION

A report from the Senior Resource Consents Planner that sought Council's approval of four road names within a new subdivision at Taupō Heights had been circulated [A1304499]. A map of the Taupō Heights Subdivision area was also tabled [A1316085].

TDC201408/06 RESOLVED that Council approve the following road names:

- **Noumea Drive for main loop road**
- **Maison Way for main through road**
- **Bastille Court for secondary through road**
- **St Germain Loop for loop road to east of The Boulevard**

Boddy/Cozens

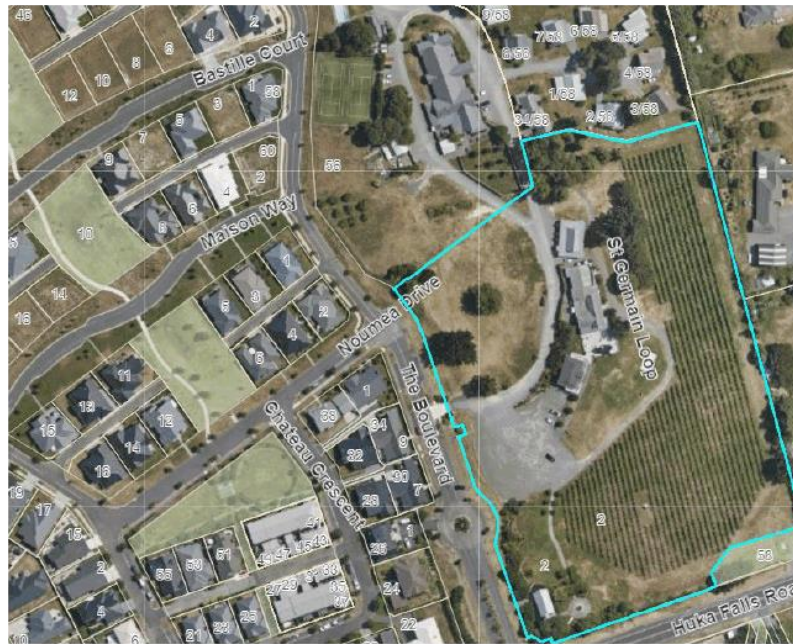


Figure 1: Stage 4 Taupo Heights - St Germain Loop (existing road name)

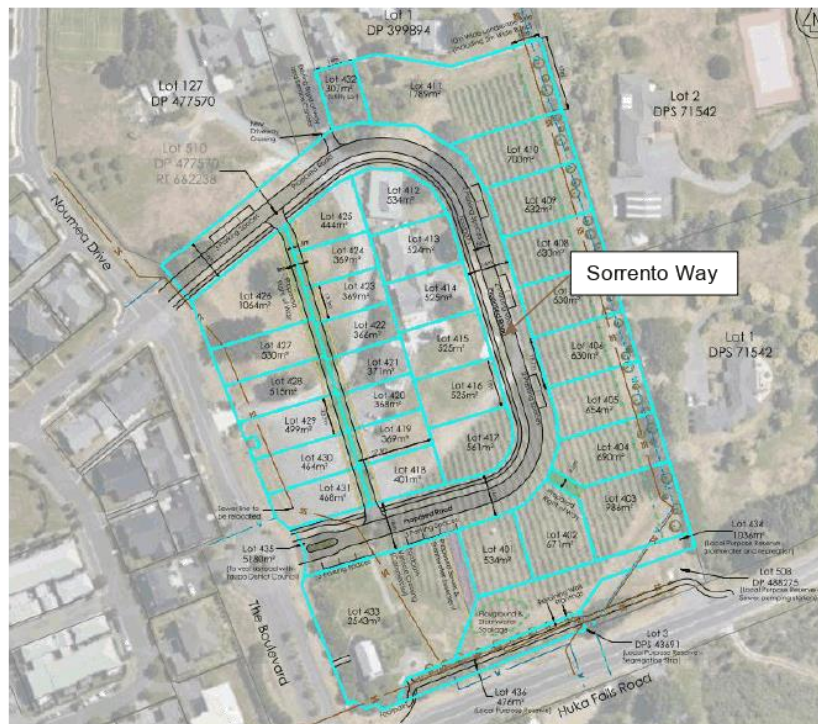


Figure 2: Stage 4 Approved Variation - Sorrento Way (proposed replacement road name)

Recommendation decision following the hearing of Private Plan Change 37 [Nukuhau] to the Taupō District Plan under the Resource Management Act 1991

Proposal

To rezone 77.78 ha of land in the Nukuhau area from Rural Environment to a mix of General Residential and Medium Density Residential with a Neighbourhood Shopping Centre overlay.

This plan change is Recommended for Approval. The reasons are set out below.

Plan change number:	PC37
Site address / legal description:	24 and 48 Acacia Bay Road; 6 Poihipi Road; 29 and 59 Watene Lane; Rangatira 8A1T2Y; Rangatira 8A1T2X; 179, 181, 183, 185, 187, 189 and 200 (Rangatira 8A17A5) Lakewood Drive, Taupō
Applicant:	AN Rajasingham LPT Trustees No 124 Limited anors
Hearing commenced:	Monday, 8 November 2021 and Tuesday, 9 November 2021
Hearing panel:	David Hill (Chair) Dayle Hunia Councillor Kevin Taylor
Appearances:	<p><u>Opening Welcome & Karakia</u> David Rameka (Strategic Relationships Manager – Council)</p> <p><u>For the Proponents:</u> Lachlan Muldowney (Legal) Warren Bird (3 Waters) Cheryl Cleary (Planning) Hamish Crawford (Planner) Ruihan Cui (Transport modelling) James Gladwin (Contamination) Tim Heath (Land Supply) Robert Swears (Traffic) Kirsty Sykes (Archaeology) Neil Hickman (Lexus Trustees 11)</p> <p><u>Excused from attending</u> Nick Aiken (Urban Design) Ian Gray (Geotechnical) Stefan Steyn (Landscape and Visuals) John Turner (Ecology)</p> <p><u>For the Submitters:</u> Hannah Craven & Jon Palmer – Waikato Regional Council Jane Penton - Lakes & Waterways Action Group Rowan Sapsford – Bike Taupō Advocacy Group Bruce Bartley – Walnut Lane Limited Sarah Davidson & Rory Scott – Taupō Business Chamber Thomas Hendricks Todd Baldwin and Mark Chrisp – Contact Energy Limited</p>

	<p>Andrew Kusabs & David Greaves – Rangatira 8A17 Trust Tāne Lawless Geoff Rameka Garrick Workman Setareh Stienstra (counsel), Brett Farquhar, Alec Wilson Snr and Jnr – Rangatira E Trust</p> <p>For Council: Matt Bonis (S42A author) Colin Meadowcroft (Stormwater) Thomas Swindells (Water) Michael Cordell (Wastewater) David Smith (Transport)</p> <p>Excused from attending: Lynda Walter (Archaeology) William Shaw (Ecology) Rebecca Ryder (Landscape and Visual) Morné Hugo (Urban Design) Adam Gray (Contamination) Geoffrey Farquhar (Geotechnical)</p> <p>Carrie Robinson, Senior Administrator (Policy)</p>
Commissioners' site visit	7 November 2021
Hearing adjourned	9 November 2021
Hearing Closed:	8 December 2021

Introduction

1. This decision is made on behalf of the Taupō District Council ("**the Council**") by Independent Hearing Commissioners David Hill (chair), Dayle Hunia and Councillor Kevin Taylor, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").
2. By Council resolution TDC202102/17, per the modified Joint Management Agreement structure, the Commissioners have been given delegated authority to hear, consider and make recommendations on Private Plan Change 37 ("**PC37**") to the Taupō District Plan ("**the TDP**") after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.
3. PC37 is a private plan change requested by a group of co-operating landowners:
 - AN Rajasingham, LPT Trustees No 124 Limited and Thiru Trustee Company Limited at 24 Acacia Bay Road;
 - Lexus Trustees 11 Limited, 48 Acacia Bay Road; and
 - CN Top Investment Limited, 6 Poihipi Road,

that has been prepared following the standard RMA Schedule 1 Part 2 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).

4. The s42A report prepared by Mr Matt Bonis records that the plan change request was lodged on 10 September 2020. Council requested further information under cl 23 of Schedule 1 on 2 October 2020, which was provided on 12 November 2020. Those matters are summarised in section 3.4 of the s42A report. PC37 was accepted for promulgation by Council on 3 December 2020.
5. The plan change was publicly notified on 3 February 2021 following a feedback process involving Iwi Authorities, as required by Clause 4A of Schedule 1. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the proposed plan change.
6. The submission period closed on 5 March 2021. A summary of submissions was notified for further submissions on 5 March 2021 and closed on 30 April 2021. A total of 59 submissions (44 opposed; 12 in support; 2 not stated) and 1 further submission were made on the plan change. No late submissions were received.
7. The Hearing took place at a time when the Auckland region was subject to restrictions under the Alert Level Red COVID-19 Framework and a number of parties were unable to travel across regional borders (including the Chair). The entirety of the Hearing was held by remote access (i.e. on-line) facility pursuant to s39AA RMA.
8. A site visit was undertaken 7 November 2021 by Commissioners Hunia and Councillor Kevin Taylor with support from Hilary Samuel (Senior Policy Advisor - Council) and Hamish Crawford (Planner and Project Manager – Applicant).
9. The matter was heard virtually on 8 and 9 November 2021 and then adjourned pending written reply, which was received on 3 December 2021. The hearing was closed on 8 December 2021.

SUMMARY OF PLAN CHANGE

10. The proposed plan change is described in the application as follows:
 - (i) The plan change request seeks to change the zoning of 77.78 hectares of Rural Environment zoned land to a mix of General Residential, Medium Density Residential (8.3ha) zoning, Neighbourhood Shopping Centre overlay (Local Centre 2,500m²) zoning and areas of stormwater and recreation reserves. These proposed zone changes will enable the future development of approximately 780 dwellings.
 - (ii) PC37 includes a Structure Plan which forms part of the plan change request and provides the framework to guide the development of the land. It defines the areas of future General Residential and Medium Density Residential zones, proposed reserves, Neighbourhood Shopping Centre overlay and the proposed roading network.
 - (iii) To enable the development of the site, subdivision and land use consents would need to be applied for and granted by Council. Resource consent may also be required from the Waikato Regional Council (WRC) for stormwater discharges from the proposed stormwater solutions.
11. In terms of planning context, the s42A hearing report notes the following:

- (i) The area is split into two parts and is located on the immediate northwest of the Taupō urban boundary, on elevated southward-sloping topography, approximately 410m to 450m above sea level.
 - (ii) Northeast of the plan change area is the Rural Environment Zone and is a continuation of the topographical southward slope that overlooks Lake Taupō.
 - (iii) West of the area is multiple owned Māori land, being some 993.49ha of pastoral land, also zoned Rural Environment.
 - (iv) On the southeast side of Wairakei Drive is the Low-Density Residential Zone.
 - (v) The Taupō Town Centre is located within a 5 minute drive to the south of the area via Wairakei Drive and the Control Gates Bridge (**"the CGB"**) over the Waikato River.
12. The requested provisions are summarised in the s42A report as follows:
49. *The Plan Change request provisions are relatively straightforward, principally:*
- 49.1 *Rezoning for Residential Environment (zone) and hence largely reliant on the existing Residential Environment provisions in the operative Plan (Chapter 3a 'Objectives and Policies', and Chapter 4a "Rules and Performance Standards).*
 - 49.2 *Insertion of the proposed 'Nukuhau General Residential' and 'Nukuhau Medium Density Residential' Environments to introduce distinctive built form controls.*
 - 49.3 *Provision of a 'Neighbourhood Shops' overlay (circa 2,500m²) to provide for a small range of convenience retail and commercial services.*
 - 49.4 *Insertion of two new objectives.*
 - (a) *Proposed Objective 3a.2.2A would seek to provide for a range of housing types and densities and associated Policy (i) which seeks to enable a variety of housing types in the Residential and Medium Density zone. It is noted that these provisions as notified are not specific to the Nukuhau Plan Change area.*
 - (b) *Proposed Objective 3a.2.3 which seeks to enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, while maintaining and enhancing the gully and stormwater flow path network and contributing positively to residential character and amenity. Associated Policies (i) to (v) seek to enable development that 'reflects the intent of' the Nukuhau Structure Plan, provides housing choice and residential amenity, achieves a connected open space and cycling network; with subdivision only to occur where resulting lots are connect to the Council's wastewater network infrastructure.*
 - 49.5 *Rules (4a.1 – 4a.1.12) which introduce the Nukuhau General Residential and Nukuhau Medium Density Residential built form standards.*
 - 49.6 *Rules that would seek to implement the Nukuhau Structure Plan, including subdivision and the provisions of services.*
 - (a) *Rule 4a.7.1 and 4a.7.2 seek to ensure wastewater connection and design of subdivision in accordance with the Nukuhau Structure Plan.*
 - (b) *Rule 4a.7.3 determines any subdivision 'not in accordance' with the Nukuhau Structure Plan to be a Discretionary (**DIS**) activity.*
 - (c) *Rule 4a.7.4 which seek to recognise, and effectively defer residential subdivision given existing wastewater capacity issues until wastewater constraints at the flood gates are able to be overcome as a Non-complying (**NC**) activity.*

- (d) *Rules 4a.7.5 and 4a.7.6 seek controls on landscaping (referencing Appendix 9 as proposed to be added to the Plan), Fencing Walls and Hedges, and Streetscape and the open space network, and road cross sections, also referencing design conditions set out in Appendix 9 as proposed to be added to the Plan).*

49.7 The Nukuhau Structure Plan (Outline Development Plan) is sought to be inserted as Appendix 9.7 to the Plan.

13. In addition to the proposed text provisions two plans are now proposed, being the Nukuhau Structure Plan and one illustrating the principal proposed walkway and cycling pathway connections.
14. Further revisions arising from a consideration of submissions, the s42A report and matters arising from the hearing were proposed both at the commencement of the hearing and in reply.
15. The amendments proposed at the commencement of the hearing were summarised by Mr Muldowney¹ as follows:
 - (a) *Additions to the discussion of the Nukuhau Structure Plan Area to explain the need for an ITA in relation to subdivision consenting and the impacts at the Control Gates Bridge;*
 - (b) *Additional policy wording at Policy 3a.2.3(v) to include reference to traffic effects as a subdivision consideration;*
 - (c) *Amendments to Rule 4a.7 to make subdivision a discretionary activity and the requirement in assessment criteria 4a.8 to address traffic considerations;*
 - (d) *Additions to Rule 4a.7.2 to address public transport considerations;*
 - (e) *Additions to Rule 4a.7.2(d) to address ecological effects;*
 - (f) *Amendments to Objective 3a.2.3 and Policy 3a.2.3 to address erosion and flooding risks;*
 - (g) *Amendment to subdivision Rule 4a.7.2 to address CPTED issues, ecological issues, and cultural issues through provision of a cultural impact assessment;*
 - (h) *Additions to the subdivision assessment criteria to address public transport, historical and cultural heritage; and*
 - (i) *Amendments to the Nukuhau Structure Plan to address reverse sensitivity issues.*
16. Consideration of further amendments was discussed in reply by Ms Cleary in terms of:
 - (a) Subdivision activity status;
 - (b) Lot sizes and density;
 - (c) Stormwater management;
 - (d) Archaeology; and
 - (e) Cultural values.
17. The amendments proposed were generally agreed in consultation with Mr Bonis, the exception being a difference of opinion over how to incorporate a Tangata / Mana Whenua provision, and we discuss them at the end of this decision.

¹ Muldowney, Opening legal submissions, para 17.

HEARING PROCESS

18. The Hearing Panel issued 5 directions prior to the hearing as follows:
 - (i) setting out a timetable for the s42A hearing report and evidence exchange;
 - (ii) confirmation of Council's informal further information request;
 - (iii) amending the reporting and evidence timetable;
 - (iv) requiring expert conferencing of traffic and planning witnesses; and
 - (v) advising that the hearing would take place under s39AA RMA by remote access facility.
19. Prior to the hearing, Commissioners Hunia and Taylor visited the site and the local surroundings. Commissioner Hill was unable to conduct a site visit due to the Auckland border COVID-19 restrictions.
20. Expert conferencing was also directed for the transport and planning witnesses. Those took place on 12, 15 and 18 October 2021 with a final Joint Witness Statement ("JWS") being issued on 18 October 2021. That JWS is a matter of record, was made available to all parties prior to the hearing and, for the reason indicated below, we therefore need discuss it in detail no further.
21. The Panel expresses its gratitude to those transport and planning expert witnesses who participated in those sessions and materially assisted in narrowing the relevant issues remaining in contention for our determination. We also note, in passing, that those matters were further resolved by the end of the hearing such that the recommended provisions relating to those matters were all agreed.

PROCEDURAL MATTERS

22. Two procedural matters were raised in section 3.5 of the s42A report:
 - (a) Whether to accept submissions 56 - 59 that were made via a different consultation portal on the Council's website; and
 - (b) Whether there is scope to accept submission 33 (G & R Brandon, Ripeka Ma Trust) seeking to include Watene Lane within the plan change area.
23. Mr Bonis recommended accepting submissions 56-59 as no prejudice arose thereby for any party, but not accepting submission 33 as that was out of scope² – not being "on" the plan change and there being no opportunity for potential submitters to engage on the matter.
24. Having considered Mr Bonis' reasons, we accept both recommendations and find accordingly.
25. A subsequent scope issue arose in connection with the evidence presented by Mr Greaves at the hearing on behalf of the owners of Rangatira Blocks 8A17A5, 8A17A6, 8A1T2X, 8A1T2Y and Pt Rangatira A1T2.
26. Mr Greaves sought, among other things, an amendment to the Structure Plan placing an additional medium density residential overlay over the south-eastern portion of the owners' property. The Panel invited Mr Muldowney to consider the question as to whether this was in scope.

² S42A report, para 50.2.

27. In closing submissions, Mr Muldowney submitted that as the amendment sought was not raised in its original submission but through the owners' further submission (FS60.145) in support of Contact Energy's submission, which sought deletion of the overlay adjacent to its interests, there was no ability to enlarge the scope of that original submission in the manner sought. Mr Muldowney concluded³, therefore, that the Panel has no power to grant the relief sought by Mr Greaves.
28. That conclusion aligns with the Panel's thinking on the matter and, accordingly, we find the submission point and relief sought by Mr Greaves out of scope.

RELEVANT STATUTORY PROVISIONS CONSIDERED

29. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out succinctly in Mr Muldowney's legal submissions⁴ (among others). Those formal matters were not contested and, as such, we see no useful purpose in repeating them again in detail. We refer the reader to that summary.
30. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by the proponent (and supplemented by Ms Cleary in reply⁵), submitters and Council effectively represents that assessment, and that material should be read in conjunction with this decision, where we have determined that a change to PC 37 should be made.

S42A REPORT

31. The s42A Report was prepared by planning consultant, Mr Matt Bonis, and included technical reviews as follows:
 - Property economics (Tim Heath)
 - 3 Waters (Thomas Swindell, Michael Cordell & Colin Meadowcroft);
 - Transport (David Smith);
 - Archaeology (Lynda Walter);
 - Ecology (William Shaw);
 - Landscape and visual (Rebecca Ryder);
 - Urban design (Morné Hugo);
 - Contaminated land (Adam Gray); and
 - Geotechnical engineering (Geoffrey Farquhar);
32. Mr Bonis summarised the main issues arising from submissions as:
 - Capacity at the CGB – Transport;
 - Internal roading and cycling network;
 - Range and typology of housing provision;
 - Support / opposition for additional housing supply;
 - Wastewater capacity constraints on development;
 - Information sufficiency;
 - Effects on stormwater and the internal gully system;

³ Muldowney, Closing submissions, para 43.

⁴ Muldowney, Opening legal submissions, paras 70 – 73 & Attachment A.

⁵ Cleary, Supplementary statement, paras 75 – 81 & Attachment 2.

- Reverse sensitivity issues / impacts on Contact Energy;
 - Effects on archaeology;
 - Effects on cultural heritage / engagement with mana whenua; and
 - Provision of reserves (sports), rather than just stormwater gullies.
33. Having considered those matters, and with the assistance of the technical reviewer advice, Mr Bonis recommended that PC37 be approved with some proposed amended provisions – particularly related to the deferral of subdivision applications until the Taupo CGB capacity issue is resolved. Mr Bonis was satisfied that geotechnical, natural hazard and contaminated land issues were not impediments to the proposed rezoning, and that residual landscape values, ecology and biodiversity and urban design could be resolved with the amendments proposed. He requested that the proponent provide further information related to the mana whenua consultation and archaeology at the hearing and reserved his recommendation on those matters.
34. We also note that Council had advised that as the existing wastewater network does not have capacity to service the proposed development, it will need to be satisfied that appropriate wastewater infrastructure is in place before development can occur. The proposed provisions make that clear.
35. Mr Bonis included, as *Attachment C: Consideration of Individual Submissions*, a series of twelve topic-based table identifying submission points with a recommendation to the hearing panel as to whether to accept or reject that point. For the sake of brevity, we record that we have accepted all those recommendations except as otherwise identified in this decision and as noted in **Attachment 2** to this decision.

EVIDENCE AND/OR REPRESENTATIONS HEARD

36. The Council planning officer's s42A report and expert evidence on behalf of the proponent and certain submitters was circulated prior to the hearing in accordance with our Directions and taken as read.
37. The evidence presented at the hearing responded to the issues and concerns identified in the Council planning officer's report, the application itself and the submissions made on the application.
38. Evidence was presented at the hearing on behalf of the proponent, in addition to legal submissions from Mr Muldowney, from the following witnesses:
- Warren Bird (3 Waters);
 - Cheryl Cleary (Planning);
 - Hamish Crawford (Planning);
 - Ruihan Cui (Transport modelling);
 - James Gladwin (Contamination);
 - Tim Heath (Land supply economics);
 - Robert Swears (Traffic);
 - Kirsty Sykes (Archaeology); and
 - Neil Hickman (proponent for Lexus Trustees 11).
39. We note that we had excused the following witnesses as the issues which they addressed in evidence appeared not to be in contention:
- Nick Aiken (Urban Design);
 - Ian Gray (Geotechnical);

- Stefan Steyn (Landscape and Visuals); and
 - John Turner (Ecology).
40. We received written evidence and/or representations from the following submitters:
- Hannah Craven & Jon Palmer - Waikato Regional Council;
 - Jane Penton - Lakes & Waterways Action Group;
 - Rowan Sapsford - Bike Taupō Advocacy Group;
 - Bruce Bartley - Walnut Lane Limited;
 - Sarah Davidson & Rory Scott - Taupō Business Chamber;
 - Thomas Hendricks;
 - Todd Baldwin and Mark Chrisp - Contact Energy Limited;
 - Andrew Kusabs & David Greaves - Rangatira 8A17 Trust;
 - Tāne Lawless;
 - Geoff Rameka;
 - Garrick Workman;
 - Setareh Stienstra (counsel), Brett Farquhar, Alec Wilson Snr and Alec Wilson Jnr – Rangatira E Trust.
41. Council prepared and presented summary statements from the following witnesses:
- Matt Bonis (S42A author);
 - Colin Meadowcroft (Stormwater);
 - Thomas Swindells (Water);
 - Michael Cordell (Wastewater);
 - David Smith (Transport);
 - Lynda Walter (Archaeology);
 - William Shaw (Ecology);
 - Rebecca Ryder (Landscape and Visual);
 - Morné Hugo (Urban Design);
 - Adam Gray (Contamination); and
 - Geoffrey Farquhar (Geotechnical).
42. In his hearing summary statement, having considered the additional evidence filed, Mr Bonis refined the key matters remaining as:
- how to provide for a Cultural Impact Assessment (CIA);
 - whether a comprehensive Gully Management Plan is required;
 - whether a comprehensive Stormwater Management Plan is required; and
 - the appropriate development threshold and activity status prior to resolving the Waikato River CGB congestion issue.
- He confirmed agreement with the proponent that PC37 would achieve the superior instruments – including giving effect to the Waikato Regional Policy Statement (“**the WRPS**”) – and considered other relevant matters raised appropriately provided for in the recommended provisions.
43. Rather than summarise those statements we deal with the issues raised, as relevant, in the following sections of this decision. While we may not cite particular submitters or submission points that should not be taken as implying that we have not given such due weight. We adopt this approach out of expediency and for the sake of avoiding undue

repetition or unnecessary protraction. Regardless, we note for the record that we are satisfied that submitters material concerns are appropriately addressed in this decision.

44. The proponent's written response and closing was provided by Mr Muldowney and Ms Cleary and addressed the following matters:
- (a) Existing level of service and capacity of the CGB;
 - (b) The activity status of subdivision within the PC37 area;
 - (c) Whether lot sizes should be introduced into PC37;
 - (d) Identification of the depressions in Area C on the Nukuhau Structure Plan;
 - (e) The timing of provision of a catchment management plan and whether there is a need for a separate gully management plan;
 - (f) Cultural effects;
 - (g) Whether the Owners of Rangatira Blocks 8A17A5 and 8A17A6 and Rangatira 8A1T2X and 8A1T2Y and PT Rangatira A1T2 have scope to seek medium density residential zoning;
 - (h) Whether Contact Energy Limited's reverse sensitivity concerns have been resolved through direct negotiations with C N Top Limited;
 - (i) Whether there are any Māori Land Court obstacles to vesting part of the Rangatira 8A17 land (i.e in relation to 8A6B2 Māori land) in Council for reserve purposes; and
 - (j) Concerns raised by Rangatira E Trust in relation to consultation and effects.

PRINCIPAL ISSUES IN CONTENTION AND FINDINGS

45. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officers' response to questions, the following principal issues in contention have been identified:
- The policy context and its correct interpretation;
 - Whether the traffic / transport matters had been appropriately and sufficiently identified, addressed and provided for;
 - Whether the effects on cultural values had been appropriately and sufficiently identified, addressed and provided for;
 - Whether the effects on archaeological values had been appropriately and sufficiently identified, addressed and provided for;
 - Whether the natural gully system is appropriately protected; and
 - Whether the bespoke development controls are appropriate in terms of the overall operative District Plan and the statutory requirements.

The Policy Context

The National Policy Statement on Urban Development 2020 ("the NPS-UD")

46. While it was broadly accepted that the NPS-UD applies, particularly with respect to urban growth and transport infrastructure, the extent to which it applies was subject to different

interpretation – in that Taupo is an urban environment and the Council a Tier 3 local authority.

47. In opening legal submissions Mr Muldowney (referencing Ms Cleary's planning assessment⁶) noted that:
- The PC37 location is consistent with the well-established strategic growth planning in Taupō. It is consistent with Taupō District 2050 ("**TD2050**") which is the long term urban growth strategy for Taupō. The Nukuhau area is identified as a Northern Urban Growth Area in the Operative Taupō District Plan.
 - The WRPS gives statutory life to TD2050 and the Plan Change gives effect to WRPS Policy 6.11: *Implementing Taupō District 2050* by enabling residential growth in Nukuhau.
 - PC37 will make a positive contribution to a well-functioning urban environment by providing housing choice and opportunities for active transport modes.
 - PC37 assists with the provision of sufficient development capacity to meet the diverse needs of its community and the expected demand for housing in a way that is infrastructure-ready, feasible and reasonably expected to be realised in the short to medium term.
48. Mr Heath noted⁷ that Taupo district requires a further 1200 household dwellings on top of currently zoned capacity – of which Nukuhau (i.e. PC37) notionally represents 780 dwellings.
49. In his s42A report Mr Bonis essentially agreed⁸ with the above, though noting that funding for the Control Gate improvements is not identified in Council's current Long Term Plan, and therefore NPS-UD Policy1 [*per* 3.4(3)] is not fully met.

Finding

50. In light of the Court's finding in *Eden-Epsom* we find that NPS-UD policies 2 and 3 do not apply – albeit useful points of reference in terms of the general direction in which the resultant district plan is likely to travel. Clearly being consistent with those policies confers a degree of advantage (without, as the Court records, pre-empting the changes that the resultant district plan might presage); however, on the other hand, being inconsistent with or not giving full effect to those policies is not fatal at this point in time.
51. In terms of the policy provisions that the Court accepted as being engaged, only NPS-UD policy 1 and policy 6(c)-(e) are directly engaged. Those are matters on which PC37 must give effect, being:

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(a) *have or enable a variety of homes that:*

- (i) *meet the needs, in terms of type, price, and location, of different households;*
and
- (ii) *enable Māori to express their cultural traditions and norms; and*

⁶ Cleary, Statement of evidence, paras 17 – 27.

⁷ Heath, Statement of evidence, para 10.

⁸ S42A report, paras 64 – 83.

- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

....

- (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1);*
- (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity;*
- (e) *the likely current and future effects of climate change.*

Finding

52. We are satisfied that PC37 will contribute to a well-functioning urban environment, albeit that is qualified in the medium term by the need to resolve the bridge capacity constraint matter as we discuss next. However, that matter is one that is recognised and for which solutions exist, the precise nature of which remains to be settled and funded. No evidence was put before us to suggest otherwise.

Waikato Regional Policy Statement 2016

53. It was common ground that the general location within which PC37 sits gave effect to the urban growth / development requirements of the WRPS and the important development principles stated in section 6A, which urban growth location had been incorporated into the WRPS as policy 6.11 – implementing TD2050.
54. This matter is comprehensively discussed by Mr Bonis⁹ (as were relevant allied policy issues of indigenous biodiversity; landscape, amenity and urban design; geotechnical risk; and historic and cultural heritage) and was not challenged in evidence (noting, in particular, that the Waikato Regional Council accepted that conclusion).

Finding

55. We find that PC37 will give effect to the relevant urban development provisions of the WRPS.

Traffic & Transport Matters

56. As noted earlier, by the time of the hearing the traffic and transportation matters at issue had been narrowed such that the question for us to determine was largely one of implementation provision(s).

⁹ Op cit, paras 103 – 106.

57. The key question addressed by the relevant experts was whether *any* development should be enabled north of the CGB given the existing peak period levels of service (“**LoS**”), projections for traffic growth through that corridor, and existing planned development north of the bridge (particularly from the Acacia Bay / Kinloch quarter).
58. It also became clear that in considering this issue, the relevant corridor included the two intersections either side of the bridge (Norman Smith Street / Wairakei Drive intersection and the Tongariro Street / Spa Road roundabout) that variously controlled peak traffic northbound and southbound at the bridge. The modelling undertaken by Ms Cui was instrumental in understanding that relationship.
59. We note that some of the existing issues associated with the LoS at the Norman Smith Street / Wairakei Drive intersection would be resolved with the final proposed new Poihipi Road / Wairakei Drive diversion and intersection.
60. Importantly the JWS records agreement¹⁰ (among other things) that development and trip generation associated with 1500 or more additional lots north of the bridge is likely to result in a significant increase in peak period traffic flow, noting that this is not confined to proposed PC37 development alone but *any* development. That threshold figure was subsequently amended to a conservatively agreed 1137 dwellings as discussed below.
61. The travel time modelling undertaken by Ms Cui¹¹ underscored how this might manifest for the morning and evening peak periods and for different route scenarios.
62. Ms Cui’s updated modelling analysis is comprehensively discussed in her Statement of evidence but, given the agreements reached, we see no need to restate that evidence further, and note that Mr Smith records¹² that:
- ... the experts are aligned in accepting the underlying modelling methodology and modelling results, however the remaining differences relate to the interpretation of the results ...*
63. The experts therefore helpfully turned their attention to a scenario less than the outright prohibition of development until such time as the CGB issue is resolved (as initially recommended by Mr Smith and Mr Bonis in the s42A report).
64. Taking as the base case an authorised / permitted development scenario of 997 households / dwellings north of the Bridge plus a further 140 dwellings for PC37 (the qualified demand calculated by Mr Heath¹³ for additional dwellings north of the bridge over the next 10 years), Ms Cui’s modelling indicated bridge travel time delays of 45 seconds at the morning peak and 55 seconds at the evening peak – or an additional 20% in the morning and 10% in the evening at the notional 2030 year. Furthermore, Ms Cui calculated that the LoS change from E to F for the two relevant intersections would occur at around 140 dwellings. Mr Smith¹⁴ was able to support this threshold of development provided it was also associated with active mode provisions that would provide an additional demand cushion (and would potentially include both north and south of the bridge – although not the sole responsibility of PC37 clearly). That position was also supported by Mr Swears.
65. In terms of active mode provision, Mr Sapsford’s evidence for Bike Taupō was particularly helpful in noting both the uptake of biking but also micromobility use (E-bikes and E-scooters). As he noted, the lack of safe cycling infrastructure north of the bridge potentially

¹⁰ JWS, para 2.2(e).

¹¹ Ibid, paras 6.8 – 6.10.

¹² Smith, Summary statement of evidence, para 9.

¹³ Op cit, para 7.

¹⁴ Op cit, para 36.

compromises the CBD proximity benefits – improvements to which are necessary to achieve further gains (and cites Mr Swear's evidence on the matter with approval). Mr Sapsford sought an additional provision in PC37 explicitly requiring the implementation of cycling infrastructure at or prior to subdivision.

66. While Mr Smith was sympathetic¹⁵ to the intent of Mr Sapsford's submission, he remained concerned that it would be difficult to translate into an effective rule with sufficient precision. He noted that such would require upgrades to existing roading infrastructure beyond the purview of PC37 and that this was probably best left for incorporation into detailed planning for, and decisions about, a second river crossing. We agree, noting that Council indicated that this would be a matter carefully considered in that process.

Findings

67. We acknowledge the importance of the LoS issues surrounding the CGB bottleneck and adjacent intersections. That was not in dispute despite technical differences in expert opinion over modelling and interpretation matters.
68. We find that the "compromise" solution proposed of setting a development ceiling of 1137 household dwellings north of the CGB, with a maximum of 140 new dwellings in the PC37 plan change area, in conjunction with on-going active transport mode encouragement by Council, will provide for a sufficient level of development while the CGB matter is resolved. We are thereby satisfied that the CGB issue is not a reason for declining PC37.
69. We also find that active mode improvements to and in the immediate roading network is a matter that Council is aware of, is focussed on, and is neither a reason for declining the present plan change nor for requiring specific remedies of the proponent.

Cultural Values - Tangata Whenua Engagement

70. The notified application contained a brief outline of engagement that had occurred with tangata whenua including with various Iwi Authorities. The s42A report and various submitters questioned whether there had been appropriate and sufficient consultation with tangata whenua. The lack of tangata whenua engagement in the Archaeological Assessment was also raised by Heritage New Zealand Pouhere Taonga¹⁶ and by Ms Walters for the Council.
71. At the hearing, we heard further details about the consultation process undertaken by the applicant from Mr Crawford¹⁷. We also heard in evidence and submissions from Rangatira E that they did not consider themselves to have been adequately consulted on the plan change application. The responses arising from tangata whenua engagement were limited and there was a clear lack of identification of cultural values.
72. As noted elsewhere in our decision, we consider that the Plan Change area has already been determined as being suitable for residential development as part of the TD 2050 consultation and engagement process. The proponent did not prepare a Cultural Impact Assessment and was not required to do so. We note however, that had a CIA been prepared, we would have been better placed to assess any cultural effects arising from the plan change.

¹⁵ Smith, Summary statement, paras 11 – 15.

¹⁶ Sub 36

¹⁷ Crawford, Statement of evidence, paras 59 – 83, and Reply Statement

73. We directed Ms Cleary to prepare supplementary evidence relating to the matter of cultural effects. We found that evidence helpful in weighing the evidence before us.
74. We concur with Ms Cleary that: "engagement with mana whenua is important to understand and identify potential cultural effects and to ensure that the RMA requirements in Part 2 of the RMA are met, including in relation to the exercise of kaitiātanga (s7(a) of the RMA), and recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s6(e)) and the protection of historic heritage from inappropriate use and development (s6(f))."
75. We are conscious that any amendments we recommend to PC37 must either fall within the scope of the notified plan change and of submissions (Clause 10 of Schedule 1 to the RMA) or have been volunteered by the proponent within that same scope.
76. We consider that the Structure Plan process requires a consideration of cultural effects not currently provided for within the ODP. This would require provisions that consider and address the form, subdivision and development of the area during the initial subdivision process.

Finding

77. We agree with Ms Cleary's opinion that there is a small risk of adverse effects on cultural values despite those (and measures to address them) not having been identified for the Nukuhau Structure Plan¹⁸. In our opinion, and based on the largely process-led evidence presented by submitters, that is not sufficient ground for declining the plan change and we agree that a CIA (for the entire area of the Plan Change) can and should be prepared as part of the first subdivision application.
78. We considered the differing provisions relating to the requirement for a CIA proposed by Ms Cleary and Mr Bonis in their primary statements of evidence, and in Ms Cleary's supplementary evidence.
79. On balance, we prefer the original assessment criterion for subdivision and have amended the provisions accordingly as follows¹⁹:

Amendment of 4.a.7.2 to include:

- (iii) *effects of the proposed subdivision on areas or features of cultural value will be considered in relation to a cultural impact assessment provided by the applicant and prepared by or on behalf of the appropriate iwi authority representatives and mana whenua representatives, or written confirmation from the appropriate iwi authority that no cultural impact assessment is required. Note: it is envisaged that a cultural impact assessment will be prepared for the entire Nukuhau Structure Plan area and that will provide an assessment of cultural effects for all subsequent applications for subdivision consent.*
80. We find that the above assessment criterion will assist in ensuring that future decision makers are able to assess cultural values that can inform the design and layout as part of the subdivision consent process.

¹⁸ Cleary, Supplementary statement of evidence, para 55.

¹⁹ Cleary, Statement of evidence, page 96.

Archaeological values

81. Between October 2017 and February 2019 an 'ArchCheck' archaeological assessment was carried out by Opus International Consultants. This was primarily a desktop exercise with a brief site visit. The report recommended that further research be undertaken in the form of an archaeological assessment report for an archaeological authority prior to earthworks.
82. Mr Bonis in his s42A report, and referring to the report of Ms Walter, notes that the archaeological assessment completed at that time identified a low risk for archaeology and the likelihood of minor negative effects on archaeological values. While not all of the proposed plan change area was surveyed it was noted that two depressions were recorded in area C.
83. Mr Bonis further indicated that there remained a contested matter of whether mana whenua had been properly consulted.
84. Further evidence was provided by Ms Sykes on behalf of the proponent, Ms McAlley on behalf of Heritage New Zealand Pouhere Taonga, and by Ms Walter for the Council.
85. Additional assessments were carried out by Ms Sykes.
86. The conclusion of this is succinctly set out in Ms Walter's evidence where she noted²⁰:

The additional archaeological assessment undertaken is sufficient to determine that PC37 will not have an adverse effect on archaeological sites in Areas A & B.

An archaeological exploratory investigation of the depression identified in Area C should be carried out, as provided by Sec 56 of the Heritage New Zealand Pouhere Taonga Act 2014 prior to development occurring in that area.

Finding

87. We agree with the consensus reached that further assessment is required prior to development. We note that the only features identified as having potential as an archaeological site are the depressions located in area C.
88. We therefore find it appropriate that an archaeological assessment be completed in relation to the depressions identified in area C before development occurs. Further, that development of the remainder of the PC37 area be undertaken under an Accidental Discovery Protocol (ADP) basis.
89. We have included provisions to that effect, noting that this will require a full PC37 area CIA to be undertaken for the first development under these provisions. We leave decisions about whether or not that might involve a co-operative landowner approach rather than solely being an obligation on the first subdivider to the parties. We are satisfied that the requirement is a reasonable RMA provision and that we do not need to direct the means by which it might be conducted.

Natural Gully System and Stormwater Management

90. As Mr Palmer noted, the Nukuhau catchment is approximately 240 hectares, has conveyed significant stormwater flows in the past, and those historic flows will increase with increased areas of hard surface from existing and future urban development, increasing risks for existing downstream development from PC37.

²⁰ Walter, Summary statement, paras 8 – 9.

91. Mr Palmer and Ms Craven for WRC, and Ms Penton for Lakes & Waterways Action Group, raised the question as to whether PC37 gave sufficient attention to and protection for the natural gully system that crosses the plan change area. In their initial evidence a gully system management plan was proposed separate to the comprehensive Stormwater Management Plan ("**SMP**") that is proposed (in line with the relevant WRC guidelines – but not as a full Catchment Management Plan prepared for the entire PC37 development area as initially proposed by Mr Meadowcroft, noting that Council will require this new area to be incorporated with the existing Nukuhau residential area into its comprehensive urban stormwater discharge consent).
92. The proposal at the hearing was for the main gully stormwater flows to be mitigated (attenuated / slowed) to predevelopment levels for up to a 1% AEP (100-year) rainfall event and to use the gullies through planting and detention to that end. It was this latter aspect that was of concern to those submitters, who feared that this could prioritise flood control over natural values protection and result in the undue realignment of those gullies (either through erosion or through physical contouring works). We note that Mr Palmer²¹ was not opposed to the use of the gully system as stormwater reserves provided appropriate erosion and sediment control measures / provisions are in place.
93. Mr Hendricks sought a number of additional provisions in order to avoid the risk of gully erosion or modification – including mandatory rainwater tanks, green roofs, co-generation via conveyance pipelines, etc. While some or all of those options might be worth further investigation at the time of development, we had insufficient material evidence before us to turn those ideas into actual provisions that might then satisfy a s32 RMA evaluation.
94. By the end of the hearing it appeared to be common ground that the gully matters of concern could, and probably should, be managed through the stormwater proxy since this would better ensure integrated management of the respective issues. WRC indicated that it was satisfied with the provisions with the addition of reference to the WRC's *Erosion and Sediment Control Guidelines for Soil Disturbing Activities* (TR2009/02). That was agreed and reference has been included.

Finding

95. We agree with the final position that seemed to be arrived at by the relevant experts and as the proponent now proposes be adopted into the provisions. Gully management and stormwater management are necessarily intertwined in the case of pumice soils and both the Council and WRC are competent and experienced in terms of their management processes.

Bespoke Development Controls

96. We are satisfied that with the relatively minor amendments made by us to the final set of draft provisions provided by the proponent, that a suitable set of bespoke provisions is now available to us for decision and recommendation. Furthermore, to the extent that we are able, we are satisfied that those provisions do not unnecessarily duplicate existing TDP provisions, go no further than is necessary to achieve the objective of PC37, and are within scope of the notified plan change and the submissions and further submissions made upon it.
97. As noted in Mr Muldowney's and Ms Cleary's replies, agreement was reached on a number of additional provisions including:

²¹ Palmer, Statement of evidence, para 14.

- (i) maximum lot and density controls, particularly so that in the medium density zone the projected densities are more likely to be achieved. While the TDP does not generally contain such controls we consider those necessary to achieve the objectives for Nukuhau, and understand that Council is considering similar options for the forthcoming plan review; and
 - (ii) specific identification on the Structure Plan of the two pit depressions as a formal reminder that requisite authorities may be required should development impinge upon them.
98. We also note that the particular reverse sensitivity issue of concern to Contact Energy Limited with respect to operational matters involving its Poihipi Road geothermal power generation plant had been resolved by the close of the hearing by way of Memorandum of Agreement with CN Top Ltd requiring the registration of an encumbrance on all relevant titles subsequently issued from subdivision of the CN Top land, Lot 2 DP 384060. That was confirmed by both Mr Muldowney in reply. As such no specific provision was sought or considered necessary for inclusion in PC37.
99. The issues discussed above are also subject to specific requirements for such matters as detailed integrated transport assessments and stormwater management plans to ensure that the CGB and gully matters are appropriately addressed at subdivision stage – and appropriate activity statuses are attached.

STATUTORY PROVISIONS

100. The RMA sets out a range of matters that must be addressed when considering a plan change. These matters have been identified (correctly in our view) in the s32 Report (section 4), the s42A Report (section 4 and Attachment B), and in Mr Muldowney's opening legal submissions²². Ms Cleary provided a s32AA RMA evaluation on further amendments proposed as Attachment 2 of her final reply evidence. We note that Mr Bonis considered the plan change satisfied those requirements and we agree.
101. We also note that s32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the proposal.
102. Having considered the evidence, submissions, legal advice, and relevant background documents, we are satisfied, overall, that PC37 has been developed in accordance with the relevant statutory and policy matters with regard to the Council's s31 RMA functions relating to the integrated management of effects (s31(1)(a)) and the provision of sufficient development capacity (s31(1)(aa)) in particular. The plan change will clearly assist the Council to effectively administer the Taupō District Plan.
103. In terms of Part 2 of the RMA, Mr Muldowney submitted²³ that recourse was not required because there is no ambiguity in the higher order planning documents and the settled King Salmon exceptions regarding lawfulness, coverage and uncertainty of meaning do not apply. However, he noted that Ms Cleary had undertaken a full Part 2 analysis out of caution, concluding that PC37 had been developed in full compliance with those sections.
104. With the exception of the NPS-UD, also noted by Mr Muldowney, Mr Bonis agreed – and he had satisfied himself on that matter.

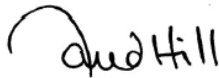
²² Op cit, paras 70 – 73.

²³ Op cit, paras 75 – 79.

105. We agree that little utility is likely gained from a Part 2 analysis (as is effectively demonstrated from Ms Cleary's analysis). We have noted a gap in the cultural values assessment area and received an explanation for that from Mr Crawford. Having heard that matter in evidence from submitters we are satisfied that the CIA provision we impose closes that gap such that there remains no outstanding s6(e) or 8 RMA matter.

DECISION / RECOMMENDATION

106. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 37 – Nukuhau to the Taupō District Plan be approved, subject to the modifications as set out in this decision.
107. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's section 42A report, response to Commissioners' memo and closing statements, except as identified above in relation to matters in contention.
108. The reasons for the decision are that Plan Change 37:
- (a) will assist the Council in achieving the purpose of the RMA;
 - (b) is consistent with the Waikato Regional Policy Statement;
 - (c) is consistent with the provisions of Part 2 of the RMA;
 - (d) is supported by necessary evaluation in accordance with sections 32 and 32AA of the RMA;
 - (e) accords with the s18A RMA requirement that it includes only those matters relevant to the purpose of the Act and is worded in a way that is clear and concise; and
 - (f) will help with the effective implementation of the plan.



David Hill
Chairperson
and for Commissioners Dayle Hunia and Councillor Kevin Taylor

Date: 10 February 2022

Attachment 1: Plan Change 37 – Nukuhau – Provisions

Attachment 1 – PC37 Provisions

Note: PC37 as notified is in [blue underlined font](#); the Hearing Panel's recommended further amendments are in **bold underlined font**

3a RESIDENTIAL ENVIRONMENT

3a.1 Introduction

The District contains a variety of residential areas, referred to in the Plan as the Residential Environment. These include the major communities of Taupō, Turangi, and Mangakino, as well as smaller lakeshore and rural settlements. While each community has a distinct character, determined primarily by its size and setting, the basic elements of each are the same. The predominant activity within the Environment is residential, with the character of the existing activities established through conformity with past planning controls, resulting in the establishment of a shared and recognisable amenity. Maintenance of this established character and amenity is important to those who reside within the Residential Environment, with the expectation that these 'residential' levels will be retained.

Elements of the character of the Residential Environment which the majority of residents value include an attractive streetscape; a reasonable ratio of private to public open space; a degree of consistency in the size, scale, density, and style of buildings; a need for privacy; shared access to outlook, sunlight or views; low levels of environmental effects such as traffic movements to and from sites, noise, vibration, odour, and dust; and a safe and functionally effective environment for traffic and pedestrians.

However, the Residential Environment can accommodate a range of 'non-residential' activities without a loss of amenity, just as these areas can suffer from a 'residential' activity of an inappropriate scale or intensity. Therefore all activities are required to meet the identified minimum standards, protecting the amenity and character of the Residential Environment, while also allowing a wide range of appropriate activities to occur.

The Residential Environment has been identified in the Plan and on the Planning Maps in a number of different forms. To provide clarity the following mapped or planned areas are considered to be part of the Residential Environment and all appropriate rules and performance standards (note that those that relate specifically to that type of Residential Environment should be considered first):

- Residential
- High Density Residential
- Low Density Residential
- Kinloch Rural Residential Area
- Kinloch Low Density Residential Area
- Kinloch Residential Area
- New Residential Environment

- Unserved Residential Environment
- Mapara Residential Environment
- [Nukuhau Residential and Nukuhau Medium Density Areas](#)
- Development Area (as consented under Rules [4f.1.7](#) or [4f.1.8](#))

3a.2 Objectives and Policies

OBJECTIVE

3a.2.1 The maintenance and enhancement of the character and amenity of the Residential Environment.

POLICIES

- i. Maintain and enhance the character and amenity of the Residential Environment by controlling the bulk, location and nature of activities, to ensure activities are consistent with a residential scale of development, including an appropriate density and level of environmental effects.
- ii. To enable a range of small scale home based employment opportunities, and local community facilities and services to establish in Residential Environments, subject to:
 - a. compatibility with Residential Environment amenity and character;
 - b. avoidance of adverse effects on the function and amenity of the Taupō Town Centre, and the adjoining road network; and
 - c. a consistent scale of non residential buildings and activities that maintain residential coherence and amenity.
- iii. To provide for a number of small scale convenience based retail, commercial and community facilities as identified as a “Shop” on the Planning Maps where these:
 - a. provide a high standard of urban amenity; and
 - b. remain compatible with the scale of the surrounding residential environment.
- iv. To have regard to the physical resource and investment of existing business activities within the KTHD area when considering their on-site development
- v. Any relevant Structure Plans, strategies or guidelines should be taken into account in the design of any development within the residential environment.
- vi. Encourage a wide range of appropriate activities and development within the Residential Environment while ensuring any adverse effects are avoided, remedied or mitigated.
- vii. Maintain Specific Requirement Areas through protecting the established character of these areas in locations where the resulting amenity is valued.

- viii. Protect the character of the District's lake and river margins from buildings which are visually obtrusive and/or result in the loss of amenity of the foreshore area, by controlling the scale and location of structures.
- ix. Avoid, remedy or mitigate adverse effects of subdivision, use and development in the residential areas on cultural, historic, landscape and natural values, as identified through the provision of this Plan.
- x. Recognise the important role of reserves and their existing infrastructure and services (including those provided by commercial operators) in providing recreational opportunities for the community.

EXPLANATION

A typical scale and character of development and level of environmental effects has been established over time, creating a valued level of amenity within the Residential Environment.

To ensure the amenity and character of the Residential Environment is maintained and enhanced, minimum performance standards have been identified. These standards reflect past practice and the normal range of activities which occur within the Residential Environment. The standards allow for an appropriate amount of change and development to occur within the Environment. Therefore any effect of an activity meeting these minimum standards is likely to be no more than minor.

Accordingly, any activity which does not meet one or more of the minimum standards can be expected to have a higher probability of generating an effect which may be more than minor, with the potential to detract from the amenity and character of the Residential Environment. As such, the activity will be subject to a full and comprehensive assessment of environmental effects through the resource consent process.

Threats to the character and amenity of the Residential Environment include structures and activities of an inappropriate or 'non-residential' scale, location or density. Provision for sufficient daylight and privacy, outlooks not dominated by bulky buildings, the maintenance of a residential streetscape and open space, as well as provisions addressing vehicle safety including access, movements and manoeuvrability, are required to maintain the character of the areas and ensure the amenity values of the Residential Environment are not adversely affected.

Other documents prepared under the Local Government Act 2002 and other relevant legislation can also be appropriate to be utilised in the assessment of resource consents as other relevant documents through section 104(1)(c) of the Resource Management Act 1991. Whilst these documents do not have any statutory weight they are prepared via a process of community consultation and contain information and guidance pertinent to development in the District.

Provision is made for small scale home based employment opportunities, and local community facilities and services which could appropriately be located in Residential Environments in terms of compatible effects. Such effects can relate to matters such as traffic generation, visual detracting, hours and scale of operation, noise and outdoor advertising. However, providing Residential amenity values are preserved, allowing small scale home-based employment opportunities to locate in living areas will contribute to

the economic development of the District. The provision of local community facilities and services can also assist in providing for the social wellbeing, and health and safety needs of nearby residents, enriching such communities.

A limited number of identified local convenience centres, notated as 'Shops' on the Planning Maps, are also provided for within the Residential Environment in recognition of the important role such centres have in meeting local convenience needs for goods, services and community activities. These centres have been established for many years, and are conveniently located generally within walking distance of the areas they serve. Local shop areas will be required to operate in a manner compatible with the surrounding Residential Environment so as not to cause a nuisance or adversely affect amenity.

Limitations to the scale and extent of such non-residential activities are necessary to ensure that residential amenity, character and coherence can be maintained. It is also important that there is not a significant dispersal of such activities from those Environments which are better suited or more appropriate to accommodate such activities.

The location of retail and office activities in the Residential Environment has the potential to undermine the continued agglomeration of retail and office activities within the Taupō Town Centre Environment with a reduction in the associated economic and social benefits. Those benefits are supported through the objectives and policies of Section 3 *Business Distribution*. Small scale retail and office activities are provided for in the Residential Environment, however as these activities increase in scale their impacts on the function and viability of the Taupō Town Centre Environment and the character and amenity of the surrounding Residential Environment need to be assessed. Provision has been made for slightly larger office activities within the KTHD area to the east of the Taupō Town Centre Environment. This recognizes the close proximity of this area to the Taupō Town Centre Environment and its appropriateness for accommodating emerging office activities that are commonly larger than a home occupation.

Some Residential areas of the District have been established through special provisions or consent conditions. These areas have been designed to protect significant values or to maintain a preferred character or amenity. In the Plan, they have been recognised through the formation of specifically identified High Density, [Medium Density](#), Low Density and Specific Requirement Areas. Performance standards individual to the standard of development existing within the particular area will protect the area's valued character and amenity.

High Density Areas are predominately residential in character and amenity, but can contain a greater variety of activities. The resulting development is often undertaken at a higher scale and intensity than within other areas of the Residential Environment, and includes intensive residential units, and commercial accommodation activities. As such, the performance standards for these areas have been identified at a higher level of density to reflect the difference in the character of the areas.

[Medium Density Areas are residential in character and amenity but at a higher intensity than general residential development, while still being of a lesser scale and intensity than High Density Areas; such as semi-detached and terraced housing, low rise apartments, detached housing on smaller sites, and other compatible activities. Performance standards for these areas have been identified to reflect a higher level of development intensity that is still strongly residential in character.](#)

Low Density Areas of the Residential Environments have often been referred to as the “rural residential” areas of the District. These areas provide for a special form of residential lifestyle with a semi-rural outlook. The predominant activity is still ‘residential’ in nature, resulting in the residential amenity and character of the area. As such, these areas have been identified within the Residential Environment, with performance standards which reflect the lower level of density than in the other parts of this Environment.

Specific Requirements Areas and lakeside settlements exist in various locations within the District and include such areas as Rangatira Point, Kinloch and Motuoapa Hill. These areas have been established to a particular character, often through conditions of resource consent, to establish a desired level of amenity, unique in comparison with the general amenity provisions of the District. This form of planning for communities will continue, with the Plan encouraging the retention of existing areas and the development of new areas with appropriate requirements recognising special features and amenity of a particular locality.

In some cases, such as Kinloch, ~~and Nukuhau~~, structure plans have been undertaken, and contain useful and relevant information in respect to what is an appropriate density, scale or form of development for that particular area.

Additionally, Height Restrictions and Foreshore Protection Areas have also been established through past planning provisions. These areas will be maintained, and other appropriate areas included, where there is the potential for structures to adversely affect valued foreshore areas. These areas will protect the views, both from and to the shore, from excessively bulky or visually obtrusive development and protecting the interface between land and water, to preserve the natural character of the District’s lakes and rivers and their margins, and the maintenance and enhancement of public access, in accordance with Section 6 of the Act.

Nuisance factors can cause an adverse effect, changing the character and causing a loss of amenity within the Residential Environment. These nuisances can come in various forms including inappropriate levels of vehicle movements, car parking demand, noise and artificial light levels and signage.

Accordingly, activities will be managed to ensure the protection of the amenity values of the Residential Environment as well as the safe and efficient operation of the roading network. Excessive vehicle movements, including associated noise and vibration nuisances and insufficient onsite parking all have minimum standards which are required to be met. Noise and artificial light levels will also be managed, with their effects minimised to avoid adverse effects on the amenity of the Residential Environment. The provision of signage will be balanced between the public information role, traffic safety and the protection of the amenity values of an area.

Sediment and dust levels are included for control within the Plan but only at nuisance level. Although these effects are predominantly Regional Council concerns, they have been included due to their potential impact on the character and amenity of the Residential Environment. Compliance with the standards does not preclude activities from compliance with the relevant Regional Council provisions also covering these issues.

OBJECTIVE

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

POLICIES

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

EXPLANATION

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

OBJECTIVE

3a.2.2A A range of housing types and densities is available in the Nukuhau Structure Plan area to meet the needs of all communities and the growth of Taupō.

POLICIES

- i. Enable a variety of housing types in the Nukuhau General Residential and Nukuhau Medium Density Zones including integrated residential development such as low-rise apartments, semi-detached or terraced housing, and multi-unit development; and retirement villages.

EXPLANATION

There is a need to provide a range of housing typologies to accommodate the diverse needs that exist in the community, including families, single or two person households, options for extended families and housemate arrangements. In order to meet the needs of an ageing population there is also a need to provide a range of housing options with an appropriate range of facilities. The location of some housing typologies, in particular those at a higher intensity of development such as Medium Density should also consider convenient accessibility to open space.

OBJECTIVE

3a.2.3 To maintain and enhance the existing amenity and character of the Kinloch residential area and provide for appropriate residential development in the Kinloch Community Structure Plan Area.

POLICIES

KINLOCH COMMUNITY STRUCTURE PLAN AREA

- i. Encourage development within the Kinloch Residential Area to be carried out in a manner consistent with the amenity and character of the existing settlement and reflects the intent of the Kinloch Community Structure Plan.

- ii. Enable and Encourage development in the Kinloch Low Density Residential and Rural Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Structure Plan.
- iii. Subdivision, and resulting development, that creates lots which are smaller than the minimum lot size than specified in Table 4.1 of this plan, should be designed so that the resulting development is clustered and is integrated into the landscape, coupled with a strong framework of tree and vegetation planting.
- iv. Subdivision in the Kinloch Community Structure Plan Area should only occur where the resulting lots will be connected to community wastewater network infrastructure.

KINLOCH LANDSCAPE POLICY AREA

- v. Subdivision design should make use of existing landform and landscape features to ensure that the built form complements the character of the area and does not detract from it.
- vi. Buildings should be located to minimise earthworks that may adversely affect the character of the area.
- vii. Buildings should be integrated into the site so that the built form is not dominant.

KINLOCH COMMUNITY STRUCTURE PLAN AREA

The Kinloch Community Structure Plan Area is identified on the Planning maps and in Appendix 1 of this Plan. Through the structure planning exercise it has been identified that the Kinloch Residential Area has a character and amenity that is unique to this area and new subdivision and development should be consistent with this. The intent of the Kinloch Community Structure Plan is reflected in the Structure plan map contained in Appendix 1 of this plan. Appendix 1 provides guidance in to what density and form of subdivision and development is appropriate within parts of the structure plan area.

There will be situations where it may be appropriate for subdivision to occur to densities which are characterised by smaller lot sizes than those identified in table 4.1 of the Plan. Such development need be designed in a way where any effects to the amenity or character of the area are suitably avoided remedied or mitigated. These more intensive areas for development should be offset by expansive areas of open space and/or planting to retain the lower density character of the Kinloch Community Structure Plan Area. A strong framework of tree and vegetation planting should also be carried so that the development is not out of character with the wider structure plan area.

As mentioned above nuisance factors can cause an adverse effect in the residential environment. On site waste water systems can potentially create such nuisance effects and are therefore inappropriate in the residential environment. Although parts of the Kinloch Community Structure Plan Area are characterised by larger lots, the risk is intensified by there being a high concentration of such lots. Like dust and sediment they have been included due to their potential impact on the character and amenity of the Residential Environment, but unlike dust and sediment they can potentially cause wider issues, such as in relation to health. Connection to the community waste water system will also improve the effective and efficient use of the infrastructure resources in the structure plan area.

Polices relating to the Kinloch Landscape Policy Area provide for the consideration of an appropriate style of development within this area. The ridgeline area has been identified as providing a green backdrop to the Kinloch residential area and development needs to consider this.

OBJECTIVE

3a.2.4 To enable the New Residential Environment to be developed in a manner which reflects the characteristics of the land and minimises offsite effects.

POLICIES

- i. Subdivision and development in the New Residential Environment should be in a form and layout that includes a range of built densities that are appropriately suited to the physical, landscape and amenity characteristics, natural values and constraints of the land.
- ii. Subdivision and development in the New Residential Environment should not adversely affect the amenity of the wider Residential Environment.

EXPLANATION

Whilst the New Residential Environment has been identified as suitable for residential development, the physical and landscape characteristics of the site require that the form and built densities of that development would have to be more sensitive to such factors. This is especially pertinent for the New Residential Environment in Kuratau with parts of that Environment affected by landscape values, natural values and flooding. Such matters would need to be considered and assessed as part of any consents lodged.

LAKE OHAKURI DEVELOPMENT ZONE

Lake Ohakuri Development Zone (LODZ) is a holiday destination based around the amenity of the lake and surrounding hill country. The Lake Ohakuri Site is a unique site within the Taupō District with a history of resort style holiday accommodation. It has been envisaged as a 'bach-like' low intensity zone controlled by open space, block pattern and building standards. There is great stock taken in creating and maintaining a forest environment with clear and accessible open space network, walkways and cycleways.

The waterfront is defined by an extensive public waterfront reserve interspersed with the development opening up with arms of parkland connecting the ridge to the lake – a large central domain at the promontory being the focal point. This is reinforced by pathways that follow the gully systems up at either end of the site and connect with the surrounding hill country and forest.

The centre is defined by grouping of buildings and houses that create a sense of centre. More intensive housing and commercial facilities create a vibrant and active heart focused on an enhanced lakefront wharf and square.

The remainder of the site is occupied by lower density residential housing arranged along a loop pattern made up of blocks with internal courts. This network of blocks is interlaced with both public and private open space. Cars are largely contained to the internal loop road and development block parking courts.

OBJECTIVE

3a.2.5 Enabling the Lake Ohakuri Development Zone as a holiday resort.

POLICIES

- i. Ensure a pattern of development in the Lake Ohakuri Development Zone that:
 - a. is in general accordance with the block pattern and structure in [Appendix 4](#) and on map D4, and
 - b. is consistent with the key principles of development as described in Section 1 of [Appendix 4](#), and
 - c. exhibits the Essential Qualities identified in Section 2 of [Appendix 4](#), and
 - d. is in general accordance with the Aims and Objectives of quality places in section 3 of [Appendix 4](#), and
 - e. is in general accordance with the indicative typology plan in Section 4 [Appendix 4](#). ii.

A variety of open spaces should be provided, passive and natural, private and public, suitably located and connected to enhance and mitigate the effects of built development in the zone.

EXPLANATION

The Lake Ohakuri Development Zone is a unique site with a history of resort style holiday accommodation, to be developed in a manner that results in a high quality resort environment characterised by well designed spaces and places. Map D4 and [Appendix 4](#) identify and describe the resulting use of the site. The guidance contained in the map and Appendix needs to be considered as the primary guide to achieving the anticipated development in the zone. Building typologies and mixes have been identified that best suit the zone; these are described in performance standards and in Section 4 of [Appendix 4](#).

[NUKUHAU STRUCTURE PLAN AREA](#)

[The Nukuhau Structure Plan Area is identified on the Planning maps and in Appendix 9. The intent of the Nukuhau Structure Plan is reflected in the Structure Plan map contained in Appendix 9 of this plan which provides guidance as to what density and form of subdivision and development is appropriate within parts of the structure plan area.](#)

[As at November 2020, the existing wastewater network does not have capacity to service the development of this land. Therefore development can only occur when the wastewater infrastructure has been upgraded to has met with the satisfaction of Council.](#)

Council investigations of options for a second Taupō bridge, possibly near the existing Taupō Control Gates Bridge, will determine the preferred location and alignment of a new bridge. A new bridge will be needed to cater for the development capacity that Council needs to ensure, in order to fulfil its

responsibilities under the National Policy Statement Urban Development 2020. Until Council has provided this infrastructure, development of areas to the north of the Control Gates bridge may result in traffic that causes delays and queuing at the Control Gates Bridge, and/or the intersections on either side of the bridge. This issue gives rise to the need for an assessment of the traffic effects of the subdivision of the Nukuhau Structure Plan area, before it can proceed. Resource consent applications for subdivision will need to provide an Integrated Transport Assessment so that the traffic effects at the Control Gates Bridge and the intersections on either side, can be assessed and the effectiveness of any proposed mitigation measures considered.

The Nukuhau Structure Plan area is characterised by gully systems and natural flow paths, as such development of the land should protect and enhance these features. The future development of the land should respect and take advantage of the amenity, legibility and identity opportunities offered by existing topography and long-view opportunities. Key amongst these opportunities are the relationships between residential properties and the gully-open space network, and the long views towards the Lake and volcanic cones, views of the Punatekahi hills and the gully network within the western area of the Structure Plan area. Through the structure planning exercise it has been identified that given the proximity of the land to the CBD and ability to provide convenient access to open space, this location is suitable for areas of general and medium density residential zoning to enable development of a variety of housing in Taupō.

An area of potential archaeological interest was identified during the preparation of the Nukuhau Structure Plan, and is illustrated on the Structure Plan (Appendix 9). This area consists of two visible depressions. Research to date has been inconclusive as to their origin and whether they are archaeological in nature. If archaeological in nature, they are likely to be storage pits and may also indicate near-by additional archaeological features such as occupation and/or gardening. It is a prosecutable offence under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand Pouhere Taonga to do so. For ground disturbance works in this area, an archaeological excavation, under an authority to do so, of the area of archaeological interest is required. In the first instance, contact Heritage New Zealand Pouhere Taonga in regard to this. Should the depressions be investigated and determined to be archaeological, preservation of the site may be considered and discussed between the relevant stakeholders.

OBJECTIVE

3a.2.3 To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan while maintaining and enhancing the local network of gullies and stormwater flow paths in a manner that contributes positively to residential amenity and character and minimises offsite effects.

To enable residential development of the Nukuhau Structure Plan Area as envisaged by the Plan, in a manner that contributes positively to residential amenity and character and minimises offsite effects, while:

- a. ensuring the risk of erosion of, and exacerbation of flood risk downstream from, the major gully systems within the Nukuhau Structure Plan are avoided, remedied or mitigated; and,

- b. maintaining and enhancing the natural gully system identified in the Nukuhau Structure Plan as stormwater flow paths as far as practicable.**
- c. ensuring that the safe, efficient and effective operation of the existing roading network of the Control Gates Bridge and intersections either side of the bridge is maintained as the Nukuhau Structure Plan develops.**

POLICIES

- i. Encourage development in the Nukuhau Structure Plan area to be carried out in a manner which reflects the intent of the Nukuhau Structure Plan.
- ii. Achieve an appropriate level of residential amenity and character.
- iii. Enable the development of a range of housing types, to provide a choice of living environments.
- iv. Achieve a connected open space and walking-cycling network centered on **the natural gully system identified in the Nukuhau Structure Plan**, stormwater reserves and street corridors with a high amenity interface with the residential uses .
- i.v. Subdivision in the Nukuhau Structure Plan Area should only occur where the resulting lots will be connected to Council's wastewater network infrastructure.
- vi. Significant adverse traffic effects from subdivision and development within the Nukuhau Structure Plan on the safe, efficient and effective operation of existing roading infrastructure at the Control Gates Bridge, and/or the intersections on either side of the Bridge, are avoided, remedied or mitigated.**
- vii. The risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.**

3a.3 Methods

- i. **Performance standards** for permitted activities which protect the character, amenity and functioning of the Residential Environment and take into account the density of development.
- ii. **Environmental assessment** of activities which do not comply with performance standards through the resource consent process.
- iii. **Conditions** on resource consents such as consent notices and covenants on titles.
- iv. **Education** and information on the existing environmental levels, values, and amenity associated with the Residential Environment.
- v. Payment of **Financial Contributions** for reserves and roading. Refer to Section 5 of the Plan.
- vi. **Council Policy** such as through Structure Plans to guide the growth of the District.
- vii. Compliance with Council's **Development Guidelines** to ensure a suitable standard of infrastructure.
- viii. Allocation of funds through the **Strategic and Annual Plan** processes.

- ix. Rules and policies within any relevant **Regional Plan or Policy Statement**.
- x. **Other legislation** and Council **Bylaws**.
- xi. The implementation of any Joint Management Agreement between Council and Iwi.
- ~~xi~~.xii. [Subdivision design guidance for the development of the Nukuhau Structure Plan area to enhance character and amenity and access to open space for a mixture of general and medium density residential development.](#)

3a.4 Principal Reasons for Adoption

A typical scale and character of development and level of environmental effects has been established over time within the Residential Environment. This has resulted in a particular character and amenity within the Residential Environment, which is valued by residents of the area.

Threats to the character and amenity of the Residential Environment have been identified in the District wide issues, policies, rules and performance standards and are further discussed within the explanation for this Environment.

This section of the Plan recognises the changes to the Residential Environment, which occur over time and the desire of the community for minimum controls over activities, while also retaining the valued amenity and character of the Environment.

Accordingly the approach within this section is to place emphasis on assessing the potential environmental impacts through a series of standards which must be met in order for any activity to be permitted. Failure to meet one or more of these standards requires that an activity obtain resource consent, at which time a full and comprehensive assessment of environmental effects would be undertaken.

This approach will protect the character and amenity of the Residential Environment while allowing for a range of activities to occur.

The Residential Environment has different types of character that have established over time. This has resulted in different levels of amenity, which are accordingly provided for through the recognition of the different character types. Specific policies are needed to recognise and protect these areas.

3a.5 Anticipated Environmental Outcomes

- i. Whilst predominantly consisting of Residential activities, a variety of activities and development compatible in scale, amenity and character with development within the Residential Environment.
- ii. New development does not create adverse impacts in terms of overshadowing, excessive building scale, vehicle movements or lack of privacy.
- iii. Protection of the wider environment and community from nuisances such as excessive dust, noise, glare, odour and stormwater.

- iv. The recognition and protection of the different types of character and levels of development within the Residential Environment.
- ~~iv.~~ v. A range of choice in housing types and densities in appropriate locations able to be adequately serviced by **roading infrastructure**, utilities and open space infrastructure.
- vi. The development of the Lake Ohakuri Development Zone occurs in a manner consistent with **Appendix 4**.
- vii. The development of the Nukuhau Structure Plan area occurs in a manner consistent with **Appendix 9**.
- viii. **Risks of significant erosion and flooding within the natural gully system identified in the Nukuhau Structure Plan are avoided, remedied or mitigated.**

4a RESIDENTIAL ENVIRONMENT

Section Index:

[4a.1 Performance Standards and Development Controls](#)

[4a.2 General Rules](#)

[4a.3 Subdivision Rules](#)

[4a.4 Kinloch Structure Plan Area Rules](#)

[4a.5 Lake Ohakuri Development Zone Rules](#)

[4a.6 Pukawa C Development Zone](#)

[4a.7 Nukuhau Structure Plan Area Rules](#)

[4a.7-4a.8 Assessment Criteria](#)

4a.1 Performance Standards and Development Controls

Please note: Where land has been identified as a Specific Requirement Area this means that there are additional Performance S

PERFORMANCE STANDARDS - DEVELOPMENT CONTROLS - For Each Residential Area

		i.	ii.	iii.	iv.	v.	vi.	Vii	Viii
		Residential	High Density Residential	Low Density Residential (incl Kinloch Low Density)	Kinloch Residential Area	Kinloch Rural Residential Area	Neighbour-hood Shops	Nukuhau General Residential	Nukuhau Medium Density Residential
4a.1.1	Maximum Building Coverage	30%	50%	5%	a. 25% b. 30% within a Height Restricted Area	2.5%	50%	30%	55%
4a.1.2	Maximum Plot Ratio	40%	100%	7.5%	a. 30% b. 40% within a Height Restricted Area	N/A	N/A	40%	100%
4a.1.3	Maximum Total Coverage	50%	a. 75% b. 3m landscape strip along front boundary	N/A	50%	N/A	100%	50%	80%
4a.1.4	Minimum Building Setback – Front Boundary	5m	a. 5m b. 10m if property fronts Lake Tce between Rifle Range and Taharepa Roads.	10m Unless otherwise provided for within an existing subdivision consent.	a. 5m b. 7.5m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	a. 10m b. 20m	Nil setback	5m	5m

		i.	ii.	iii.	iv.	v.	vi.	Vii	Viii
		Residential	High Density Residential	Low Density Residential (incl Kinloch Low Density)	Kinloch Residential Area	Kinloch Rural Residential Area	Neighbour-hood Shops	Nukuhau General Residential	Nukuhau Medium Density Residential
						Lake Shore reserves.			
4a.1.5	Minimum Building Setback – all other boundaries	a. 1.5m b. 5m Fore-shore Protection Area boundary.	1.5m	10m Unless otherwise provided for within an existing subdivision consent.	a. 1.5m b. 7.5m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	a. 10m b. 20m if boundary adjacent to Whanga-mata, Okaia, Otaketake scenic reserves and Lake Shore reserves.	1.5m	a. 1.5m	a. 1.5m
4a.1.6	Minimum Building Setback – common wall boundaries (for the physical extent of the common wall only)	0m						0m	0m
4a.1.7	Maximum Building Height	a. 8m 5m within Height Restricted Areas unless otherwise indicated on planning map D2.			a. 7.5m b. 4.5m within Kinloch Height Restricted Area and for Dwellings within 50m of the Whangamata, Okaia, Otaketake scenic reserves and Lake Shore reserves.		8m	8m	8m
4a.1.8	Maximum Height to Boundary	2.5m height at the boundary with a 45° recession plane except for common wall boundaries.						a. 2.5m height at the boundary with a 45° recession plane, except: b. 3.5m Height at the boundary with a 45° recession plane where a common wall boundaries in place as provided for by 4a.1.5	

PERFORMANCE STANDARDS – For Each Residential Area

		i.	ii.	iii.	iv.	v.	vi.	vi.	Viii	iX
		Residential	High Density Residential	Low Density Residential	Kinloch Residential	Kinloch Low Density	Kinloch Rural Residential	Neighbour-hood Shops	Nukuhau General Residential	Nukuhau Medium Density Residential
4a.1.9	Maximum Equivalent Vehicle Movements	24	100	24	24	24	24	100	24	100
4a.1.10	Maximum Signage	0.25m ²	4m ²	0.25m ²	0.25m ²	0.25m ²	0.25m ²	Multiple signs up to 4m ² total face area per site	0.25m²	0.25m²
	Total Face Area in one sign per allotment									
4a.1.11	Maximum Signage Style	a. Signage must relate to the activity undertaken on the allotment. b. No flashing, reflectorised or illuminated signs. One temporary sign per allotment, 1.08m ² total face area, 4m maximum height, for the sale of land or buildings.								
4a.1.12	Maximum Earthworks	50%	No Maximum	50%	50%	10%	5%	50%	50%	No Maximum
	Disturbance of the allotment at any one time while redeveloping^[1]									
4a.1.13	Maximum Earthworks	1.5m								
	Outside Building Setback^[1]	Vertical ground alteration outside the minimum building setback in a new face or cut and / or fill.								
4a.1.14	Maximum Earthworks	1.5m								
	Inside Building Setback^[1]	Vertical ground alteration within the minimum building setback requirement.								
4a.1.15	Maximum Earthworks	No dust or silt nuisance beyond the boundary of the allotment.								
	Dust or silt nuisance									

PERFORMANCE STANDARDS – General for All Residential Areas

4a.1.16	Parking, Loading and Access	In accordance with Section 6: Parking, Loading and Access .
4a.1.17	Maximum Artificial Light Levels	8 LUX (lumens per square meter) at the boundary.
4a.1.18	Maximum Noise Limits	The noise level arising from any activity measured within the boundary of any residential environment site or the notional boundary of any rural environment site, other than from the site where the noise is generated, shall not exceed the following limits: i. 7.00am – 7.00pm 50dBA Leq ii. 7.00pm – 10.00pm 45dBA Leq iii. 10.00pm – 7.00am 40dBA Leq and 70dBA Lmax
4a.1.19	Maximum Noise Measurement	The noise levels shall be measured in accordance with the requirements of NZS 6801:1999 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS 6802:1991 Assessment of Environmental Sound.
4a.1.20	Maximum Noise Construction Noise	All construction noise shall meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics Construction Noise.
4a.1.21	Maximum Noise Telecom-munication and electricity equipment	Noise from telecommunication equipment and electricity substations and transformers located in the road reserve permitted by the plan shall comply with the noise limits specified in 4a.1.18 above as measured at a point 1m from the closest façade of the nearest dwelling.
4a.1.22	Maximum Odour	There shall be no discharge of offensive or objectionable odour at or beyond the boundary of a site. Notes: i. In determining whether an odour is offensive or objectionable, the Council shall have regard to the assessment guide contained in schedule 7.7 . ii. The Regional Council may also require that resource consent be obtained for discharges to air (including odour discharges).
4a.1.23	Stormwater	i. All stormwater from buildings and impermeable surfaces is to be disposed of on-site to meet a 10 year return period of 1 hour duration (45mm). ii. The function of existing secondary flow paths across the allotment shall be retained and the existing discharge point off the site shall remain unaltered as to position. iii. EXCEPTION: Stormwater from impermeable surfaces can be disposed of via a primary or secondary stormwater drainage system within an area identified on the Planning Maps as a Stormwater Disposal Area, provided Council authorisation has been given. iv. EXCEPTION: Omori, Kuratau, Pukawa and Whareroa Stormwater Disposal Systems (shown on Planning Maps) - Roof water may be disposed of to the street system.

Refer also to [Subsection E](#) – DISTRICT WIDE RULES

4a.2 General Rules

4a.2.1 Any activity that:

- i. complies with all of the performance standards for the Residential Environment; and
- ii. complies with all the District Wide Performance Standards; and

iii. is not identified as a controlled, restricted discretionary, discretionary or non complying activity within the Residential Environment;

and iv. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules, is a **permitted activity**.

4a.2.2 Any temporary activity, being an activity of up to a total of three operational days in any one calendar year, which exceeds any performance standard(s), is a **permitted activity**, provided that:

- i. There are no new permanent structures constructed; and
- ii. Once the activity has ceased, the site (including vegetation and the surface of the ground of the site) is retained or re-instated to its condition prior to the activity commencing; and
- iii. An allowance of five non-operational days associated with the activity is not exceeded, during which time any breach of any performance standard(s) shall only be to the extent reasonably necessary to undertake any relevant aspect of the activity.

4a.2.3 Any education, spiritual or health facility is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle

movements.

- iv. The hours of operation are limited to between the following hours 0700 - 2200 Monday to Friday, and

0800 - 2200 Saturday, Sunday and public holidays

Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.

- v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.

- vi. The facility is located on a front site, and:

- a. any residential activity on an adjoining front site or front site separated by an access with frontage to the same road, is left with at least one residential neighbor; and
- b. the residential block is not left with more than two non-residential activities in that block.

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

4a.2.4 Any education, spiritual or health facility located within the **KTHD area**, is a **permitted activity**, provided that:

- i. It complies with Rule 4a.2.1; and
- ii. The maximum gross floor area of buildings shall not exceed 550m².
- iii. The number of vehicle trips per site shall not exceed 100 maximum equivalent vehicle movements.

- iv. The hours of operation are limited to between the following hours

0700 - 2200 Monday to Friday, and

0800 - 2200 Saturday, Sunday and public holidays

Where the maximum total number of hours the facility is open to visitors, clients or deliveries for any activity other than a residential activity shall not exceed 50 hours per week.

- v. Landscaping shall be established and maintained to provide an average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points. Where more than one tree is required they shall be planted no closer than 5 metres apart and no further than 7 metres apart. Specimen trees required shall be planted along the road frontage. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
- vi. The facility is located on a front site

Any activity which does not comply with any one part, or more, of this standard for permitted education, spiritual or health facility activities, is a restricted discretionary activity, with Council's discretion being restricted to only the matter(s) of non-compliance.

4a.2.5 Any office activity located within the **KTHD** area is a **permitted activity** where:

- i. The office activity is located on a front site; and
- ii. Total on-site office space is less than 50m² gross floor area per site; Or
- iii. The office activity is on a property identified on Planning Maps C10 and C15 and Schedule 7.9, where the floor space does not exceed the gross floor area listed in Column 3 of the Schedule.

4a.2.6 Any office activity located within the **KTHD** area is a controlled activity where:

- i. The office activity is located on a front site;
- ii. Total on-site office space exceeds 50m² but does not exceed 100m² gross floor area per site;
- iii. Opening hours of the office are restricted to 8am to 6pm Monday to Friday;
- iv. Otherwise the performance standards and development controls contained in Rule 4a.1 shall apply as for residential high density.

The matters over which the council reserves control for the purposes of assessments are:

- a. The manner in which the activity meets the standards for controlled activities and in particular the gross floor area limit
- b. The extent to which the activity contributes to retaining a residential amenity and character consistent with the surrounding area
- c. The extent to which the design and location of car parking area minimises the commercial appearance of the office activity
- d. The extent to which landscape treatment minimises the commercial appearance of the office activity
- e. The extent to which the design and location of any signs minimises the commercial appearance of the office activity

4a.2.7 Any office activity which does not comply with 4a.2.5 or any one of the criteria in 4a.2.6 is a discretionary activity.

4a.2.8 Any activity which does not comply with any one part of performance standards 4a.1.12, 4a.1.13, 4a.1.14, and 4a.1.15 and/or one of the development control performance standards for permitted activities, including (where a standard contains more than one control) one part thereof, is a **restricted discretionary activity**, with Council's discretion being restricted to only the matters on non-compliance specified in that standard.

4a.2.9 Any activity which does not comply with two or three development control performance standards for permitted activities including (where a standard contains more than one control) two or three parts thereof, or is not a permitted, controlled activity or restricted discretionary activity is a **discretionary activity**.

4a.2.10 Any retail activity within the **KTHD** area that exceeds 50m² of gross floor area per site is a **discretionary activity**.

4a.2.11 Except where identified as a "Shop" on the Planning Maps [30 – 162;163;164;166;167;168], any retail or office activity within the Residential Areas that exceeds two full time equivalent persons who permanently reside elsewhere than on the site, or 50m² of gross floor area per site (whichever is the lesser), is a **discretionary activity**.

4a.2.12 Any activity within the **KTHD** area listed in Column 4 of Schedule 7.9 is a permitted activity on the property specified in Columns 1 and 2 of that Schedule, provided that the floor space for that activity does not exceed the gross floor area listed in Column 3 of Schedule 7.9.

4a.2.13 Any activity which does not comply with four or more development control performance standards for permitted activities including (where a standard contains more than one control) four or more parts thereof, is a **noncomplying activity**.

4a.3 Subdivision Rules

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

4a.3.2 Any subdivision of land for the sole purpose of providing for infrastructure, access lots, or legal protection in perpetuity of Significant Natural Areas, is a **controlled activity**.

NOTE: 4a.3.2 does not relate to the creation of Bonus Lots, but subdivision of all or part of a Significant Natural Area for reasons of covenanting etc., that Area.

For the purposes of Rules [4a.3.1](#) and [4a.3.2](#) the matters over which the Council reserves control for the purpose of assessment are:

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

4a.3.3 Any subdivision within unserviced areas of the Residential Environment or any activity which results in a new public road or extension of existing public roads, water, stormwater or wastewater utility services is a **restricted discretionary activity**.

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

- a. Those matters of control identified in Section [4a.3](#) above;
- b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;
- c. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;
- d. Whether or not the lots will be adequately serviced for drinking water;
- e. The effect that the development will have on the storm water catchment.

4a.3.4 Any subdivision in the New Residential Environment, and any other subdivision which is not identified as a controlled, restricted discretionary, or non complying activity, is a **discretionary activity**.

4a.3.5 Any subdivision of land where more than nine (9) allotments share a single common access in the Residential Environment is a **discretionary activity**.

4a.4 Kinloch Structure Plan Area Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

Subdivision Rules for the Kinloch Structure Plan Area

4a.4.1 Minimum and average lot sizes for Density Areas in the Kinloch Structure Plan Area

	a. Kinloch Residential	b. Kinloch Low Density	c. Kinloch Rural Residential
i. Minimum Lot Size	800m ²	1 hectare	2 hectares
ii. Average Lot Size	1,000m ²	1.5 hectares	2.5 hectares

4a.4.2 Any subdivision within the Kinloch Structure Plan which creates allotments that meet the minimum and average lot sizes identified in 4a.4.1 is a **controlled activity**.

For the purposes of Rule 4a.4.2 the matters over which the Council reserves control for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings, and adequate management of stormwater.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.
- e. Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.
- f. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- g. Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes
- h. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- i. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- j. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

4a.4.3 Any subdivision within the Kinloch Structure Plan Area which creates allotments that are less than the minimum lot size, but not less than the average lot sizes identified in 4a.4.1 is a **discretionary activity**.

4a.4.4 The creation of more than one dwelling per allotment in the Kinloch Community Structure Plan Area is a **discretionary activity**.

4a.4.5 Any subdivision within the Kinloch Structure Plan Area, which is not identified as a controlled or discretionary activity is a **non complying activity**.

4a.4.6 Any subdivision within the Kinloch Structure Plan Area, where by the newly created lots are unable to be connected to community wastewater network infrastructure is a **non complying activity**.

The following matters will be considered in respect to rules 4a.4.3, 4a.4.5 and 4a.4.6:

- a. The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.
- b. Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.
- c. Whether or not the new allotments are to be connected to a centralised waste water treatment plant.

Note: Where activities such as earthworks and on-site sewage treatment involve discharges to land, air and water, a resource consent may be required from the Regional Council. 4a.5

Lake Ohakuri Development Zone Rules

Also refer to the General and Subdivision Rules for the Residential Environment.

4a.5.1 Subdivision in the Lake Ohakuri Development Zone that is consistent with 4a.5.2 will be a **controlled activity**.

For the purposes of rule 4a.5.3 the matters which the Council reserves control for the purposes of assessment are:

- a. The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads and adequate management of storm water.
- b. The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved.
- d. The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms. e. The provision of maintenance of open space.
- f. Maintenance of forested areas, including long term revegetation.
- g. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.

Note: Each lot will identify on the title what typology from Table 4a.5.2 that lot is to be developed for.

4a.5.2 Distribution and lot sizes for typologies in the Lake Ohakuri Development Zone

	a.	b.	c.	d.	e.	f.	g.	h.
	Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster	Maximum zone yield
i. Max. % of Total Village Yield	8%	11%	21%	48%	7%		8%	150-190 units
ii. Average Lot Size (m²)	400	320	520	650	1000		2180	
iii. Lot Range	350-500	250-400	400-600	600-800	800-1500	1000-2500	<4000	
iv. Min. Lot Frontage to public realm (m)	10m	7m	10m	12m	14m	16m	20m	
v. Max. % Coverage	40%	40%	35%	30%	30%	25%	20%	
vi. Location (as shown on Map D4)	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Rush Resort	Bush Resort	Lake Forest Environment	

4a.5.3 Subdivision and development in the Lake Forest Environment that:

- i. minimum Site Size (including Balance Land) is 10ha, and
- ii. maximum intensity of development (ha of total area/dwelling) of 1 per 2ha, and
- iii. no less than 10% of public open space vested or covenanted
- iv. a balance allotment of 70% of the site to be held in common ownership

- v. have a balance lot which must be contiguous and provide connection to publicly accessible areas outside the Site,

and

- vi. revegetation and landscape in the balance land is subject to a management plan, and
- vii. individual lots have a defined area for the house site as well as defined yards for private regeneration areas, will be

considered a **controlled activity**

4a.5.4 Providing development can meet rule 4a.5.6, subdivision and development in the Lake Ohakuri Development Zone that does not meet rule 4a.5.3 or 4a.5.4 will be considered a **restricted discretionary activity** with discretion being restricted to the following:

- i. Those points of deviation from the rule in question
- ii. Policies 3a.2 i – iv

4a.5.5 Subdivision that results in the creation of more than 190 lots within the Ohakuri Development Zone will be considered as a **non-complying activity**.

The following rules apply to development within the Lake Ohakuri Development Zone.

4a.5.6 Any activity that:

- i. complies with all of the performance standards in 4a.5.8; and
 - ii. complies with all performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; and
 - iii. complies with all the District Wide Performance Standards; and
 - iv. is not identified as a controlled, restricted discretionary or discretionary activity; and
 - v. is not identified as a controlled, restricted discretionary or discretionary activity within the District Wide Rules,
- is a **permitted activity**.

4a.5.7 Any activity which does not comply with:

- i. any one of the standards for that typology in 4a.5.8
- ii. performance standards 4a.1.9, 4a.1.10, 4a.1.11, 4a.1.12, 4a.1.13, 4a.1.14, 4a.1.15, 4a.1.17, 4a.1.18, 4a.1.19, 4a.1.20, 4a.1.21, 4a.1.22 and 4a.1.23; is a **discretionary activity**, with Council's discretion being restricted to only the matters on non-compliance specified in the table or standard, and policies 3a.2.5 i and ii.

4a.5.8 Building Typologies: Performance Standards

		a.	b.	c.	d.	e.	f.	g.
		Village Core	Rowhouse	Main Street Cottage	Village Cottage	Village House	Bush Villa	Lake Forest Cluster
i.	Maximum Height (Storeys)	10–12m (2.5)	7-8m (2)	7-8m (1.5)	3-4m (1.5)	6-7m (1)	3-4m (1)	3-4m (1)
ii.	Street Set Back	0-2m	0-4m	0-4m	2-6m	2-8m	10m+	10m+
iii.	Minimum Side Yard	0 or 1.5m [2]	0 or 1.5m [2]	1.5m [2]	2m [2]	4m [2]	6m [2]	10m [2]
iv.	Maximum % Coverage	40%	40%	35%	30%	30%	25%	20%
v.	Location	The Square	The Square, Lake Resort	The Square, Lake Resort, The Green	The Green, Gully Resort, Village Resort	Bush Resort	Bush Resort	Lake Forest Environment

4a.6 Pukawa C Development Zone

4a.6.1 Any activity in the Pukawa C Development Zone is subject to the rules contained in [Appendix 2](#).

4a.7 Nukuhau Structure Plan Area Rules

Also refer to the [General and Subdivision Rules for the Residential Environment](#).

4a.7.1 The development of land within the Nukuhau Structure Plan area shall not be complete* until either:

- i. the existing Council wastewater network has been upgraded to accommodate the anticipated wastewater flows from the Nukuhau Structure Plan, or
- ii. Council is satisfied that there is a solution to suitably dispose of the anticipated wastewater flows.

*Advisory note: 'Complete' in this instance refers to the signing of the Council Completion section 224(c) Certificate.

4a.7.2 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is in accordance with the Structure Plan in Appendix 9 is a **controlled restricted discretionary activity**.

4a.7.2.1 For the purposes of Rule 4a.7.2 the matters over which the Council reserves ~~control~~ **discretion** for the purpose of assessment are:

- a. The design and layout of the subdivision to ensure:
 - i. [safe and efficient access onto existing and/or proposed roads](#),
 - ii. **efficient routes for public transport**,
 - iii. [suitable building platforms to accommodate future complying buildings](#),
 - iv. **application of Crime Prevention Through Environmental Design (CPTED) principles specifically in terms of open space provision**
- b. [The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application. The Waikato Regional Council Erosion and Sediment Control Guidelines for Soil Disturbing Activities \(TR2009/02\) should be followed.](#)
- c. [Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.](#)
- d. [Any actual or potential effects on areas or features of cultural, ecological, historic, landscape or natural value including:](#)
 - i. **comprehensive surveys for bats, lizards and pipits (including for pipits during the breeding season, August to February), and management plans for how any identified adverse effects on these species will be avoided, remedied or mitigated; and**
 - ii. **specific provision for large framework tree planting and retention.**
 - iii. **effects of the proposed subdivision on areas or features of cultural value will be considered in relation to a cultural impact assessment provided by the applicant and prepared by or on behalf of the appropriate iwi authority representatives and mana whenua representatives, or written confirmation from the appropriate iwi authority that no cultural impact assessment is required. Note: it is envisaged that a cultural impact assessment will be prepared for the entire Nukuhau Structure Plan area and that will provide an assessment of cultural effects for all subsequent applications for subdivision consent**
- e. [The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.](#)
- f. [A Landscape Planting Plan for the ~~stormwater gully reserve network~~ the natural gully system identified in the Nukuhau Structure Plan and areas of open space including that along Wairakei Drive and Poihipi Road](#)
- g. [The creation of a safe network of walking and cycle pathways that provide or improve linkages to and through reserves and the roading network.](#)
- h. **Stormwater management that is:**
 - i. **in accordance with a Catchment Management Plan that has been approved by Council;**
 - ii. **in accordance with the Waikato Regional Council Stormwater Guideline (2020.07);**
 - iii. **integrated with the management of risks of significant erosion and flooding within the gullies throughout the Nukuhau Structure Plan; and**
 - iv. **predominately onsite treatment to limit the use of the natural gully system as stormwater reserves.**
- h. i. [Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision, and the effect that development may have on them, their character and value for amenity, and of the effects of any changes in the catchment flow or water quality characteristics on the downstream catchment and landowners.](#)
- i. j. [Any requirements of Rule 4a.7.4, Rule 4a.7.5 and 4a.7.6 and/or the ability for such requirements to be achieved by subsequent development.](#)
- k. **Traffic effects identified within an Integrated Transport Assessment and the means to avoid, remedy or mitigate significant adverse traffic effects on the roading network.**

4a.7.2.2 For the purpose of rule 4a.7.9 (b) for subdivision that does not meet the maximum lot size the matters for discretion apply in addition to the matters for discretion in 4a.7.2.1(a)-(k):

- a. **Efficient use of the residential zoned land for multi-unit development, low-rise apartment building(s), terrace housing or a comprehensive housing development where the intended land use is identified in the application for subdivision.**

4a.7.3 Any application for subdivision within the Nukuhau Structure Plan area must provide the following information (additional to general information requirements):

a. An Integrated Transport Management Plan which addresses:

- (i) **the potential effects of the development that the subdivision will enable on the safe, efficient and effective operation of the exiting roading network of the Control Gates Bridge and intersections either side of the bridge; and**
- (ii) **the measures to avoid, remedy or mitigate significant effects on the safe, efficient and effective operation of the existing roading network of the Control Gates Bridge and intersections either side of the bridge.**

b. A report that demonstrates that the application for subdivision is in accordance with a Catchment Management Plan that has been approved by Council.

4a.7.34 Any subdivision within the Nukuhau Structure Plan that complies with Rule 4a.7.1 and is not in accordance with the Structure Plan in Appendix 9 is a discretionary activity.

4a.7.4 5 Any subdivision within the Nukuhau Structure Plan Area, where by the newly created lots are unable to be connected to Council wastewater network is a non-complying activity.

The following rules apply to development within the Nukuhau Structure Plan Area.

4a.7.56 Landscaping

- (i) **Any lot boundary fronting a Stormwater Reserve with Pedestrian Access, Cycleway and Planting, shall have a 10m wide Stormwater Reserve and a 10-m wide Landscape Strip with a shared path as illustrated on Figures 9-A and 9-B and in accordance with Standards 9.1a to 9.1c in Appendix 9.**
- (ii) **Any lot boundary fronting a 10m wide Landscape Strip as shown on the Structure Plan map, shall provide a Landscape Strip as illustrated on Figures 9-C and 9-D and in accordance with Standard 9.1d in Appendix 9**

4a.7.67 Fencing, Walls and Hedges

Front boundary fences, walls and/or hedge plantings between buildings on the site and any Stormwater or Recreation Reserve shall be no higher than 1.2m in height. Fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the public walkway or reserve. To be deemed transparent any fence must meet the following requirements:

- i. **Uses materials with continuous vertical gaps of at least 50mm width to create 50% or more see through visibility; or**
- ii. **Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 75% or more see through visibility on the upper half.**

In addition all fences on boundaries between residential zoned sites and any Stormwater or Recreation Reserve, or any road, cycleway or pathway must contain a gate of not less than 1m in width, not less than 50% visual permeability and not greater than 1.5m in height.

4a.7.78 Streetscape, Walking and Cycling Access

- (i) **The design and layout of the subdivision shall provide a connected network of roads, streets and walking and cycling pathways in accordance with the Nukuhau Structure Plan in Appendix 9 and Crime Prevention through Environmental Design.**
- (ii) **The design and layout of the subdivision shall provide a shared walkway and cycleway along at least 75% of the full length and on at least one side the length of the stormwater gully network as shown in Appendix 9.**

4a.7.9 Lot sizes for Subdivision and Density in the Nukuhau Structure Plan Area

a. Subdivision that complies with 4a.7.9 (a) (i) and (ii) below is a restricted discretionary activity:

	Nukuhau General Residential	Nukuhau Medium Density Residential
(i) Maximum Lot Size	750m²	500m²
(ii) Maximum density	15 household units per net hectare (net of public open space/ stormwater reserves and all roads)	30 household units per net hectare (net of public open space / stormwater reserves and all roads)

b. Subdivision that does not comply with 4a.7.9 (a) (i) Maximum Lot Size is a restricted discretionary activity that is subject to the additional matters for discretion in rule 4a.7.2.2 (a).

c. Subdivision and/or residential development that does not comply with 4a.7.9 (a) (ii) Maximum density is a discretionary activity.

4a.7.8-10 Any activity that does not comply with Rules 4a.7.56, 4a.7.67 and or 4a.7.78 or 4a.7.9 is a non-complying activity.

4a.78 Assessment Criteria

*Please note: The assessment criteria used when assessing Restricted Discretionary Activities will be those criteria pertaining to the failed performance standard(s), **except in the case of the specific criteria relating to the matters for discretion for subdivision within the Nukuhau Structure Plan.** When assessing Discretionary Activities the list of assessment criteria is not exclusive as other effects can be considered during assessment.*

4a.78.1 GENERAL CRITERIA

- a. **Impact of the activity on the amenity and character of the Residential Environment, surrounding allotments and other Environments.**

Potential for conflict between the activity and other existing activities within the Residential Environment.

- b. Consideration of any relevant Structure Plan, Growth Management Strategy, Management Plan, Design Guidelines or Strategy as guidance during the resource consent process.

4a.78.2 DEVELOPMENT

- a. Whether the desired environmental outcome, with a consistent and appropriate standard of infrastructure, is achieved such as through compliance with the Council's Development Guidelines, Growth Management Strategy and relevant Structure Plans.

4a.78.3 NON RESIDENTIAL ACTIVITIES

- a. The extent to which the form and scale of commercial activity (including office and retail activity) may disperse commercial activity to the detriment of the efficient operation, function, viability and sustainability of the Taupō Town Centre and in such a way that any office gives clear effect to the Taupō Town Centre and Business Distribution objectives and policies.
- b. The extent to which the activity is likely to be incompatible with existing and permitted future residential activities, and the potential for reverse sensitivity effects.
- c. The extent to which the activity, either alone or in association with other nearby activities, is likely to have an adverse effect upon the safety and efficiency of the road network.
- d. The extent to which the activity (having regard to its proposed size, composition and characteristics) is likely to have an adverse effect upon the amenity values and vitality of the Taupō Town Centre Environment and its ongoing ability to provide for the future needs of their communities.
- e. The extent to which the convenient access of communities to community facilities may be positively or adversely affected by the proposed activities.
- f. The extent to which the site is self-contained in respect of appropriate off-street parking for customers and employees and as to goods delivery service arrangements.
- g. Any cumulative effect of the loss of residential activity in conjunction with other non-residential activities in the vicinity
- h. The extent to which the surrounding area retains a residential amenity and character, rather than being dominated by non-residential activity.

4a.87.4 BUILDING HEIGHT

- a. The extent to which the extra height will:
 - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment ii. reduce the privacy of adjacent allotments by comparison with the effects of a complying activity
 - ii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effects of a complying activity
 - iii. have an overbearing effect on sites within the Residential Environment.
- b. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the extent to which topography, alternative design, planting, or setbacks can mitigate the adverse effects of the extra height.

4a.87.5 HEIGHT TO BOUNDARY

- a. The extent of additional shading from the projection, including the amount of shadow cast and the period of time the adjacent allotments are affected.
- b. The nature of the activities undertaken on any affected portion of adjoining allotments, noting in particular any adverse effect on outdoor living areas.
- c. The extent to which the projection is necessary due to the shape or nature and physical features of the allotment.
- d. The extent to which the projection leads to a loss of privacy and/or outlook for nearby allotments, by comparison with the effects of a complying activity.
- e. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:
 - i. the ability to mitigate the adverse effects through the use of screening, planting or alternative design.

4a.87.6 COVERAGE, TOTAL COVERAGE AND PLOT RATIO

- a. The extent to which the increased coverage, total coverage, and/or plot ratio will:
 - i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment
 - ii. reduce the privacy and outlook of adjoining allotments by comparison with the effects of a complying activity

iii. result in large scale buildings which will intrude into the outlook from nearby

allotments by comparison with the effect of a complying activity

iv. result in a building or building(s) that is inconsistent with the character of the area

due to long unbroken building facades along one or more boundaries

v. significantly shade useable outdoor living space on an adjacent allotment.

b. Proposed methods for avoiding, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:

i. The design and location of the building(s) to avoid long unbroken building facades

along one or more boundaries

ii. Design of buildings or groups of buildings which reflect the scale of the

surrounding environment

iii. The ability to mitigate adverse effects through the imposition of conditions such as landscaping.

4a.87.7 BUILDING SETBACK

a. The extent to which the reduced setback will:

i. adversely affect the amenity of the area including the effect on reserves and foreshore Protection Area, including the ability to maintain and enhance the openness and existing character and avoid the visual dominance of buildings in relation to those areas

ii. significantly reduce the privacy of adjacent allotments by comparison to the effect of a complying activity

iii. limit the safe and visible access of vehicles using the allotments.

b. The extent to which the reduction in the setback is necessary due to the shape or nature and physical feature of the allotment.

c. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:

i. the ability of existing topography or vegetation to mitigate any adverse visual effects on the streetscape

ii. the ability to mitigate adverse effects of the reduced setback through screening, landscaping, planting and alternative design.

4a.87.8 NOISE

a. Ambient sound levels and the impact of any cumulative increase.

b. The degree to which the sound is intrusive and contrasts with the level, character, duration and timing of the existing sound environment.

c. The length of time and the level by which the noise limits will be exceeded, particularly at night.

d. The nature and location of nearby activities and the effects they may experience resulting from the increase in sound levels.

e. Whether the noise levels are likely to detract from the amenity or general environmental quality of the immediate area.

f. The topography of the allotment and any influence this may have on sound propagation.

g. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:

h. Insulation, barriers and isolation of the source of the noise.

4a.87.9 PARKING, LOADING AND ACCESS

a. Extent to which the safety and efficiency of the roading network, road hierarchy or users of the road would be adversely affected.

b. Whether there will be any adverse effects on the safety of pedestrians using the allotment, road, footpath or vehicle crossing.

c. The type of vehicles using the site, their intensity, the time of day the allotment is frequented and the likely anticipated vehicle generation.

d. Any adverse visual or nuisance effects on the amenity and character of the surrounding area and the Residential Environment.

e. Effect of factors in the surrounding roading network including the position and function of the road within the road hierarchy, the actual speed environment of the road, volume of traffic using the road and any other factors that will prevent congestion and confusion between vehicles.

f. Adequacy of parking to be supplied on site for the needs of the activity and whether it can be demonstrated that a less than normal demand is anticipated.

g. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:

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

ii. alternative options for the supply of the required parks.

4a.87.10 VEHICLE MOVEMENTS

- a. Effect on the safe and efficient operation of the roading network within the area, including any cumulative effect and the degree to which the existing flow and type of traffic will be affected by the potential traffic generated.
- b. Detraction from the amenity of adjoining allotments and the Residential Environment, in terms of such matters as frequency and timing of vehicle movements, headlight wash, noise, odour, dust and glare, occurring as a result of the increase in vehicle movements.
- c. Necessity to upgrade road to accommodate the increased traffic.
- d. Factors in the surrounding area, including the location of the unformed part of the legal road and the position of the formed carriage way.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful.

4a.87.11 ARTIFICIAL LIGHT

- a. Extent to which the light source will adversely impact on the amenity of the Residential Environment, including adverse effects on adjoining allotments.
- b. Impact of light direction on the safe and efficient operation of the roading network within the area.
- c. Necessity for the light for reasons of safety or security, enhanced amenity or public enjoyment.
- d. Duration and operating hours of activity and associated lighting.
- e. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
- f. height, direction, angle and shielding of the light source.

4a.87.12 SIGNAGE

- a. Location (off or on the allotment), design and appearance of the sign.
- b. Compatibility with the scale and character of the allotment and of the surrounding Residential Environment, including the nature and proximity of other signage within the area.
- c. Any adverse effects on the visual amenity of the locality and whether the proposed sign would be visibly obtrusive, particularly from roads or public open spaces in the vicinity.
- d. Effect on the openness and attractiveness of the streetscape.
- e. Effect on the amenity of adjoining allotment in terms of such matters as noise, artificial light and glare occurring as a result of the sign.
- f. Necessity of the sign to direct people to the activity.
- g. Effect on the safe and efficient operation of the roading network within the area including the possible distraction or confusion of motorists.

4a.87.13 EARTHWORKS

- a. The extent to which the earthworks will change the ground level of the site, including the relationship of the site to adjacent reserves, and foreshore protection areas, and adjacent sites.
- b. The degree to which the finished ground levels reflect the contour of adjoining the sites, and any potential impacts on stability of neighbouring properties and existing stormwater flow patterns.
- c. The degree to which the earthworks will enable building facades to be extended below natural ground level and result in buildings that are more visually dominant off-site and inconsistent with the character of the Environment.
- d. Detraction from the amenity of adjoining allotments in terms of such matters as noise and dust occurring as a result of the earthworks, and the resulting impact on the use of these allotments.
- e. Potential for the creation of a nuisance effect for residents within the area, including vehicle movements, hours of operation, dust and vibration.
- f. The degree to which an Earthworks Management Plan prevents adverse effects arising, in particular sediment discharges and dust nuisance.
- g. The extent of any vegetation removal and the time period for which soil will be exposed.
- h. Proposed methods and timing for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
- i. planned rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation
- j. Whether there are any Archaeological sites, and the potential effect of the earthworks on these sites.
- k. The location and scope of earthworks, including its movement to, from and on the site.

4a.87.14 ODOUR

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

4a. ~~87.15~~ STORMWATER

- a. Whether there will be any actual, potential or cumulative adverse effects of additional private connections on the stormwater reticulation system.
- b. Whether there will be a requirement to upgrade the stormwater reticulation system if additional private connections are made.
- c. Whether there will be any adverse effects on the environment of not providing for the onsite disposal of stormwater and/or adequate secondary flowpaths.
- d. Proposed methods for the avoidance, remedying or mitigating of the adverse effects, of climatic conditions on stormwater management during development, construction and rehabilitation phases.
- e. The assessment of any existing or potential adverse effects if the unauthorized disposal of waste and pollutants to the stormwater system, and the methods for monitoring, and methods used to reduce adverse effects.

4a. ~~87.16~~ TWO OR MORE DWELLINGS PER ALLOTMENT (KINLOCH COMMUNITY STRUCTURE PLAN AREA)

- a. Whether infrastructure can sustainably service the actual or potential cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- b. The extent to which the additional dwellings will, singularly or cumulatively, have an adverse effect on the amenity and character of the existing or proposed built environment, as identified in the District Plan and any relevant structure plans.

4a. ~~87.17~~ SUBDIVISION

- a. Any immediate adverse or potentially adverse cumulative effects of the subdivision or subsequent land use on the quality of Taupō District's lakes, waterways and aquifers, and the methods by which such effects can be avoided, remedied or mitigated.
- b. Whether the design and layout of the subdivision avoids, remedies or mitigates any adverse effects resulting from identified natural hazards or land contamination, including an assessment of any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.
- c. The clearance or planting of vegetation, including its location, species and maintenance.
- d. The potential for financial contributions to avoid, remedy or mitigate any adverse effects on the environment.
- e. The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.
- f. Any actual or potential effects on areas or features of cultural, historical, landscape or ecological value as identified in the plan.
- g. In respect to the New Residential Environment the appropriateness of the design, layout and density of the subdivision, having particular regard to any:
 - i. flood risk (Kuratau New Residential Environment only),
 - ii. setback from any water body or river appropriate to mitigate any risk from erosion (Kuratau New Residential Environment only).
 - iii. relevant stormwater catchment management plan,
 - iv. geotechnical and topographical considerations, (including potential liquefaction effects for subdivision within the Kuratau New Residential Environment),
 - v. landscape issues (particularly as they relate to any Amenity Landscape Area),
 - vi. natural values and any infrastructural servicing issues.
- h. The densities and proposed landuses shown in the Kinloch Community Structure Plan (refer [appendix 1](#))
- i. Whether infrastructure can sustainably service the actual or cumulative increase in the density of dwellings above that which is anticipated through the Permitted and Controlled activity status in the District Plan.
- j. The effect of the proposed subdivision on the utilisation of geothermal energy resources of Development and Limited Development Geothermal Systems.
- ~~k. Whether there is suitable and appropriate physical and legal access to allotments based on the number of new allotments created and any necessary title security of ownership and maintenance.~~
- ~~l. Whether landscape planting, stormwater infrastructure open space, and the walking and cycling pathways network are provided in general accordance with, including (but not restricted to) the integrated use and provision of the stormwater gully network to address all three matters as indicated in the Nukuhau Structure Plan (Appendix 9).~~
- ~~m. Whether Provision for a new urban gateway at Wairakei Drive (Nukuhau Structure Plan only) is provided for.~~
- n. Whether the proposed roading layout for subdivision within the Nukuhau Structure Plan will enable efficient routes for public transport.**

o. The extent to which subdivision within Nukuhau Structure Plan:

- (i) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga; and**
- (ii) ensures that historic heritage is protected from inappropriate subdivision, use and development; and**
- (iii) ensures adverse effects on historic and cultural heritage are avoided, remedied or mitigated; and**
- (iv) responds to and incorporates the outcomes of engagement with relevant iwi authorities and hapū or with pūkenga, in the design, layout and other measures; and**
- (v) incorporates into the subdivision design, cultural and historic heritage landscapes, sites and features.**

Advice Note: the provision of a cultural impact assessment with the application for subdivision consent may assist in addressing this assessment criterion (o). The WRPS defines cultural impact assessments as:

Cultural impact assessments – reports documenting Māori cultural values, interests and associations with an area or a resource and the potential impacts of a proposed activity on these. They are tools to facilitate meaningful and effective participation of Māori in impact assessment and should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.

p. The extent to which the Integrated Transport Assessment for subdivision within the Nukuhau Structure Plan identifies measures to ensure significant adverse effects on the safe, efficient and effective operation of the Control Gates Bridge and intersections either side of the bridge can be avoided, remedied or mitigated.

q. Whether subdivision is in accordance with a Catchment Management Plan that has been approved by Council.

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

DISTRICT WIDE RULES

APPENDIX 9 OUTLINE DEVELOPMENT PLAN

9.1 Any lot boundary fronting a Stormwater Reserve with Pedestrian Access, Cycleway and Planting - refer Rule 4a.7.5(i)

Requires a 10m wide Stormwater Reserve and a 10 m wide Landscape Strip with a shared path as shown in Figures 9-A (for Wairakei Drive frontage) and 9-B below and in accordance with the requirements of standards 9.1a to 9.1c

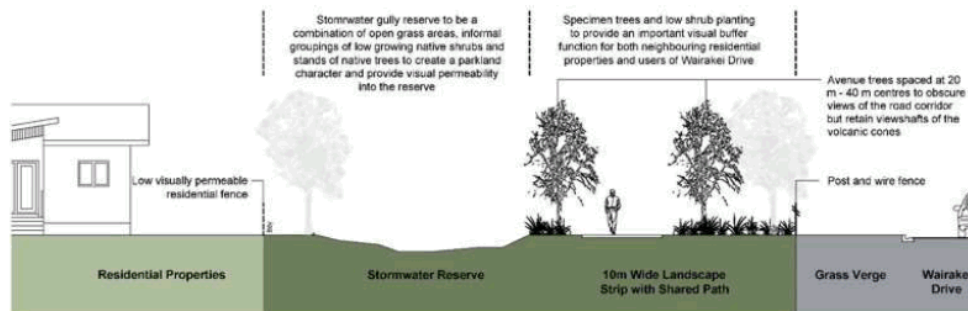


Figure 9-A: Cross section illustrating the Wairakei Drive road frontage design

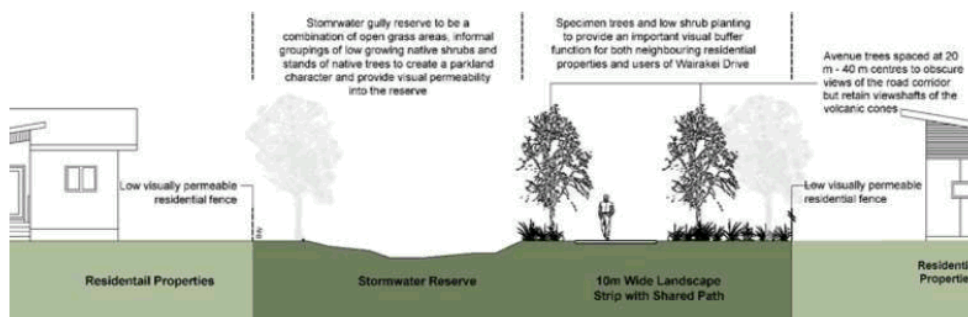


Figure 9-B: Cross section illustrating the Stormwater Reserve frontage

Standard 9.1a Planting Requirements 10 m wide Landscape Strip

The 10m wide Landscape Strip illustrated in Figure 9-A is proposed to protect viewshafts from dwellings towards the volcanic cones. In terms of tree planting, an avenue of specimen trees is suggested, with a height requirement of 10 – 20 metres at maturity. Trees should be spaced at 20 metre intervals and lower native shrubs with a maximum height of 1 metre. This softens the interface between proposed residential development and the Wairakei Drive corridor and retains the existing sense of openness, avoiding the 'wall' effect that would occur from more dense planting.

Standard 9.1b Planting requirements for the Shared Path within the 10 m wide Landscape Strip

A pedestrian and cycle path will extend down the centre of the 10 m wide Landscape Strip illustrated in Figures 9-A and 9-B, with a clear planting envelope around the path for safety. Either grass or low planting to 400 mm is acceptable within this envelope. Plant selection is important as it will create a sense of arrival, provides the first impressions and create a positive visual environment for the community, travelling public and tourists.

Standard 9.1c Planting Requirements for the 10m wide Stormwater Reserve

Within the 10m wide Stormwater Reserve grass areas are combined with informal groups of clear stem specimen trees (native and exotic) to provide a parkland-aesthetic for residential properties backing onto this Stormwater Reserve. This will encourage dwellings to have internal or external living spaces that overlook the Stormwater Reserve.

9.2 Any lot boundary fronting a 10m wide Landscape Strip - refer Rule 4a.7.5(ii)

Requires a 10m Landscape Buffer Strip with a Shared Path as shown in Figures 9-C (for Wairakei Drive frontage) and 9-D below and in accordance with the requirements of standard 9.1d.

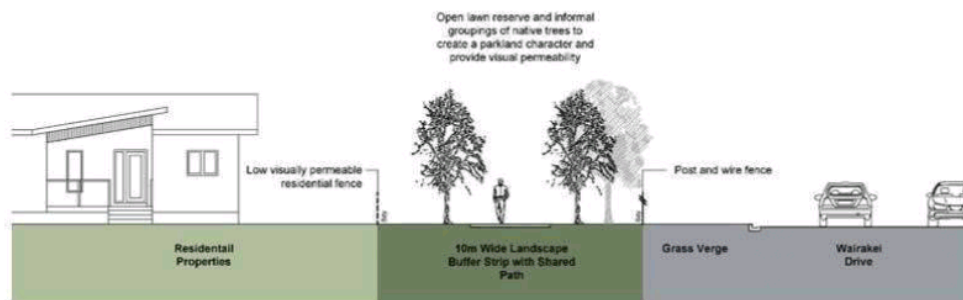


Figure 9-C: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path to the Wairakei Drive road frontage design

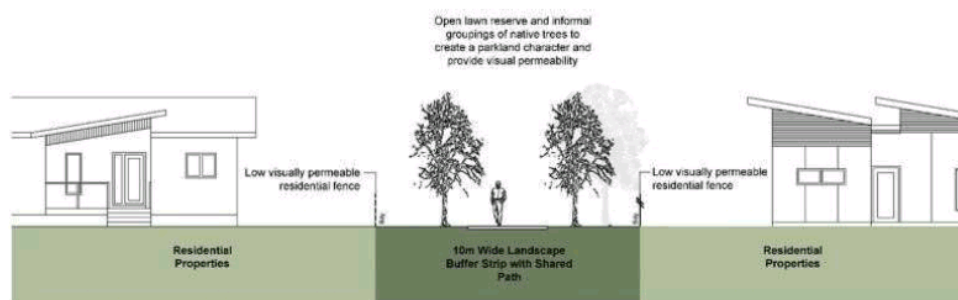


Figure 9-D: Cross section illustrating the 10m wide Landscape Buffer Strip with Shared Path

Standard 9.1d Planting Requirements for the 10m wide Landscape Strip

A 10-metre-wide native and exotic Landscape Strip is to screen and buffer views from the road corridor towards the Structure Plan area. A mixture of native shrubs and trees are recommended, with a height requirement of 10 – 20 metres at maturity. Where a shared path is used, a clear planting envelope should be achieved. Either grass or low planting to 400 mm is acceptable within this envelope.

9.3 Arterial Roads

Arterial Roads as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9E below with a road reserve width of 22m are generally fixed in their location. These corridors are to comprise grass berms, pedestrian footpaths and shrub planting on both sides of the corridor. It is intended that a 2.5 metre shared path be set between two rows of trees on one side of the road and a standard footpath on the other side of the road. A 2-metre-wide planting strip will extend along the length of the corridor on both sides of the road to give character and definition to the arterial. Shrub planting should be a combination of low growing (400 mm), low maintenance native shrubs. An avenue of clear stem native specimen trees has been included within the planting strip to provide visual continuity with surrounding residential developments and to provide safety benefits through increased passive surveillance.

Ultimately, tree selection for Arterial Roads should ensure the Structure Plan Area is well connected physically and visually to the open space framework and streetscape network and surrounding residential developments.

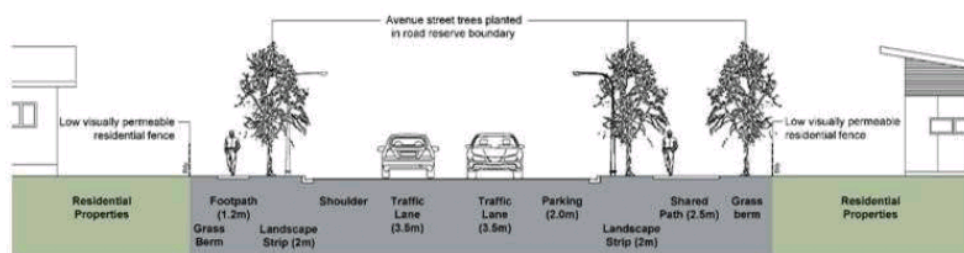


Figure 9-E: Cross section of an Arterial Road

9.4 Collector and Secondary Collector Roads- General Residential Zone

Collector and Secondary Collector Roads in the General Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-F below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.



Figure 9-F: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.5 Collector and Secondary Collector Roads- Medium Density Residential Zone

Collector and Secondary Collector Roads in the Medium Density Residential Zone as shown on the Structure Plan Map are illustrated in the typical cross section in Figure 9-G below with a road reserve width of 22m. They are to comprise grass berms, pedestrian footpaths and on street carparks on both sides of the corridor. To provide visual continuity with surrounding residential developments and soften the streetscape an avenue of clear stem specimen trees has been included in the grass berms. Trees should be well spaced so as not to obstruct viewshafts to the volcanic cones.

The harder edge of medium density development and likelihood of greater use given its location is softened by repeating the twin rows of trees used on the Arterial Roads. This also recognises that great development density and proximity to gully reserves areas and the commercial node is likely to result in this corridor having the potential to be more significant for cyclists and pedestrians than other Collector or Secondary Collector Roads.

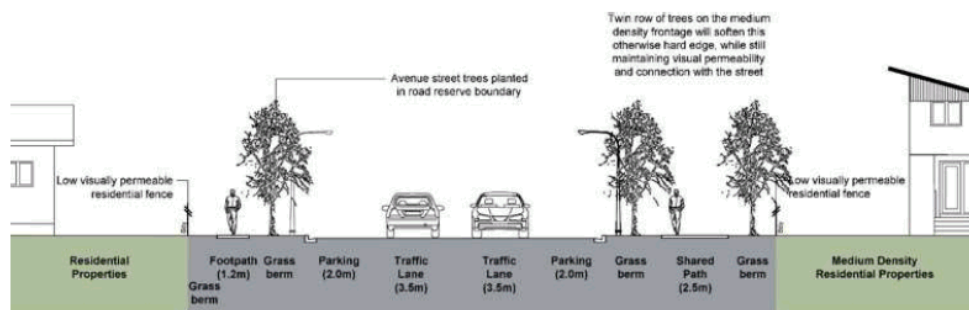


Figure 9-G: Cross section of Collector and Secondary Collector Roads in the General Residential Zone

9.6 Principal Walkway and Cycleway Pathway Connections

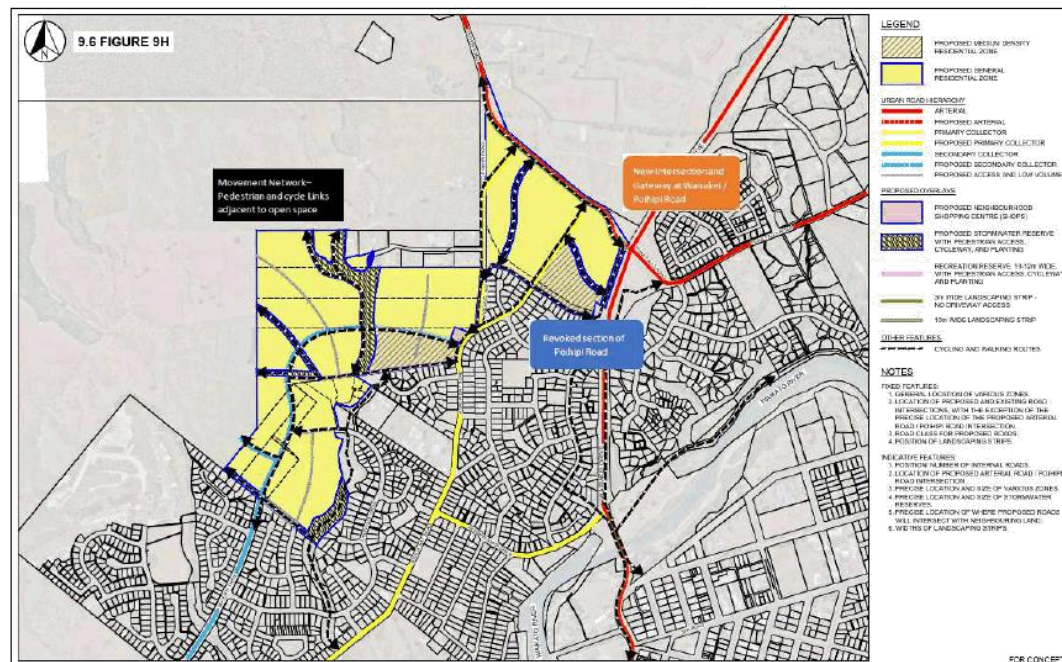
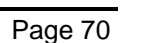


Figure 9-H: Proposed Walk-Cycle Links adjacent to or crossing open space as part of the Movement Network (all modes)





TAUPŌ DISTRICT COUNCIL

PERFORMANCE REPORT

JANUARY 2022

JANUARY 2022

CEO'S COMMENTARY

Since our last report, our district has experienced a busy summer. Taupō, Turangi, Mangakino, Kinloch and indeed all of our smaller settlements were bustling over the holiday period and this reflected through in strong local business statistics – with peak retail spending across the district up 11.2 per cent on the same period in 2020/21.

Some traffic disruption in the Taupō CBD was inevitable over summer as we are midway through the significant Taupō Town Centre Transformation project. Council played its part to keep traffic and people flowing through the town centre as best we could and maximise the opportunity for our local retailers to capitalise on the busy summer weeks.

During January and early February, councillors and officers along with community representatives and police, completed a full debrief of our operations and events across the district over summer. Feedback was wide and varied on topics including rubbish and recycling, liquor bans, signage, council facilities and venues, roading and water. Our debrief has been a valuable exercise again this year and will help to further improve our management of the summer visitor peak in 2022/23.

An early feature of 2022 has of course been Covid-19, and the very real threat of widespread infections across our district in this new phase of the pandemic. We have ensured our workplaces are as safe as possible for our team, including via mandated vaccinations, mask requirements, social distancing in offices,

scanning in and out of council venues and working remotely, where possible.

This year, council will also assist the Ministry of Health in the distribution of Rapid Antigen Tests and work is well underway to provide a network of distribution venues – staffed and operated by our team. Our Crisis Management Team is meeting weekly to coordinate this collaboration with the Ministry as well as other elements of our pandemic response.

The government's reform agenda will again take a substantial amount of our time and attention in 2022. The main elements of reform are progressing quickly, including Three Waters, where legislation requiring council involvement is expected in the first half of this year, and work is progressing at pace around ensuring transition to the new system occurs without impacting on service. It is expected that a report from the Working Group recommending some changes to the governance structure will be released at the end of the month. Work is also continuing on the Resource Management Act reform, which would also have a significant impact on the way that communities input into critical planning documents, and the functions of local councils. Initial feedback has also been sought on reviews of the Civil Defence and Emergency Management systems. Lastly, the government panel charged with coming up with recommendations on the Future of Local Government is also progressing quickly, and the panel will be spending time with us as a council in March.

You will see from the financial section of this report (to 31 December 2021) that our operating revenue and expenditure is tracking favourably to budget at this stage. However, we remain mindful of the need to monitor this closely, particularly in light of ongoing widespread Covid disruption across our sector.

Perhaps the biggest financial impact for council in the current financial year has been the substantial inflation of construction and infrastructure costs. In this climate of inflation, it has become particularly important to understand and quantify any financial elements of a project which cannot be locked in by contract before the project commences.

Construction and infrastructure cost inflation will be a particular challenge as we seek to form and execute our next Annual Plan for the 2022/23 year. The Annual Planning process commenced in December with our replanning of 2021/22 capital expenditure and the formation of a draft new project list for 2022/23. We have now summarised this in our draft Annual Plan Consultation Document for council's consideration. During this consultation, we will be clear that in the current climate of inflation and mixed availability of materials and labour, some decisions to optimise our capital investment plans will need to be made after the next financial year gets underway – and our Annual Plan for 2022/23 will need to accommodate this need for flexibility.

Lastly, we have now entered the final year of the council triennium and our

governance team has begun to plan for the 2022 electoral process – including engagement with candidates, voters, the election itself and induction of our next council. Over the next month or so, the governance team and the executive will work on these plans, and we look forward to sharing more with you over this time.



Gareth Green
Chief Executive





JANUARY 2022

2. STRATEGIC PRIORITIES

CAPITAL INVESTMENT PLAN

Deliver our Capital Investment plan as identified in year one of the LTP (including Shovel Ready monies).

Progress to January:

- Capital Investment deployment to December was \$28.3m, a substantial increase on \$16.6m in same period of last year.
- This is a positive trajectory and represents a substantial lift in delivery capability and cadence (albeit short of what we planned for).
- Remainder of the financial year remains uncertain, particularly in relation to the impact of the Omicron phase of the pandemic.

HOUSING

Develop a strategy of how we plan to deal with the four areas of social housing, pensioner housing, papa Laing's and affordable housing, and implement some quick wins

Progress to January:

- IAF application finalised in December and submitted on time, seeking funding for core water and roading infrastructure across the East Urban Lands.
- Housing Strategy and EUL Land Release plans drafting is underway and targeting further discussion with Council in March / April 2022
- Housing memorandum of understanding signed with Tūwharetoa Settlement Trust, seeking a more joined up approach to housing issues and opportunities

RECREATION & ARTS

Complete a recreation, arts and culture strategy to a standard enabling future investment decisions and lease decisions to be made.

Progress to January:

- Role appointed to progress this work.
- Planning is now well underway with scoping for the Rec & Arts strategy document. Aiming for a Council workshop in the first half of 2022.

REFORM

Prepare for reform/change of local government - specifically three waters, RMA and Future for Local Government.

Progress to January:

- A Working Group report on potential changes to the proposed 3W governance structure is expected to be released at the end of February. A Transition Unit has been set up on a "no regrets" basis - will deal with HR, IT etc - to be completed by July 2023. We continue to follow developments closely.
- The Future of Local Government Review Panel will visit Taupo on 1st March

WAYS OF WORKING

Provision of and preparation for our new work environment - both physically and the way we work.

Progress to January:

- Gap analysis underway - identifying what work needs to start, stop and continue to help us achieve our future state.
 - Play back this action list to ELT next up.
- Support and technology planning for workforce resilience and business continuity around Covid

DIGITAL TRANSFORMATION

Completion and uptake of Project Quantum to realise the investment made and opportunities it presents to be more efficient, customer focused, digitally enabled and outwardly focused.

Progress to January:

- HR and Payroll online Forms go live completed in December
- E-recruitment and Transitions go live completed in January
- 150+ staff trained in Purchasing and Works Management
- Training material developed and online for Purchasing, Projects and Works management, Travel & Expenses, Contracts, E-recruitment, FAQs, Public Records act, and ECM
 - 263 TDC staff trained on cybersecurity
- New Phone system for all staff completed in October

JANUARY 2022

LOCALISM

Providing opportunities to give smaller communities and interest groups a voice in what we do.

Progress to January:

- Development of a new community development and engagement structure to boost capacity to support an organisational shift further incorporating localism into how we work.
- Filled the new Southern Lake Taupō Engagement Partner Role and continuing to look at how best to roll this approach out in other areas – eg. Mangakino.
- Continuing conversations with internal teams to support meaningful engagement being factored into project plans at the initial stages.
- Supporting initial conversations about how we shape the next LTP process with localism at its core, to help our communities achieve the outcomes they want.

CLIMATE CHANGE

Develop a strategy for how the organisation and the district responds to our climate change challenges in the short, medium and long term. Give effect to the short term “quick wins”.

Progress to January:

- Climate Change scope of strategy presented to Exec and agreed, Council workshop scheduled Feb 2022.
- NZ party to the COP26 agreement on methane. Checking alignment to our landfill gas flare plans.

WORLD-CLASS TEAM

Creating an empowered, engaged and efficient workforce to be able to meet the organisational priorities.

Progress to January:

- Completed an engagement survey November / December.
- ELT workshop planned in February to unpack the results at the organisational level and then individual team meetings post workshop.
- Significant work undertaken to make our workplaces as safe as possible as we enter the next phase of the pandemic and support our team.
- Internal training and development planning – online Treaty workshops for staff planned in February and March.
- Te Reo training for Councillors and staff to recommence once covid settings allow

CONNECTIVITY

Play a lead role in drawing together national and regional agencies to support the work across the District, for better overall community outcomes.

Progress to January:

- Continued relationships at a central government level including MBIE, Kainga Ora, DIA, Ministry of Transport, DPMC and others
- Continue engagement with local MP, particularly around topical community issues over this period
- Membership and participation on a number of LGNZ, Taituara, and DIA working groups include Three Waters, Covid response and Future of Local Government
- Participation in Regional Leadership Team around Covid planning and response, and collaboration with Iwi and DHB on various elements of Covid readiness

SERVICE

Lift our service standards through the organisation, benchmarked against non-local Govt peers.

Progress to January:

- 40% increase in Customer Activity over the Holiday period via phone, face to face and digital
- Key outcomes were driven by our TDC Teams working collaboratively with our Contractors ensuring our service levels remained strong.
- During January over 20,000 water slides were slid creating such a fun environment at our AC Baths facility
- 1,050 Building Consents and 243 Resource Consents received to date this year. Monitoring this workload closely as team is near their limit.

INTEGRATED CO-GOVERNANCE AND MANAGEMENT

through everything that we do.

Progress to January:

- Mana Whakahono negotiations continued positivity over this period with Ngati Turangitukua. Engagement with Amplify Board and Council staff over intent and content of the agreement underway during this time as well
- Multiple hui with local hapu around issues and opportunities including topical issues, economic development and employment opportunities and key infrastructure projects.
- Engagement planning and early meetings around landfill consent and wastewater management for northern side of the bridge
- Ongoing engagement meetings with Te Kotahitanga and Tūwharetoa Trust Board
 - TUIA rangatahi representative confirmed for 2022
- Meetings (online) to discuss reviews of JMA with Ngati Raukawa and TARIT, both of which are due this year

JANUARY 2022

3. FINANCIAL SUMMARY

3.1 REVENUE & EXPENDITURE PERFORMANCE

Figure 1 below sets out Revenue and Expenses for the year to date.

Revenue is tracking ahead of budget across most key revenue lines. In particular our subsidies and grants revenue is higher than budget because of inflows from central Govt in relation to the Taupō Town Centre Transformation (\$14.1m) and Three Waters (\$1.8m). This is partially offset by lower than anticipated inflows from Waka Kotahi (\$1.7m) as some roading renewal and maintenance activity is taking place later than planned.

Fees and charges are also tracking higher than budget, driven mostly by more property development and construction activity across the district. Specifically, building and resource consent fees are up on budget by \$390,000 year to date and solid waste revenue is up by \$250,000.

\$000	YTD Actual	YTD Budget	YTD Variance
REVENUE			
Rates	38,463	38,685	(222)
Subsidies and Grants	17,538	3,321	14,217
Development Contributions	1,974	1,991	(17)
Fees and Charges	6,037	5,377	660
Finance Revenue	934	846	88
Other Revenue	856	733	122
TOTAL REVENUE	65,802	50,953	14,848
OPERATING EXPENDITURE			
Personnel Costs	13,103	13,016	(87)
Depreciation	12,728	12,728	0
Finance Costs	4,054	3,679	(375)
Other Expenses	19,111	20,542	1,431
TOTAL OPERATING EXPENDITURE	48,996	49,965	969
NET SURPLUS / DEFICIT	16,806	988	15,818

Figure 1: Statement of Revenue & Expenses at 31 December 2021

Total operating expenditure is currently tracking below budget for the year to date.

Within this, personnel costs are beginning to track slightly over budget (\$87,000 or 0.7%) as we seek to fill vacancies to cope with higher than anticipated levels of activity across many Council teams.

Other expenses are under budget by \$1.4m for the year to date owing to some later road maintenance activity (\$0.8m) and unrequired event costs for some Covid-cancelled events (\$0.5m). We expect road maintenance costs may catch up to budget in the second half but event costs will likely remain unspent.

Finance costs are tracking over budget for the year to date as we have pre-funded the repayment of a \$10m LGFA loan facility (and the holding cost of prefunding is not budgeted for).

3.2 CAPITAL INVESTMENT PERFORMANCE

During November and December TDC completed analysis to replan capital expenditure for the remainder of the financial year.

The output of this planning work was presented to Council in December and our revised capital plans are now feeding into next years Annual Plan.

Our capital investment programme in the current year will undoubtedly produce a substantial amount of carry-forward into the next financial year. The quantum of this carry-forward is still unclear. As presented to Council in December we now have a clear understanding of some of the constraints in our investment programme in terms of materials supply and availability of skilled labour, however the ongoing pandemic and its impact in the second half of the financial year remains highly uncertain.

In the six months to December 2021 we successfully deployed \$28.3m of infrastructure capital, substantially more than the \$16.6m deployed in the same period last year. The chart below continues to illustrate the substantial "bowwave" effect which will create our large carry forward into FY23.

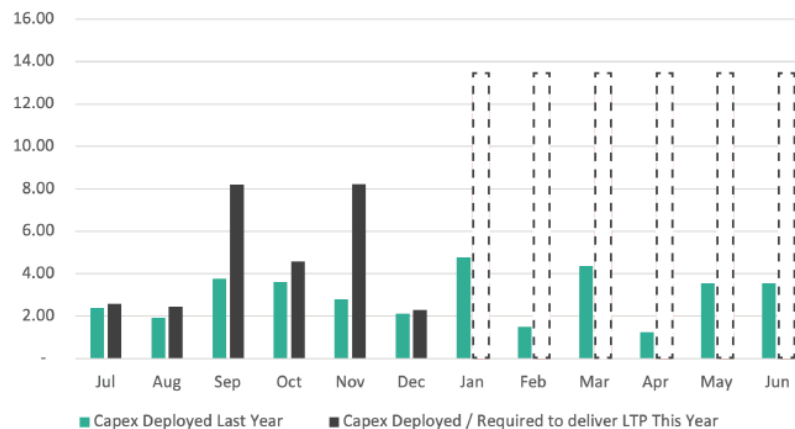


Figure 2: Scale of our capital investment ambitions

3.3 LOOKING AHEAD

Over the first quarter of calendar 2022 we will be paying particular attention to:


- Commencing the "budget building" phase of the 2022/23 Annual Plan. This is a process where the finance team works alongside key managers across TDC to build granular activity-driven budgets for the 2022/23 Annual Plan year.
- Finalisation of the Annual Plan Consultation Document and engaging on this with our community and stakeholders.
- Digesting detailed audit findings and implementing the system or process improvements which we have agreed with Audit NZ.
- Fully resourcing our Finance team to fill two positions which have become vacant over the summers (one through promotion and one through resignation).
- Continuing to monitor interest rates and funding costs, and make quality decisions around these elements of our business.

JANUARY 2022

4. TREASURY REPORT

4.1 TREASURY COMPLIANCE

The table below sets details our compliance with the Treasury Management Policy at at 31 December 2021.

DEBT MANAGEMENT		
Measure	Compliance status	Required by
Interest Rate Risk	✓	TMP
Funding Maturity	✓	TMP
Carbon unit coverage / hedging	✓	TMP
Liquidity	✓	LGFA
Net Debt	✓	LGFA
Debt / Revenue	✓	LGFA
Interest Cost / Rates Revenue	✓	LGFA
Interest Cost / Total Revenue	✓	LGFA
Debt affordability		LGA
Balanced budget benchmark		LGA
Debt servicing benchmark		LGA

Investment management		
Investment Maturity	✓	TMP
Counterparty Credit Limit	✓	TMP
Strategic Asset Allocation	✓	TMP

TMP = Treasury Management Policy LGFA = Local Government Funding Agency

LGA = Local Government Act

4.2 CEO DELEGATIONS REPORTING























CEO approval of budgeted expenditure over \$500,000: Nil to report this month

CEO approval of unbudgeted expenditure over \$50,000: Nil to report this month



JANUARY 2022

5. SIGNIFICANT PROJECTS

Project	On Time	On Budget	Comments
WATER			
Acacia Bay Water Supply			Commissioning of the connection between Taupō and Acacia Bay planned over the coming weeks. Expected completion is Feb 2022 (original plan was Dec 21).
Membrane Plant Drinking Water Standards NZ upgrade (Commencing with Kinloch)(multi-year project)			The treatment plant contract was awarded to PMWC in December 2021. The pipeline renewals package will be awarded imminently, and the bulk main package tendered in March 2022.
TRANSPORT			
Shared Paths & Access Pathways			Engagement with community (online and face to face) happening throughout February. Concept design is being refined in parallel.
Turangi Street Revitalisation			Package 2 will be completed end of February and all trees have been removed. The last two streets whereby the Kerb and Channel will be replaced are Rea & Marotoa Groves. Trees within Package 3 is scheduled to be removed starting end of February thus giving the contractor continuous workflow.
Kiddle Drive Roundabout			
COMMUNITY FACILITIES			
Turangi Recreation and Activities Centre (TRAC)			
Housing for the elderly asbestos removal and insulation			
Te Kapua Park Playground Upgrade			Engagement with community (online and face to face) happening throughout February. Concept design is being refined in parallel.
Tūrangitukua Park Community Sports Facility			Tender response from main contractor received. Cost to build is significantly higher than preliminary cost estimates confirming current approved budget is insufficient to complete the project. Limited options to reduce scope exist. A paper is to be presented to Council on 22 February requesting unbudgeted expenditure.
WASTEWATER			
Kinloch WWTP Upgrade			Kinloch WWTP process commissioning was completed in December. There is still work left to complete on site such as reinstatements, surfacing, fencing. Structural strengthening of the second process tank is underway.
Taupō wastewater Southern trunk main upgrade – Stage 1(multi-year project)			

Taupō WW Control Gates Bridge Siphon	●	●	Project is in concept option assessment phase. Critical issue is engagement with key stakeholders, primarily Iwi.
DEMOCRACY AND PLANNING			
District Plan Review	●	●	Strategic Directions section drafted. Will engage with the Exec, Council and Iwi partners on this. The draft Rural chapter also nearing completion. Contracts for Residential, Town Centre and Industrial sections finalised. Community survey completed on Protected Trees - high level of support for maintaining this section.
SIGNIFICANT PROJECTS			
Taupō Town Centre Transformation	●	●	The program is now ~40% complete. Upper Tongariro Street eastern side complete. Feb program restarted te Heuheu roundabout and western side Tongariro. Projected significant CBD business disruption to manage once flow down to the lake front/Roberts sector in April. Teething issues to resolve with new technology for NZ at Spa signals. Tamamutu change in priority nearing completion, leaving 3 intersections due for close out in July.
Taupō Airport Upgrade	●	●	
3 Waters Reform Programme Tranche 1	●	●	As at 31 December 2021, across the 10 projects, TDC is 88% complete with a total spend of \$6.413M or 77% of budget. Projects complete or 99% since the last quarterly report include WW overflow reduction, Water Zone Flow and WW Network Reduction. Currently SCADA 2030 and DWSNZ Upgrades remain at the two projects with works ongoing. Note that additional funding is in the process of being requested to cover known short fall for the DWSNZ upgrade.
Project Quantum - Phase 2	●	●	e-recruitment and Transitions went live in January alongside HRP forms. Significant delays with data migration tasks for Property and Rating require an extension to timeline. Replanning in progress.
Ngāti Tūrangitukua Mana Whakahono - co governance relationship agreement	●	●	
Waiora House	●	●	Detailed Design completed with cost estimate confirming current approved budget is insufficient to complete the project. A paper is to be presented to Council on 22 February.

 ON TRACK
  ON TRACK (MAY NOT MEET TARGET)
  WILL NOT MEET TARGET
  ACHIEVED