

Kuratau Omori Preservation Society Inc

Submission on Taupo District 2050 (2018) District Growth Management Strategy Draft Refresh of TD2050 (2006)

[Introduction](#)

[Background](#)

[Environment Court hearing 2011](#)

[Implications of proposed subdivisions of D2/D3](#)

[Site issues](#)

[Other significant documents](#)

[The Regional Policy Statement](#)

[Error – D2/D3 land is not ‘ready to go’](#)

[Suggested amendments to TD2050 \(2018\)](#)

[Appendixes](#)

[Contact details](#)

Introduction

The Society's major concern with *Taupo District 2050 (2018) District Growth Management Strategy Draft Refresh of TD2050 (2006)* (TD2050 (2018)) lies in erroneous statements made in respect of land at Kuratau situated between Te Waaka Terrace, Pihanga Road, Taringa Avenue, Whiowhio Reserve and the Kuratau River, known as the Pukawa Trustees D2/D3 blocks.

TD2050 (2018) describes that land area as “Residential” and “ready to go” – coloured green on Map 2 (TD2050 (2018) p10, PDF version).

However, the land is not “Residential” - it is “New residential” and has a specific Kuratau planning rule in Taupo District Council's (TDC) District Plan.

Nor is the land “ready to go”. It is subject to considerable TDC planning constraints plus regional constraints stemming from the RMA 1991 and Waikato Regional Council's Regional Policy Statement.

So far it has taken 10 years trying to find an agreed solution to developing the land. A current application from the landowners for resource consent for an 81-section subdivision of the land makes it essential that the council reaffirms its planning principles and holds to its District Plan rules.

TDC must also ensure that it consistently records these rules and their constraints in all its planning and strategy documents that refer to development of D2/D3 blocks – especially TD2050 (2018).

The Society seeks deletion of the green ('Residential – ready to go') shading on the map showing D2/D3 blocks of land at Kuratau, and insertion of qualified statements that confirm the District Plan restrictions on intensive or extensive development on the site, given planning change since 2006.

We detail other requested changes to TD 2050 (2018) below, and request the opportunity to present our submission orally at the 18 October 2018 consultation hearing.

Background

The Society was formed January 2008, as a direct result of TD2050 (2006) and following Plan Change 20 – 'the Kuratau zoning issue'. In 2007 Council rezoned 'Rural land' within the Kuratau settlement (including the D2/D3 blocks) to 'Residential', but did not provide for any development controls apart from drinking water, roading, and waste water. Three community members (RA Marchant and RJ & NF Neveltsen) appealed the matter and the Society took up a support role on the appeal, as a S274 Party.

It took four years to progress the case to the Environment Court. In that time the Society engaged with TDC on a wide variety of matters related to the D2/D3 blocks and the 2018 refresh of TD2050. These include but are not limited to:

- Plan Change 24 - a subsequent plan change on 'Landscape and Natural Value Identifications and Rules'
- the Lake Taupo Flood and Erosion Strategy
- the Southern Settlements Structure Plan (2013).

During 2008-2009 the original appellants, together with the Society and the Marpara Valley Preservation Society, appealed some specific rules within PC24, concerning vegetation clearances within Significant Natural Areas identified by PC24. However, all the PC24 matters overtook the PC20 zoning case and satisfactorily addressed some of the significant PC20 issues.

The problem is that TD2050 (2018) does not adequately acknowledge the 'ecological significance' of the District Plan provisions. Nor does it interpret the provisions of RMA 1991, the Regional Policy Statement, and the District Plan effectively.

Environment Court hearing, 2011 – planning rule changes agreed

Eventually both the zoning and PC 24 appeals were scheduled for the same November 2011 Environment Court hearing. During the hearing, after expert consideration in respect of PC24, Council had agreed:

- a) to provide a Significant Natural Area identification (SNA 064) over 100% of the D2/D3 lands and an Amenity Landscape Area identification (ALA 69) over around 40% of the D2/D3 lands.
- b) At the Court door, TDC accepted amendment (proposed by the Society's experts) to their rules on indigenous vegetation clearance. These amendments were in turn accepted by the Court and eventually by most of the S274 parties to the case.

The rules specifically include:

- **4e.6.1** – the permitted clearance rule, and

- **4e.6.2**, which lists matters to be considered by TDC and landowners should a landowner seek resource consent approval to clear vegetation beyond the permitted rule provisions.

Implications for proposed subdivision of D2/D3

Both of these vegetation rules, the whole suite of other Landscape and Natural Value provisions, and a further New Residential subdivision rule, must be considered in the current and any future consent applications for of land-use and vegetation clearances of D2/D3 lands at Kuratau.

Consideration of any applications for development of D2/D3 blocks will be complex and time consuming, and should be subject to public notification.

If TDC does not make a stand on its principles and effectively ensure the integrity of its District Plan and retention of its SNAs on a sustainable basis, its decisions will inevitably be subject to appeal.

Rules 4a.7.17(g), and rules 4e.6.1 and 4e.6.2

Following settlement of the PC24 case, the Court considered the PC20 zoning case and the resultant effect of PC24 upon the D2/D3 lands. Again, Council both confirmed and agreed to amend its rules with respect to the D2/D3 land.

Specifically, TDC amended the Kuratau D2/D3 zoning from ‘Residential’ to ‘New Residential’ It also agreed to provide 3a.2.4 Objectives and Policies and an expanded rule per 4e.1.8, as appended to the Court decision *Schedule One – Council’s Amended New Residential Environment Provisions* –see Appendix 1.

Subsequently Rule 4e.1.8 has been re-numbered in the current District Plan as Rule 4a.7.17(g).

Provisions of Rule 4a.7.17(g)

This rule specifies that TDC is to have regard:

“In respect to the New residential Environment (to) the appropriateness of the design, layout and density of the subdivision, having particular regard to any:

- Flood risk (Kuratau New Residential Environment only)
- Setback from any water body or river appropriate to mitigate any risk of erosion (Kuratau New Residential Environment only)
- Relevant storm water catchment management plan
- Geotechnical and topographical considerations (including potential liquefaction affects for subdivision within the Kuratau New Residential Environment)
- Landscape issues (particularly as they relate to any Amenity Landscape Area)
- Natural values and any infrastructure servicing issues.”

The rule specifically addresses the need for Council (and developers) to assess and address the constraints of the Kuratau site prior to development, ie constraints largely identified by the Appellants in 2007, but now backed by specific Landscape and Natural Value identifications (ALA 69 and SNA 064). These identifications are backed by other District Plan provisions regarding

protection, enhancement and maintenance of the amenity the identifications provide, including avoidance of adverse effects created by the subdivision processes.

All the foregoing (along with due consideration of the appropriateness of design, layout, and density of the subdivision, but having regard to Rules 4e.6.1 and 4e.6.2) have the objective of protecting an SNA from more than minor effects of vegetation clearance. This includes consideration of scale, intensity, purpose, location, and design of substitute activities in the SNA, in order to avoid, remedy, or mitigate adverse effects on ecological values, after considering the effects on:

- composition of flora, fauna, naturalness, diversity and life-supporting capacity of the SNA
- ecosystems
- rare and threatened species
- protection of longterm sustainability
- the extent of ecological corridors, linkages to other indigenous habitats

Site issues

In addition to a natural value constraint over 100% of the land and a Landscape constraint over 40% of the land, 35% lies in the river flood plain.

There are multiple hazards, including

- river flooding and erosion
- considerable geotechnical issues of slope soil type and slippage, (which are not yet fully discussed)
- water-saturated soils in the river flood plain and an already-researched (2011) and established risk of liquefaction across that plain.

The liquefaction hazard and risk in itself makes 79% of the 7.92ha D2/D3 land title adjacent to the river unsuitable for residential development, but according to the Society's expert, may extend to 1.65ha of higher land through destabilisation of the toe of the escarpment. The forum for this assessment, given the plan provisions, is through consideration of a Resource Consent Application.

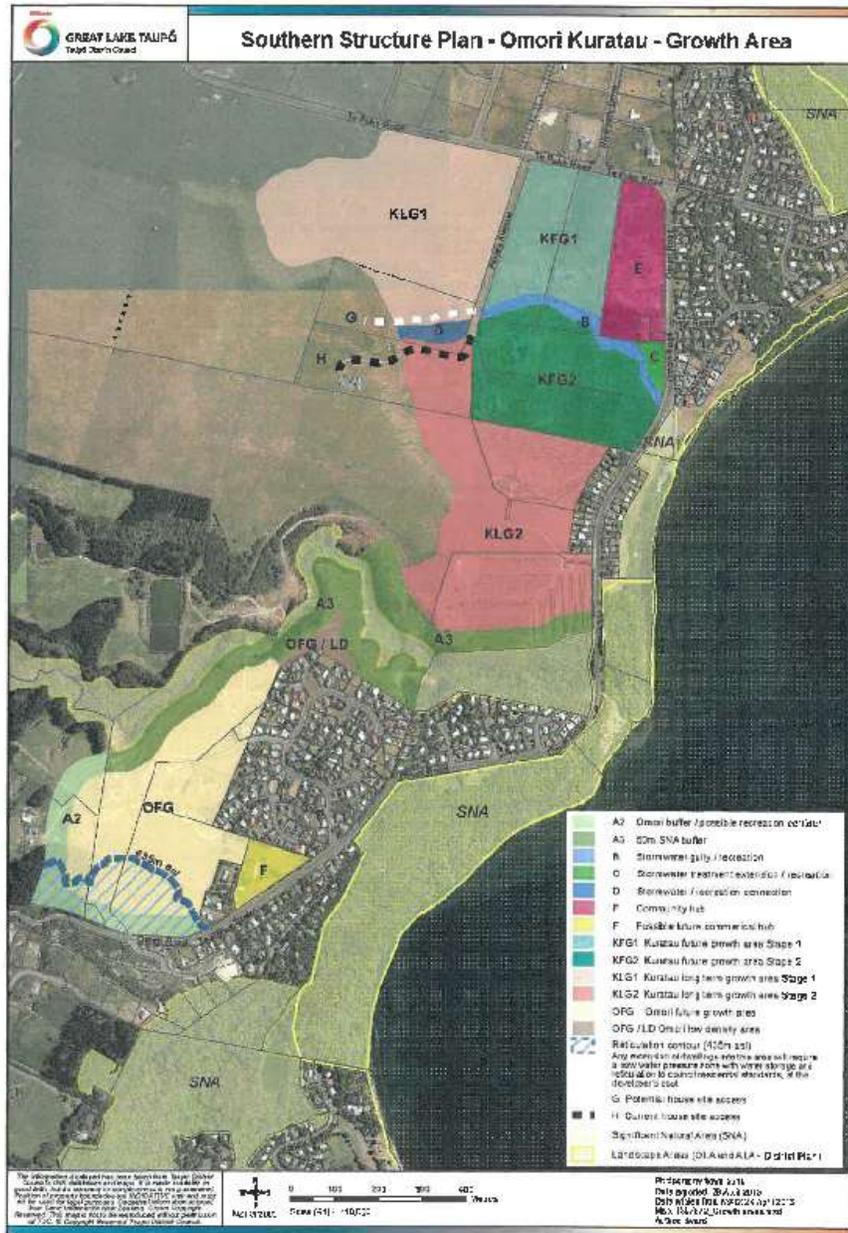
The Society notes however that such hazards do not appear to exist in the proposed Kuratau-Omori development blocks coloured orange in TD2050 (2018).

Other significant documents

Since TD2050 (2006) and the previous litigation to March 2012, two other significant documents have been produced after the Environment Court's decisions.

Southern Settlements Structure Plan (2013) (SSSP)

The map from SSSP that follows shows the location of two proposed urban residential development sites in Kuratau-Omori that are eminently more suitable than the D2/D3 lands. These sites are coloured orange in Map 2 (TD2050 (2018) p10 in PDF).



In the Society's view both of these sites have fewer and lesser constraints than those of D2/D3.

- There are no real hazards.
- Both sites are on gentle slopes, with flatter terrain.
- There are fewer roading issues.
- They are both close to the waste water infrastructure, which likely will be gravity fed and will not compound the growing issue of foreshore erosion near the sewer line along the lakefront.

- The sites are more central to the Omori boat ramp, the facilities of the Omori Recreation Reserve, the Community Hall, and the Omori Store.
- The sites have sufficient section capacity.
- Development could be staged and not incur the loss of natural value, ie an SNA.

As Council's own ecologists for SSSP 2013 identified, the SNA over D2/D3 is the highest constraint to urban development. See Figure 4 in Appendix 2.

Revision of the Waikato Regional Council's Regional Policy Statement

The Regional Policy Statement (RPS) has significant 'planning effect' under the RMA 1991. Taupo District must comply with the RPS. The RPS is now significantly revised in respect of landscape and biodiversity issues and related matters such as the Built Environment, hazards, and significant water bodies. Within the RPS there is a clear message that SNAs shall be protected not reduced. Indeed, an SNA in an urban environment like the SNA in Kuratau is relatively unusual.

The messages of the RPS should be reflected within TD 2050 (2018).

TDC's *Objectives and Policies* show why RSP messages should be heard and acted on.

For example:

- Section 12.4 states that all Amenity Landscape Areas should be enhanced and maintained.
- Section 3i.4 of the Natural Values chapter of the District Plan sets out the anticipated environmental outcomes:
 - “(i) Protection of the ecological values of Significant Natural Areas from more than minor adverse effects of activities and development
 - (ii) The enhancement of the ecological values of Significant Natural Areas
 - (ii) An increase in those Significant Natural Areas with formal protection
 - (iv) Greater public awareness of important natural values
 - (v) The long term protection & enhancement of natural values, minimizing the more than minor loss or degradation of the natural environment”.

Another example is the physical perspective of the land itself. See photos in **Appendix 2**.

The Regional Policy Statement

Rules 4a.7.17(g), 4e.6.1 & 4e.6.2 in the District Plan are backed up by the RPS. All of Chapter 11 in RPS (on indigenous biodiversity) is important.

The chapter opens with references to the positives of the continued functioning of ecological processes, the restoration of habitats, connectivity between habitats, buffering and linking of ecosystems, identification of significant vegetation and significant habitats of indigenous fauna, natural character and amenity values, and the density, range, and viability of indigenous species **(policy 11.1)**.

Policy **11.1.2** catalogues the 'adverse effects' that must be countered. **Policy 11.2** states that the regional and district councils should protect indigenous biodiversity.

The RPS makes it difficult for TDC to avoid its own District Plan objectives, policies, and rules. TDC must maintain integrity of the RPS and the District Plan in Council's response to any application for resource consent to develop D2/D3 blocks. This should also extend to ensuring any documentation that refers to D2/D3 blocks is consistent with these objectives, policies, and rules.

Waikato Regional Council states that Policy 11.1 guides WRC and territorial authorities to maintain indigenous biodiversity wherever it occurs and that Policy 11.2 addresses the requirement of S6(c) of RMA 1991 to protect areas of significant indigenous vegetation and habitat of indigenous fauna - and that protection will be achieved through both regulatory and non-regulatory methods.

Error – D2/D3 land is not 'ready to go'

In the Society's opinion TDC has been wrong in stating in TD 2050 (2018) and in SSSP that the Environment Court decisions opened the way for development of the D2/D3 blocks and that "the land is ready to go".

The balance in those decisions, in the words of the Court in 2012 was:

"It is clear that this residual land area has considerably more constraints than the surrounding land, which has been developed in a conventional urban suburban residential style. It has become evident that previous draft development proposals for more of the same type of development over all the land is unlikely due to the constraints identified to date."(para 73).

Suggested amendments to TD2050 (2018)

We remain open to discuss the wording we propose here for our suggested amendments of TD 2050 (2018).

Page 6

Insert a new paragraph before "There have been a number of other changes which have necessitated a refresh of TD 2050 (2006)". To read:

Through 2008 to 2010 Council comprehensively reviewed its District Plan provisions as to Landscape and Natural Value. This was followed by a Waikato Regional Council (WRC) review of its Regional Policy Statement (RPS) through 2012 to 2016. As the combined planning changes are applied to Urban Growth Areas, competing priorities can emerge. Nevertheless the Councils have continuing responsibility to sustainably manage both the district and the region. Conflict, if any, must be managed carefully through District Structure Planning processes and consent processes. Inevitably this will take time to ensure the environment, the drawcard of the District, is appropriately preserved, protected, and enhanced¹. It could also mean that Landowners expectations as to intensity of development may need to be scaled back to a concept akin to small clusters of homes at a relatively low density per hectare.

1 Refer RMA 1991 – sections 5, 6 & 7

Page 8, para 2.2

Insert an additional bullet point after the infrastructure bullet point. To read:

Ensure execution of the vision does not compromise sustainable management and enjoyment of the District's world-renowned environment.

Page 8, Action Point 5

After "economy" insert the words "within a sustainable environment"

Page 10, Map 2

Delete the green block labelled "Residential – Ready to go" or qualify the action in accordance with the tenor of this submission

Page 11, last paragraph of Map 2

Modify the paragraph to reflect the removal of the green-coloured block (being the D2/D3 lands at Kuratau) or directly indicate it as an exception to the "Residential – Ready to go" expression – the land being New Residential and still subject to future, comprehensive assessment.

Page 1, para 3.2 3rd paragraph

Insert "loss of" before "amenity".

Page 11

- Add a new fourth paragraph, "There is also need to continue to pursue activity that assists the rebuilding of the vitality and use of the infrastructure of Turangi and Mangakino", and
- renumber existing fourth paragraph and amend by insertion of "Taupo" before 'town centre'.

Page 14, Action Point 12

Add phraseology or a new action point that encompasses continuing appraisal of and constructive development and use of existing infrastructure of Turangi and Mangakino town centres and sub districts.

Page 15

Add a further action point after no. 18: "continue to promote the uptake of commercial, light industrial, and tourist-based opportunities within the Turangi and Mangakino settlements."

Consider developing a concept of small self-sufficient villages (inclusive of solar power, rainwater systems etc – ie, no infrastructure) of up to 5 residences or buildings where need exists for dwellings in strongly environmental locations.

Appendixes (attached as separate documents)

Appendix 1

Schedule 1 Council's new Residential Environment Provisions – TDC's Objectives and Policies document 20588040, including assessment criteria for subdivision of any 'New residential' land. 2pp.

Appendix 2

The Physical Perspective provides maps and photos with text description to illustrate the physical environment in and around the D2/D3 land. 4pp – please print in colour.

Contact details

Nicky McCreanor, co-chair of Kuratau Omori Preservation Society, lodges this submission on behalf of the society's committee.

14 September 2018

Nicky McCreanor

Co-chair, Kuratau Omori Preservation Society
c/- 17 Mysore Street, Wellington 6035
nmccrean@gmail.com