

ATTACHMENTS

UNDER SEPARATE COVER 1

Ordinary Council Meeting

28 May 2024

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5.1 Adoption and Approval of Plan Change 38 and 40-43 Decisions for Notification

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Taupō District Council**Recommendations of the Independent Hearings Panel****Recommendation Report 2****Plan Change 38: Strategic Directions****12 February 2024**

This report should be read in conjunction with **Index Report**

Index Report contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations per se.

Recommendation Report 2 contains the Panel's recommendations on PC 38 dealing with Strategic Direction Objectives

This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: 42a Summary table of recommendations on each submission point

Appendix 3: Recommended amendments to Plan Change 38 - Tracked from notified version (provisions not consequentially renumbered)

Appendix 4: Recommended amendments to Plan Change 38 provision wording - Accepted

The Hearings Panel for the purposes of hearing submissions and further submissions on all the Proposed Plan Changes comprised Commissioner David McMahon (Chair), Commissioners Elizabeth Burge and Councillor Kevin Taylor

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Recommendation Report 2

Plan Change 38: Strategic Directions

1 Introduction

Report outline and approach

- 1.1 This is Report 2, it is one of six Recommendation Reports in addition to an overarching Index Report prepared by the Hearings Panel appointed to hear and make recommendations on submissions to Bundle One incorporating six Plan Changes to the Taupō District Plan (TDP). The full background to Bundle One Plan Changes is provided in the Index Report.¹
- 1.1 This report considers the provisions and records our recommendations on the submissions relating to Plan Change 38: Strategic Directions (**PC38**) which seeks to replace existing *Chapter 2: Significant Resource Management Issues* of the District Plan with a new Chapter 2: Strategic Direction, which contains six groupings of district wide objectives and policies.
- 1.2 The relevant notified provisions of **PC38** are as follows:

Strategic Directions	PC38 provisions
1. Tangata Whenua	Objectives 2.1.2.1-6 Policies 2.1.3.1-9
2. Freshwater Quality/Te Mana O Te Wai	Objective 2.2.2.1 Policies 2.2.3.1-6
3. Urban Form and Development	Objectives 2.3.2.1-7 Policies 2.3.3.1-13
4. Climate Change	Objectives 2.4.2.1-3 Policies 2.4.3.1-4
5. Significant and Local Infrastructure	Objectives 2.5.2.1-4 Policies 2.5.3.1-5
6. Natural Environmental Values	Objectives 2.6.2.1-7 Policies 2.6.3.1-6

- 1.3 We have structured our discussion on this topic as follows:
- Section 2** summarises key contextual matters, including relevant provisions, key issues/themes in submissions, and regulatory updates;
 - Sections 3 - 10** contains our evaluation of key issues and recommended amendments to provisions;
 - Section 11** – Statutory Evaluation; and
 - Section 12** contains our conclusions.

¹ Index Report

1.4 This Recommendation Report contains the following appendices:

a. **Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.

b. **Appendix 2: 42a Summary table of recommendations on each submission point.** This is the Council's s42A Report table containing recommendations on each submission, commonly referred to as the accept/reject table. The Council, upon receipt of the Panel's recommendations, has decided not to update the s42A table to reflect the Panel's recommendation/Council's decisions.

Instead, the Council records that the Panel has accepted all those recommendations in the s42A Report table except as otherwise identified in this decision and as noted in Appendix 3 (recommended provisions) to this decision. It should be noted that there were also changes in recommendations following the s42A Report and through the hearing process. These recommendations and the associated changes are outlined within the s42A Reply Statement and ultimately culminated in Appendix 3 in the recommended provisions.

c. **Appendix 3: Recommended amendments to Plan Change 38 – Tracked from notified version.** This sets out the final amendments we recommend be made to PC38 provisions. The ~~tags~~ show the specific wording of the amendments we have recommended and are detailed in an amended text format showing changes from the notified version of PC38 for ease of reference.

d. Where whole provisions have been deleted or added, we have shown tracked consequential renumbering, to maintain the integrity of how the submitters and s42A Report authors have referred to specific provisions, and our analysis of these in this recommendation report. Additions to the notified provisions are shown as underlined and deleted provisions are shown as ~~struck-out~~, consequential renumbering is shown as underlined or ~~struck-out~~ accordingly.

e. **Appendix 4: Recommended amendments to the Proposed Plan provision wording - Accepted.** This is a 'clean copy' of the recommended amendments to provisions. It accepts all the changes we have recommended to the provision wording from the notified version of the PC38 as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have recommended.

1.5 The requirements in clause 10 of the First Schedule of the Act and section 32AA are relevant to our considerations of the submissions to PC38 provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of PC38 and its s32 reports;
- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;

- ii. the efficiency and effectiveness of the provisions is assessed;
- iii. the reasons for our recommendations are summarised; and
- iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's s42A author, we have also adopted that reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Report and/or Council Reply Report. Those reports are part of the public record and are available on the Council website. Where our recommendation differs from the s42A author recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

- 1.6 A fuller discussion of our approach in this respect is set out in the **Index Report**.

2 Summary of provisions and key issues

Outline of matters addressed in this section

- 2.1 In this section we provide relevant context around which our evaluation is based, including:
- a. summary of relevant provisions;
 - b. themes raised in submissions;
 - c. identification of key issues for our subsequent evaluation; and
 - d. summary of key legislative changes since notification of PC38.

Summary of Relevant provisions

- 2.2 As indicated in paragraph 1.2 of this Recommendation Report, the relevant provisions we address relate to PC38: Strategic Directions chapter.
- 2.3 PC38 comprises of an entirely new chapter - the Strategic Directions Chapter- which is proposed to be inserted into the TDP. The Strategic Directions Chapter will replace the existing *Chapter 2: Significant Resource Management Issues* of the District Plan. The new chapter contains high level objectives and policies to address key strategic ~~ms~~ for the district and inform lower order district plan objectives and policies and also to guide decision-making at the resource consent stage. The strategic objectives set the direction for the TDP and help to implement the Council's community outcomes. They are indicative of the matters which are important to the Taupō District community and reflect the intended outcomes to be achieved through the implementation of the TDP.²
- 2.4 The Strategic Direction Objectives as notified are:
- a. **Strategic Direction 1: Tangata Whenua** (Objectives 2.1.2.1-6 and Policies 2.1.3.1-9) seek to better recognise and take into account the principles of the Treaty of Waitangi and the relationship that Māori have with land, water, and significant sites.
 - b. **Strategic Direction 2: Freshwater Quality/Te Mana O Te Wai** (Objective 2.2.2.1 Policies 2.2.3.1-6) seek to recognise the importance of water quality in the Taupō District and support land use that enhances water quality rather than causing a decline.
 - c. **Strategic Direction 3: Urban Form and Development** (Objectives 2.3.2.1-7 Policies 2.3.3.1-13) seek to ensure that development occurs in a planned and efficient manner consistent with the NPS-UD and in line with effective infrastructure provision.
 - d. **Strategic Direction 4: Climate Change** (Objectives 2.4.2.1-3 Policies 2.4.3.1-4) seek to support positive climate change outcomes and ensure that land being developed is resilient to the effects of climate change.
 - e. **Strategic Direction 5: Significant and Local Infrastructure** Objectives 2.4.2.1-4 Policies 2.4.3.1-5 seek to provide for the development of important infrastructure to support the ongoing functioning of the district's urban and rural communities.

² §42A Report, PC38, prepared by Rowan Sapsford, para 13, page 6, dated 3 July 2023

- f. **Strategic Direction 6: Natural Environmental Values** (Objectives 2.6.2.1-7 Policies 2.6.3.1-6 seek to recognise the importance of natural areas and landscapes within the district.

Themes Raised in Submissions

- 2.5 As detailed in the PC38 s42A Report, a total of 294 submission points were made on PC38 and 253 further submissions were received.

- 2.6 There were two main types of submissions, those of a **general** nature and those that were more **specific** in that they focused directly on one or more of the Strategic Directions.

- 2.7 The nature of the submissions is set out below.

General submissions

- 2.8 The s42A Report³ sets out the following issues that were raised from general submissions:

- Requests that the Strategic Directions provide for specific recognition of the Rural environment⁴
- Provide for a hierarchy to the Strategic Directions⁵
- The content and interpretation of the provisions respects and reflects the principles of te Tiriti o Waitangi⁶
- Request for the inclusion of an Energy Chapter⁷
- Typographical errors⁸
- That cultural and historic heritage is provided for more robustly⁹
- That Council adopts a degrowth philosophy to reduce unnecessary production¹⁰
- Ensuring consistency with National and Regional Direction¹¹
- Additional recognition for the strategic importance of aggregate¹²

- 2.9 These submissions are discussed across multiple sections of this report including the *Evaluation Overview*, the section on *Strategic Directions Introduction* and in some cases in an actual strategic direction topic depending on the nature of the submissions relevant to those sections of the report.

Specific Submissions

- 2.10 The quantum and nature of submissions specifically targeted at the actual Strategic Directions topics and their provisions are addressed below in **Section 3 – Evaluation** under each of the Strategic Directions they relate to.

³ s42A Report, prepared by Rowan Sapsford, Section 4.2, paras 32-61, pages 9-13, dated 3 July 2023

⁴ Submissions OS22.23, OS91.1, OS26.59 and OS90.1

⁵ Submissions OS58.1, OS95.1, OS95.3 and OS58.3

⁶ Submissions OS115.21

⁷ Submissions OS84.47 and OS93.1

⁸ Submissions OS84.09, OS89.1, OS93.2 OS93.3 OS93.4 OS93.5, OS93.16 and OS93.17, OS98.1, OS29.1, OS29.9 and OS29.13

⁹ Submission OS96.1

¹⁰ Submission OS46.2

¹¹ Submissions OS29.27, OS115.27 and OS29.21

¹² Submissions OS76.1 and OS76.2

Identification of key issues for our subsequent evaluation

- 2.11 We have organised our evaluation based on the key issues raised by submissions for each of the Strategic Directions, in addition to submissions that raised issues of a general nature. This aligns with the key issues raised in s42A Report as set out above in paragraphs 2.7-2.10.
- 2.12 Some of these matters feature more prominently than others in our evaluation below, but we record that all submissions on the provisions relating to the Strategic Direction chapter have been taken into account in our deliberations.
- 2.13 In general, submissions in support of the Strategic Directions chapter have not been discussed but are accepted or accepted in part. More detailed descriptions of the submissions and key issues can be found in the relevant s42A Reports and written Reply Statements, which are available on the Council's website. As stated above, our recommended decision on each submission point is set out in **Appendix 2**.
- 2.14 Our assessment of the key determinative issues raised and how the provisions should be amended to address these is set out in more detail in paragraph 3.10 below.

Summary of key legislative change since notification of PC38

- 2.15 In the period between the close of submissions and the commencement of hearings in August ~~2023~~ three days after the Plan Changes were notified, a new NPS on Highly Productive Land (**NPS-HPL**) came into force on 17 October 2022.
- 2.16 Despite the addition of the **NPS-HPL** coming into effect three days after the notification of all Plan Changes, and the submissions thereon, the obligation in s75(3) of the RMA remains a relevant consideration to PC38.
- 2.17 In addition, the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) was also gazetted on 7 July 2023.
- 2.18 Both the NPS-HPL and NPS-IB are covered in our evaluation in **Section 7** under our assessment of *Strategic Direction for Urban Form and Development* below in paragraphs 7.1-7.39 and also in our overall statutory evaluation in **Section 11**.

3. Evaluation Overview

Preamble

- 3.1 It is important to canvas the overarching and hierarchical nature of Plan Change 38 and as the name suggests, the provisions of PC38 provide a Strategic Direction for the entire District Plan.
- 3.2 Therefore, it is equally important that the Panel makes its recommendations on the objectives and policies contained in PC38 ahead of the other Bundle One plan changes given that the provisions of PC38 interact proceeding plan changes of Bundle One and subsequent future plan changes that may follow need to align with PC38. With the exception of our recommended decision on PC39 – Residential Building Coverage, we have implemented this edict with all of the Bundle One plan changes. Our recommended decision on PC39 has been issued ahead of the other five plan changes due to a unique set of circumstances discussed in that particular decision report and in the Index Report.
- 3.3 Overall, the Panel welcomes and considers the introduction of a Strategic Directions Chapter to the District Plan as being consistent with other recent second-generation plans.¹³
- 3.4 Before we set out our assessment of PC38 we address the following matters which have a bearing on our proceeding assessment:
- a. Hierarchy of Provisions
 - b. Inventory of information used by the Panel during our deliberations

Hierarchy of Provisions

- 3.5 Our approach to assessing Plan Change 38 needs to ensure that the hierarchy of the Strategic Directions Chapter is recognised to ensure the purpose of this chapter is fit for purpose.
- 3.6 Therefore, our approach to assessing Plan Change 38, with respect to the other plan changes of Bundle One is slightly more nuanced.
- 3.7 The Panel has taken a two-tiered approach in assessing the Strategic Directions to ensure that the hierarchy of the provisions is fit for purpose. This involved assessing whether the Strategic Directions provisions (objectives and policies) hold the highest level of hierarchy for the District Plan and play a multi-functional role as follows:
- a. The proposed objectives must give effect to the high order documents; and
 - b. The proposed policies have a dual role in that they must directly implement the objectives both for future plan making purposes and also in the implementation of resource consent assessments.

¹³ New Plymouth and Porirua

Inventory of information used by the Panel during deliberations

- 3.8 The Panel was provided with the following information which we utilised to inform our recommendations:
- a. Section 32 Report
 - b. Submissions and further submissions
 - c. Submitter evidence
 - d. Section 42A Report
 - e. Supplementary statement¹⁴
 - f. Statement of Evidence¹⁵
 - g. Officers Reply Statement Report¹⁶
 - h. Response to Panel's verbal questions at the hearing¹⁷
 - i. Reporting Officers wiring diagram¹⁸
 - j. Strategic Directions Chapter – as recommended by changes from submissions – post hearing version¹⁹
 - k. Joint Witness Statement of the Energy Providers (JWS)²⁰
 - l. Reporting Officers response to the JWS²¹
 - m. Response to Minute 20²²
- 3.9 Links to all of the above material can be found on the TDC web page for PC38.

Assessment of Provisions

- 3.10 Our evaluation is organised systematically setting out the following for each of the objectives and policies of the Strategic Directives Chapter:
- a. Overview of each Strategic Direction
 - b. Submissions received
 - c. Key issues raised
 - d. Council's response
 - e. Panel's recommendation

¹⁴ Supplementary Statement, prepared by Hilary Samuel on behalf of TDC, dated 21 August 2023

¹⁵ Statement of Evidence, prepared by Philip Caruana, TDC Senior Policy Advisor, dated 25 August 2023

¹⁶ Reply Statement, prepared by Rowan Sapsford, on behalf of TDC, dated 21 September 2023

¹⁷ Response to Minute 7 prepared by Rowan Sapsford, on behalf of TDC, dated 21 September 2023

¹⁸ Appendix 1, Response to questions of the Independent Hearing Panel, prepared by Mr Sapsford, dated 21 September 2023

¹⁹ Post hearings version of Strategic Directions Chapter, dated September 2023

²⁰ JWS, 8 September 2023

²¹ Response to Agreed energy provisions by Mr Sapsford, dated 8 September 2023

²² Response to Panel Minute 20, prepared by Rowan Sapsford on behalf of TDC, dated 17 October 2023

4. Chapter 2: Strategic Directions Introduction

Overview

Provision(s)	Panel recommendations
Introduction	<ul style="list-style-type: none"> Delete notified paragraphs 3-5. Insert new paragraphs to better reflect the relationship between the Strategic Directions and the District Plan as a whole. Amendments to the last paragraph and list of significant resource management matters Corrections for spelling and grammatical errors Consequential changes to the list of key strategic/significant resource management issues.

Amendments and reasons

- 4.1 As notified, the *Strategic Directions Introduction* chapter included a brief overview setting out the relevance of the chapter, focusing on the particular relevance of this chapter to future plan changes and how it interacts with the District Plan and expressly stating that it does not contain rules.
- 4.2 Submissions on the Introduction outlined a number of typographical errors.²³
- 4.3 At the hearing, the Panel raised questions relating to the application of the Strategic Directions provisions. This matter was also subject of **Minute 7**²⁴ which directed the s42A officer to provide a wiring diagram to identify any gaps in the linkages between the Strategic Directions and the higher and lower order provisions, which Mr Sapsford duly provided.²⁵
- 4.4 The Panel would like to acknowledge Mr Sapsford's efforts in providing the wiring diagram as a highly effective method of identifying the linkages and potential gaps or breakages from both a top down and bottom-up approach to objective setting. The Panel found the colour coding of the wiring diagram a particularly useful visual aid to demonstrate where alignment with higher order documents is provided and where potential gaps or breakages have been identified.²⁶
- 4.5 The Panel has been mindful to continuously monitor the linkages of the objectives and policies throughout not only the deliberations of PC38 but all plan changes within Bundle One.
- 4.6 We acknowledge that the wiring diagram shows the alignment with the majority of the higher order documents. We also acknowledge that where there are breaks or gaps, that these have been assessed to ensure that they will be dealt with by either the other plan changes of Bundle One or through future plan changes within the rolling plan review process. Also, we determine that the areas identified as 'red' in the wiring diagram are not fatal per-se and that the Strategic Direction Chapter is fit for purpose.
- 4.7 Therefore, we accept where gaps or breakages have been identified, these will be dealt with as a whole during the continued process of the rolling plan update. Mr Sapsford

²³ OS.93.2

²⁴ Minute 7, dated 1 August 2023

²⁵ Response to Panel's questions from Mr Sapsford, dated 21 September 2023, Appendix 1 – wiring diagram

²⁶ Response to Panel's questions from Mr Sapsford, dated 21 September 2023, paragraph 5

returned to this matter in his Reply Statement (**RS**) and provided the updated wording to the Introduction.

- 4.8 As set out in paragraph 3.7 above the policies have a dual role. They need to implement the objectives of the strategic directions in addition to providing direction for resource consent applications.
- 4.9 Although the proposed changes Mr Sapsford made to the introduction text in the RS²⁷ partially addressed the Panel's and submitters²⁸ concerns regarding the clarity of the role and application that the Strategic Directions play. The Panel did not consider that this dual role that the policies have was adequately explained in the introduction.
- 4.10 The Panel therefore sought further clarification regarding the hierarchy of the Strategic Directions in general. This resulted in the Panel issuing **Minute 20**²⁹ which sought further clarification on whether the strategic policies are intended to implement the strategic objectives.
- 4.11 Mr Sapsford's response to **Minute 20** did not provide any further amendments to the wording of the introduction, but stated "*Yes, they have been developed to directly implement the strategic objectives. They do not implement them exclusively as they are also to be implemented by the wider plan, such as by the General Rural and Rural Lifestyle Chapter which implements several of the strategic directions.*"³⁰
- 4.12 The Panel was satisfied that the intent of the policies was clarified, however, given no further changes were proposed to the introductory text, we considered that the introduction needs to explicitly articulate this clearly to the plan user.
- 4.13 Therefore, in terms of the proposed changes that Mr Sapsford provided to the introduction in his RS³¹, the Panel accepts the deletion of the paragraphs 2 and 3 and partially accepts the new paragraph. However, the Panel considers that further wording is required to ensure the overall purpose of the Strategic Directions is explicitly articulated, which the Panel has provided below in bold underline, to read:

*"For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other parts of this Plan are to be read and achieved in a manner consistent **with objectives and policies that form** these strategic directions.*

*The policies contained within this chapter **have a dual purpose. The policies must deliver the Strategic Objectives and can also** ~~are able to~~ be applied directly in the consideration of resource consent applications where there is a requirement to consider District Plan policy."*

- 4.14 The Panel also accepts and adopts the s32AA assessment for the other minor wording changes proposed to the introduction as set out in Mr Sapsford's s42A report.³²
- 4.15 In terms of providing a s32AA analysis of its further amendments over and above those recommended by Mr Sapsford, the Panel considers that the additional wording provides a more explicit explanation to the plan user regarding the dual role of the policies. Therefore, the additional wording proposed by the Panel is considered to be a more

²⁷ Reply Statement, prepared by Mr Sapsford, paras 8-9, page 3, dated 21 September 2023

²⁸ OS58 Pukawa D2 Trust and OS95 Trustees of the Pukawa D3 Trust

²⁹ Minute 20, dated 5 October 2023, question 8.a.

³⁰ Response to Minute 20, dated 17 October 2023

³¹ Reply Statement, prepared by Mr Sapsford, paras 8-9, page 3, dated 21 September 2023

³² s42A Report prepared by Mr Sapsford, page 88, dated 3 July 2023

effective way of expressing the role of both the policies and the intent of the chapter both in a plan making and consenting role.

- 4.16 Furthermore, the Panel considers the additional wording, although not directly sought by submitters, the alteration is of minor effect and therefore can be made under clause 16 (2) of the RMA.

5. 2.3 Strategic Direction 1: Tangata Whenua

Overview

Provision(s)	Panel recommendations
Introduction	<ul style="list-style-type: none"> Amend the introduction to reflect minor spelling and grammatical errors.
2.1.2 Objectives Objectives 1-6	<ul style="list-style-type: none"> Amend Objective 2.1.2.3 to provide for the correct spelling and capitalization of mātauranga³³ Māori Amend Objective 6 to provide for the correct spelling of te Tiriti³⁴ o Waitangi Amend Objective 2.1.2.4 to remove the macron in tangata to provide for consistent spelling through the chapter
2.1.3 Policies Policies 1-9	<ul style="list-style-type: none"> Amend Policy 2.1.3.1 to provide additional wording to increased clarity and strengthen the role of mana whenua hapū, amending (a) to include the words iwi/hapū and insert additional sub clauses (c) and (d) to include the role of mana whenua outcomes of Te Kaupapa Kaitiaki. Amend Policy 2.1.3.2 to provide additional wording to reflect mana whakahaere and kaitiakitanga and delete (c) and correct spelling of tangata. Amend Policy 2.1.3.6 to insert the words 'existing and historical'. Delete Policies 3 and 6 Renumber policies accordingly

Amendments and reasons

- 5.1 As notified, *Strategic Direction 1: Tangata Whenua* included six Objectives and seven policies.
- 5.2 As set out in the s42A Report, there were a total of 16 submissions in relation to the following specific issues:
- Specific recognition of papakāinga
 - Recognition of te Tiriti o Waitangi and Māori values
 - Recognition and engagement with iwi
 - Role of iwi documents
 - Policy duplication
- 5.3 Overall, the submissions received in relation to Strategic Direction 1 were largely in support of the objectives and policies contained within. Where amendments were sought they generally sought to provide increased recognition and clarity to strengthen the role of mana whenua.
- 5.4 Mr Sapsford addressed the key issues raised by submissions as set out above in paragraph 5.2 in his s42A Report.³⁵ As a result, Mr Sapsford proposed the rationalisation of Policies 3 and 6 by incorporating these into Policies 1 and 2.

³³ OS89.3 Department of Conservation

³⁴ OS89.3 Department of Conservation

³⁵ s42A Report, prepared by Mr Sapsford, section 4.3, page 14-19, dated 3 July 2023

Additional amendments to the policies to provide greater direction, such as incorporating references to the role of mana whenua were recommended by Mr Sapsford, which were also sought by submitters.³⁶

- 5.5 The Panel agrees with the rationalisation of the policies and additional references to mana whenua's specific roles. Therefore, the Panel accepts and adopts these amendments along with the s32AA analysis in that they provide for a more efficient and effective way of achieving the Act.³⁷
- 5.6 In addition to the matters raised by submitters, the Panel was cognisant that the overall intent of the Chapter should reflect the needs of mana whenua. As such, the Panel acknowledged that the chapter provisions need to be directive and permissive and where iwi have produced iwi management plans, that the Council have considered these in formulating the provisions contained within Strategic Direction 1.³⁸
- 5.7 The Panel carried out an analysis of the use of te reo terms within the chapter in relation to whether definitions were provided of these either within the ODP or in higher order documents. From this analysis, we noted that the te reo terms in Objectives 3 and 4 are not defined in the ODP however, given there were no submissions seeking definitions to these terms, we did not possess any scope to make widespread changes that may have a more than neutral effect. Furthermore, given the sensitivity associated with, and the bespoke nature of these terms, the Panel did not consider it to be appropriate for it to provide such definitions.
- 5.8 At the hearing the Panel raised questions regarding the use of the term Māori land vs Māori owned land and if there is any scope for a change to this term with reference to all submissions made, and whether the term freehold land as opposed to general title land was appropriate.³⁹ Mr Sapsford addressed this matter in both his response to the Panel's verbal questions⁴⁰ and in his RS. He recommended⁴¹ providing an explanation of the terms as follows:
- a. that Māori land, is land where Māori customary interests have been converted to freehold title by the Māori Land Court or its predecessors by a freehold order,
 - b. whereas 'General Land' refers to ordinary privately owned freehold land.
- 5.9 Mr Sapsford concluded that the use of the term freehold is correct within the context of the introduction but not within the context of policy 2.1.3.4 and therefore he recommended that the wording be amended as follows:
- "Recognise the wider **existing and historical** constraints on the utilisation and development of Māori land as different from **general land in freehold title**"⁴²*
- 5.10 The Panel accepts the rationale of Mr Sapsford's proposed changes and accepts the insertion of the words 'existing and historical'. However, the Panel considers the insertion of the word 'general' does not provide for greater clarity to the plan user in terms of an efficient and effective qualifier to provide a distinction for Māori land. The Panel therefore rejects this component of the proposed change and recommends the policy read as follows:

³⁶ OS115.2 Te Kotahitanga o Ngāti Tuwharetoa and OS115.3 and OS115.15 Te Kotahitanga o Ngāti Tuwharetoa

³⁷ s42A Report, prepared by Mr Sapsford, section 4.3, page 14-19, dated 3 July 2023

³⁸ s32 Report, page 21-22, dated October 2022.

³⁹ OS115 Te Kotahitanga o Ngāti Tuwharetoa

⁴⁰ Response to questions of the Independent Hearing Panel, prepared by Mr Sapsford, dated 21 September 2023

⁴¹ Reply Statement, prepared by Mr Sapsford, paras 15-17, page 5, dated 21 September 2023

⁴² Reply Statement, prepared by Mr Sapsford, para-17, page 5, dated 21 September 2023

*"Recognise the wider **existing and historical** constraints on the utilisation and development of Māori land. ~~as different from~~ **general land in freehold title**"⁴³*

- 5.11 No submissions were received that sought this deletion; however, the Panel considers that the nature of this alteration is of minor effect and therefore is made under Clause 16 of the RMA.
- 5.12 In terms of a s32AA analysis, the Panel considers that the definition of Māori land provided for in the Te Ture Whenua Māori Land Act 1993 and providing a full stop after the words 'Māori land' is a more efficient and effective way of achieving the purposes of the Act and reduces the potential for interpretation issues of what 'general land' constitutes.⁴⁴

⁴³ Reply Statement, prepared by Mr Sapsford, para-17, page 5, dated 21 September 2023

⁴⁴ s42A Report, prepared by Mr Sapsford, section 4.3, page 14-19, dated 3 July 2023

6. 2.5 Strategic Direction 2: Freshwater Quality/Te Mana O Te Wai

Overview

Provision(s)	Panel recommendations
Introduction	<ul style="list-style-type: none"> Amend the introduction to reflect the regional and district direction.
2.2.2 Objectives	<ul style="list-style-type: none"> Amend Objective 2.2.2.1
2.2.3 Policies	<ul style="list-style-type: none"> Amend policies 2.2.3.2-6 to reflect national direction and specific district matters.

Amendments and reasons

- 6.1 As notified, *Strategic Direction 2: Freshwater Quality/ Te Mana O Te Wai* provided for a single objective and six policies.

As set out in the s42A Report, there were a total of 15 submissions in relation to the following specific issues:

- Scope and approach
- Consistency with National Policy and Direction
- Implementation

- 6.2 Overall, the submissions received did not widely contest the notified provisions and the key issue pivoted around the functions, powers and duties of the territorial authority in respect to this particular Strategic Direction.⁴⁵

- 6.3 Mr Sapsford addressed these matters in the s42A Report,⁴⁶ provided further responses to the Panel's verbal questions at the hearing⁴⁷ and returned to these matters in the RS⁴⁸.

- 6.4 The changes Mr Sapsford initially recommended in his 42A Report bolstered the Introduction to clarify the role of the Plan in this area as it relates to national level direction.⁴⁹ Additional changes to Policies 2.2.3.2, 3, 4, 5 and 6 generally provided for more district level specificity of freshwater issues and iwi values.⁵⁰

- 6.5 The Panel raised the following questions at the hearing:

- Whether the inclusion of Objective 2.2.2.1 goes beyond the functions of District Councils; and
- Whether reference to 'te Mana o te Wai' in Policy 2.2.3.5 needs to be reflected in an associated objective.

- 6.6 Initially Mr Sapsford did not consider it necessary to provide for any amendment to the

⁴⁵ OS22.17, OS26.60

⁴⁶ S42A Report, prepared by Mr Sapsford, section 4.4, page 20-23

⁴⁷ Response to questions of the Independent Hearing Panel, prepared by Mr Sapsford, dated 21 September 2023

⁴⁸ Reply Statement, prepared by Mr Sapsford, Issue F, page 6, dated 21 September 2023

⁴⁹ s42A Report, prepared by Mr Sapsford, section 4.4, page 21

⁵⁰ s42A Report, prepared by Mr Sapsford, section 4.4, page 20-23

single objective within this chapter in his s42A Report in relation to our initial question of scope for the objective. However, Mr Sapsford revisited this matter in his RS and the supplementary response to the Panel's questions, and as a result he opined that:

- a. fully articulating the key elements of Te Mana o te Wai within the Objective would provide more clear direction on the outcomes being sought; and
 - b. a straight reference to Te Mana o te Wai within the Objective would be of limited benefit and that setting out the concepts/principles of Te Mana o te Wai in a more specific manner relevant would be more effective.
- 6.7 As a result, Mr Sapsford recommended additional wording to Objective 2.2.2.1 and Policy 2.2.3.5 within this particular Strategic Direction topic to recognise the need to benefit freshwater ecosystems, the wider environment and the community.⁵¹
- 6.8 The Panel finds that these changes and the rationale provided by Mr Sapsford, that Objective 2.2.2.1 is intentionally broad and that the policies are more specific, to be logical and relevant. The Panel considers the recommended objective and policy changes appropriately reflect the considerations of the submitters' and the overall role responsibility of the District Plan to assist in managing the effects is reflected appropriately. The Panel agrees that it is not always necessary to repeat the wording of higher order documents and consider the changes Mr Sapsford recommended to the objective appropriately gives effect to the NPS-FM.
- 6.9 The Panel considers these changes better reflect the importance of Part 2 of the RMA and provides better recognition of the relationship between tāngata whenua and wai within the Taupō District. The recommended wording changes are also consistent with the language of the RMA.
- 6.10 Therefore, the Panel accepts and adopts the changes recommended by Mr Sapsford contained in his s42A Report in respect to the changes to Policies 2.2.3.2-6 and further changes set out in the RS⁵² and response to the Panel memorandum⁵³ in respect to Objective 2.2.2.1 and Policy 2.2.3.5 and associated s32AA evaluations in this regard.

⁵¹ Reply Statement, prepared by Mr Sapsford, Issue F, page 6, dated 21 September 2023

⁵² Reply Statement, prepared by Mr Sapsford, Issue F, page 6, dated 21 September 2023

⁵³ Response to questions of the Independent Hearing Panel, prepared by Mr Sapsford, dated 21 September 2023

7. 2.6 Strategic Direction 3: Urban Form and Development

Overview

Provision(s)	Panel recommendations
Introduction	<ul style="list-style-type: none"> Amend minor grammatical errors Insert additional wording to the end of paragraph two to better reflect the role that the urban growth strategy Taupō District 2050 has played in the development of the plan.
2.3.2 Objectives	<ul style="list-style-type: none"> Amend Objective 2.3.2.1(a) by replacing the word “forms” with “environment” Amend Objective 2.3.2.1(c) by deleting the word “and” Insert new Objective 2.3.2.1(d) to support emissions reductions Insert new Objective 2.3.2.1 (f) to protect the productive capacity of rural land Amend Objective 2.3.2.2 by deleting wording “to be consistent with TD2050 2018 to” and replace with “protect the effective functioning of the General Rural Environment: Amend Objective 2.3.2.3 wording to strengthen the direction of the objective for development in “appropriate locations” and provide Amend Objective 2.3.2.7 by inserting words “use and development” and “cultural and historic” Insert new Objective 2.3.2.3.8 to provide for spatially specific reference to the East Taupō Arterial
2.3.3 Policies	<ul style="list-style-type: none"> Amend Policy 2.3.3.3 to strengthen the intent of the policy and better align with the objectives Amend Policy 2.3.3.4 to provide for greater level of clarity Amend Policy 2.3.3.4 with minor grammatical/wording changes Amend Policy 2.3.3.6 to strengthen the direction of the policy Amend Policy 2.3.3.8-9 to correct minor grammatical errors and additional wording for clarity Amend Policy 2.3.3.10 (b) to insert words “and the surrounding area” Amend Policy 2.3.3.11-12 with minor additions to provide greater clarity

Amendments and reasons

- 7.1 As notified, *Strategic Direction 3: Urban Form and Development* provided for seven objectives and thirteen policies.

7.2 As set out in the s42A Report, there were a total of 60 submissions in relation to the following specific issues:

- Subdivision and development
- Development of Māori land
- Aged care developments
- Urban forms
- Geothermal vegetation and hazards
- Town centres and reverse sensitivities
- Natural, cultural and historic values
- Infrastructure
- Role of the East Taupō Arterial
- Urban form and transportation

7.3 In evaluating the key issues raised in submissions on this Strategic Direction, we focused our evaluation on the key issues that remained contested at the hearing, which we cover in more detail in turn below. Those two issues related to the request by submitters for new objectives in the UFD Strategic Direction in order to:

- a. Recognise the role of the Rural Environment; and
- b. Recognise the role of the East Taupō Arterial

7.4 Before moving to this substantive assessment of the matters remaining in contention, we briefly note that, the other issues raised by submitters as listed above in paragraph 7.2 were not actively contested at the hearing and therefore in the absence of any evidence from submitters, we therefore accept and adopt the recommended changes and associated s32AA assessments contained in Mr Sapsford's s42A Report in respect to the relief sought by submitters. These changes are reflected in **Appendix 2**.

Recognition of the role of the Rural Environment

7.5 The first matter the Panel addressed is a fundamental overarching issue raised by several submitters relating to specific recognition of the rural environment by way of an additional strategic direction seeking to protect the functioning of the rural environment and also recognising its importance to the Taupō district. This matter was initially considered by Mr Sapsford in his s42A Report under 'General Submissions' which we listed above in paragraph 2.8.⁵⁴

7.6 In response to these submitters, the Panel suggested at the hearing that in an ideal situation, a separate strategic direction for the rural environment might be preferable, similar to those issued by New Plymouth District Council in its recent district plan decisions which provided for a strategic objective for the rural environment in its own right. In this respect, the Panel acknowledged the similarities between New Plymouth and Taupō rural environments given both districts have significant dairying, forestry and energy generation within the rural environment.

7.7 In its deliberations after the hearing, the Panel carefully considered this matter and agreed that recognition of the rural environment is vital and pondered whether the current format is the most appropriate method of providing for this. However, the key issue was whether we had scope to make such a fundamental structural and material change to the notified UFD strategic objective.

⁵⁴ s42A Report, prepared by Mr Sapsford, section 4.2.1, page 9, dated 3 July 2023

- 7.8 On the matter of scope, and notwithstanding that we had an appetite for a separate rural strategic direction, we found that no submitter had prepared a full suite of wording for a rural environment Strategic Direction comprising objectives and policies in totality. Accordingly, we concluded that the scope to provide a bespoke rural strategic direction does not exist. To elaborate, whilst some submitters did canvas possible wordings of objectives that might exist in a rural strategic direction, there was no similar assistance in relation to specific policies to implement and align with such objectives. That limitation meant that we were not prepared to substitute our preference on this in the absence of any proffered drafting provided though evidence.
- 7.9 We considered that it is not fatal that there is no basis for a separate rural environment strategic objective, as the existing UFD Strategic Direction provisions provide for integrated planning. It might be argued that a separate rural strategic direction objective may lose the flavour of integration, particularly the ability of such provisions to address the form, function and reverse sensitivity matters at the rural-urban interface.
- 7.10 In addition, the Panel acknowledged that the rural environment has a role to protect the urban environment, and vice versa. Good urban form outcomes protect the rural production capacity of rural land. The combination of strategic direction provisions for both the urban and rural environments can provide for more efficient and effective plan making to ensure the interconnection between the two environments is not lost by artificially separating the two environments. Ultimately, the Panel considered that in this instance, and given the absence of scope, the integrated UFD direction can provide the potential for an appropriate outcome for both rural and urban form and development.
- 7.11 On this basis, the Panel decided there was an appropriate synergy of a combined strategic direction and a role for the urban and rural to protect one another and therefore we have focused on the nuanced wording of a combined strategic direction. Furthermore, we take comfort that the Residential and Rural Chapters of the Plan will provide the appropriate policy detail and the combined UFD Strategic Direction is the touchstone for the link.
- 7.12 As part of our deliberations, we compared the detailed relief sought by the submitter⁵⁵ that provided detailed wording for a new objective against the recommended changes contained in Mr Sapsford's Reply Statement Report. We have set these out in **Table 1** below.
- 7.13 The Panel also reviewed the key operative words of all the submissions and considered that the broader the wording, the more encapsulating the objective would be to ensure that all concerns of submitters were captured.

⁵⁵ ~~Federated Farmers~~

S42A and Reply Statement Recommended Changes to the Notified Strategic Objectives and Policies	New Strategic Objective sought by Submitter ⁵⁶
<p>Strategic Objective 2.3.2.1 <i>(d) <u>supports emissions reduction through well planned urban form, design and location; and</u></i> <i>(f) <u>protects the productive capacity of rural land.</u></i></p> <p>Strategic Objective 2.3.2.2: <i>Subdivision, use and development of land will be consistent with TD2050 2018 <u>to protect the effective functioning of the Rural Environment</u>, maximise the efficient use of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure.</i></p> <p>Policy 2.3.2.2: <i>Avoid fragmented urban development that results in inefficiencies:</i> <i>a. Use of land in,</i> <i>b. the provision and functioning of infrastructure, and</i> <i>c. landuse functioning of the Rural Environment</i></p>	<ol style="list-style-type: none"> <i>1. The district's general rural environment is managed in a way that promotes rural sustainability while protecting rural land from inappropriate subdivision, land use and development</i> <i>2. Existing, lawfully established rural land use activities are recognised and protected from incompatible activities.</i> <i>3. The value of the rural economy to the district and the wider region is acknowledged and provided for.</i>

Table 1: Comparison of Strategic Objectives sought by submitter against s42A/RS recommended changes

- 7.14 On review of the above changes recommended by Mr Sapsford in **Table 1** to both the objectives and policies of the UFD Strategic Direction, we consider that they encapsulate the key operative words and outcomes sought by submitters and therefore we accept and adopt the changes and associated s32AA assessment for these changes contained within both the s42A Report⁵⁷ and further changes in the RS⁵⁸.
- 7.15 Where the Panel does slightly depart from the s42A Report recommendations⁵⁹ of Mr Sapsford is in respect to the deletion of Policy 2.3.3.10 (d), relating to reverse sensitivity matters. We disagree with his recommendation to delete (d) as this does not address the outcome and protection sought by submitters in relation to reverse sensitivity matters.⁶⁰
- Reference to the 2018 District Wide Growth Management Strategy – 2050/Recognise the role of the East Taupō Arterial*
- 7.16 Submitters⁶¹ sought that the role of the East Taupō Arterial that is referenced in the 2018 District Wide Growth Management Strategy 2050, (**TD2050 2018**) be codified by a new objective as opposed to relying on a general reference to TD2050 in its entirety.
- 7.17 Mr Sapsford responded to this matter in his s42A Report stating that the reference to **TD2050 2018** contained within the Strategic Direction already provides a suitable level of direction relating to land use throughout the district and more site-specific

⁵⁶ Submission from Federated Farmers, detailed relief sought, page 4.

⁵⁷ s42A Report, prepared by Mr Sapsford, Section 4.2.1, paragraph 33-36, pages 9-10, dated 3 July 2023

⁵⁸ Reply Statement, prepared by Mr Sapsford, Section G, paragraphs 30-37, dated 21 September 2023

⁵⁹ s42A Report, prepared by Mr Sapsford, Section 4.2.1, paragraph 10, pages 94, dated 3 July 2023

⁶⁰ OS22.23, OS91.1, OS26.59 and OS90.1

⁶¹ OS93.8, OS68.3 and OS84.1

guidance can be provided throughout the wider plan.⁶² Mr Sapsford essentially repeated his s42A position on this matter when he provided his comments on the Energy Sectors agreed provisions that sought a new objective to recognise the East Taupō Arterial, stating *"As per my original response, I feel that this matter is appropriately covered with reference to TD2050 in the strategic directions"*⁶³

7.18 The Panel understands TD2050 2018 was developed under the Local Government Act and that the District Plan, alongside other Council plans and instruments (such as the Long-Term Plan, Infrastructure Strategy and Financial Strategy), all have a role to play as a method of implementing the TD2050 2018. We are also aware that TD2050 2018 will be reviewed over the life of the District Plan and in fact Ms Samuel indicated that a 'refresh' of that document is imminent.

7.19 For further context and background, the Panel sought to understand what role the original TD2050 (2006) played in the ODP in order to gain an appreciation of what role (2018 and its successor) might/should play in the future and the rolling reviews of the ODP, and whether referring to TD2050 2018 is the most efficient and effective way to give effect and implement TD2050 2018.

7.20 Our concerns regarding TD2050 2018 were multifaceted, and were the basis of a series of questions the Panel posed in **Minute 20**⁶⁴ which sought the answers to the following questions:

- i. *Was the TD2050 2006 listed as an externally referenced document when the ODP was notified?*
- ii. *What are the principal changes in direction between the previous TD2050 2006 and TD2050 2018 version?*
- iii. *Given the current TD2050 version was prepared in 2018, is it still fit for purpose going forward (or alternatively which provision/s in it are no longer current/relevant or no longer form the policy direction of Council)?*
- iv. *Can Urban Form and Development Objective 2 and Policy 3 be appropriately recast without specific reference to TD2050 2018?; and/or*
- v. *Are there spatial or specific matters within TD2050 2018 that could be referred to in Objective 2 and Policy 3 (within the scope of the Plan Change and submissions) that better deliver the outcomes sought by TD2050 2018; rather than referring to TD2050 2018 in its totality? A (non-exclusive) example might be the reference to the East Taupō Arterial in its role in the spatial aspect of Urban Form and Development.*

7.21 Mr Sapsford provided an economical response to some but not all of the above questions.⁶⁵ Although his response was not as fulsome as we hoped, it did enable us to interpolate the answers that we were seeking.

7.22 Mr Sapsford concluded that TD2050 2018 is an integral part of the district plan provisions, however, he went on to state that Section 3 of TD2050 2018 provides the specific recognition of the land use and development pattern and that the provisions could be recast to include reference to 'Section 3 of the TD2050 2018' or the 'TD2050 2018 Future Development Pattern'.⁶⁶

⁶² s42A Report, prepared by Mr Sapsford, section 4.5.6, paragraphs 162-164, page 34, dated 3 July 2023

⁶³ Agreed Energy Section Provisions with s42A Report Writer comments

<https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317a9slayvym/hierarchy/Council/Consultation/District%20Plan%20Changes%2038-43/PC38%20post%20hearing%20submitters/PC38%20Energy%20Sector%20Agreed%20Provisions.pdf>

⁶⁴ Minute 20, paragraphs 9-15, dated 5 October 2023

⁶⁵ Response to Minute 20, prepared by Mr Sapsford, dated 17 October 2023

⁶⁶ Response to Minute 20, prepared by Mr Sapsford, page 3, dated 17 October 2023

- 7.23 This highlighted our initial concerns posed by question *v.* above; namely, whether it is appropriate to reference TD2050 2018 in its totality or whether more spatially specific elements could be referenced, such as the East Taupō Arterial. Mr Sapsford's response only provided a marginally more focused reference in relation to TD2050 2018, in that he provided the relevant sections of the TD2050 2018 but did not explicitly offer a response to our question regarding how a spatial aspect of the document, such as the East Taupō Arterial could be referenced.
- 7.24 From Mr Sapsford's response above in para 7.22 it is obvious that there are indeed more specific aspects of TD2050 2018 that are more relevant to the Strategic Objectives.
- 7.25 On this basis, we considered three options in respect to codifying the role of TD2050 in the ODP:
- a. Option 1: general reference to TD2050 2018 in its totality (as per the notified version of PC38);
 - b. Option 2: Insert reference to Section 3 (Future Development Patterns) of the TD2050 2018;
 - c. Option 3: Delete the reference to TD2050 2018 entirely from Objective 2.3.2.2 and Policy 2.3.3.3 and include relevant spatially specific references to give effect to the relevant directions of TD2050 2018
- 7.26 If we accepted Option 1, then the district plan would be signaling that subdivision, use and development in the district would need to be consistent with all aspects of TD2050. In other words, the OPD would be the method to implement TD2050 2018 in its totality. However, given the general agreement that there are components of TD2050 2018 that are outdated and no longer relevant,⁶⁷ it is questionable whether such a reference would be appropriate. Adding further doubt to this is the fact that TD2050 2018 also has its own bespoke strategic directions.⁶⁸ There is also no clarity on any conflict in relation to the other strategic direction objectives being introduced by PC38.
- 7.27 In terms of the above, it was the Panel's assessment that Option 1 would result in the UFD Strategic Directions objectives and policies containing provisions that would be inconsistent with other plan changes within Bundle One and which codify a strategy that does not give effect to recent higher order documents such as the NPS-HPL and NPS-UD. Therefore, we conclude that Option 1 is neither effective nor appropriate.
- 7.28 In assessing Option 2, the Panel considered the content of, and whether there are contradictions or inconsistencies within, Section 3 of TD2050 (dealing with Future Development Patterns) and whether these might be resolved if this was referenced. We came to the conclusion based on the supplementary statement⁶⁹ from Ms Samuel that there are elements of Section 3 of TD2050 that are already outdated and that updated versions of the Future Development Pattern⁷⁰ are anticipated post 2024 which will be more relevant to urban form and function over the 15–20-year lifespan of the OPD. Therefore, we conclude that Option 2 is not effective or appropriate.
- 7.29 In assessing Option 3, we consider that the removal of the reference to TD2050 in its entirety but include relevant spatially specific references eliminates the codifying of outdated aspects that Options 1 and 2 would result in.

⁶⁷ TD2050 2018, Section 3, Future Development Pattern

⁶⁸ TD2050 2018, Section 2.2 Strategic Directions

⁶⁹ Supplementary Statement, prepared by Hilary Samuel on behalf of TDC, dated 21 August 2023

⁷⁰ TD2050 2018, Section 3, Future Development Pattern

- 7.30 Furthermore, the removal of the reference to TD2050 provides the ability to directly give effect to the relevant NPS's without the ill-fitting lens of TD2050, which was developed prior to both the NPS-UD and NPS-HPL.
- 7.31 In terms of determining the level of changes in respect to Option 3, the submitter sought the following new objective be added "*The East Taupō Arterial will continue to act as an 'urban fence' separating urban activities to the west from industrial and rural activities to the east including renewable electricity generation activities*"⁷¹
- 7.32 Mr Sapsford's s42A Report assessment concluded that a spatially specific reference should not be added, stating that "*the intent of the Objective is to recognise the benefits of those activities which will be socially and culturally beneficial. The location and its appropriateness can be considered on a case-by-case basis in due consideration of the wider plan provisions within the context of the nature of the proposed development.*"⁷²
- 7.33 Based on the supplementary information supplied by the Submitter - including a detailed map of the "as built" urban and rural/industrial split - the Panel favors the evidence of the submitter⁷³ in respect of including an objective that includes the spatial aspects of TD2050 2018. We agree with the submitter that "*the additional objective and the amended wording proposed by Contact will increase the effectiveness of a key aspect of TD2050 by giving it some 'statutory teeth'.*"⁷⁴ However, we consider that some finer tuning of the wording recommended by the submitter is required to ensure that there are no unintended spatial consequences.
- 7.34 Therefore, we consider that a new objective, based on the wording provided by the submitter should be included as follows:
- 2.3.2.8 The East Taupō Arterial will continue to act as an 'urban fence' generally separating urban activities from industrial, rural and renewable electricity generation activities.*
- 7.35 We therefore partially accept and adopt the s32AA assessment from the submitter in this respect and find that the additional wording to Objective 2.3.2.7 and new Objective 2.3.2.8 provides a stronger direction that will result in less chance of incompatible activities establishing in, or expanding into, inappropriate locations.⁷⁵
- 7.36 In conclusion, we consider that Option 3 is the most effective and appropriate option to ensure consistency and resolve any contextual elements of TD2050 2018 that are no longer considered relevant. In our view it provides an appropriate direction for urban form and development within the Taupō district.
- 7.37 In terms of the required s32AA evaluation, paragraphs 7.29-7.36 above, in addition to the evaluation provided by the submitter⁷⁶ provide the justifications for why Option 3 is the most efficient and effective means to achieve the purpose of the RMA. Removing the reference to the TD2050 2018 avoids codifying elements of that document into the District Plan that are already outdated. As such the risk of acting (referencing TD2050 in the District Plan) outweighs the risks of not acting (not referencing the TD2050) and

⁷¹ OS93 Contact Energy

⁷² S42A Report, prepared by Mr Sapsford, section 4.5.9, paragraphs 164, page 34, dated 3 July 2023

⁷³ OS93 Contact Energy

⁷⁴ Contact Energy, evidence of Mark Crisp, page 25, dated 9 August 2023

⁷⁵ Contact Energy, evidence of Mark Crisp, page 24, dated 9 August 2023

⁷⁶ Contact Energy, evidence of Mark Crisp, page 24-25, dated 9 August 2023

will assist in ensuring that there is consistency between Objective 2.3.2.1 and Policy 2.3.3.3.

- 7.38 Notwithstanding the above, we accept that it remains appropriate to refer and acknowledge that TD2050 2018 has had a certain a role to play at a Section 32 evaluation level in the development of the plan changes and this has been reflected and referenced in the Introduction to PC38 *Strategic Direction 3: Urban Form and Development*. Therefore, as a consequential change, additional text should be included in the introductory section of Strategic Direction 3 to caveat that TD2050 2018 will be updated within the lifetime of the ODP and is just one of many strategies that inform the strategic directions. The specific wording changes are set out in **Appendix 2**.
- 7.39 With the exception of the matters raised above, we accept and adopt all other recommended changes set out above in the overview table of changes and in Mr Sapsford's s42A and RS Reports and corresponding s32AA assessments. A full set of changes are contained in **Appendix 2**.

8. 2.4 Strategic Direction 4: Climate Change

Overview

Provision(s)	Panel recommendations
Introduction	<ul style="list-style-type: none"> Minor wording changes to the introduction to reflect changes sought by submitters.
2.3.2 Objectives	N/A
2.3.3 Policies	<ul style="list-style-type: none"> Amend Policy 2.3.3.3 to read <u>the and resulting land use and the infrastructure required to service that development.</u> Insert new Policy 2.3.3.5 to read <u>"Recognise and provide for renewable electricity generation activities to facilitate decarbonisation of the economy and reduce greenhouse gas emissions"</u>

Amendments and reasons

- 8.1 As notified Strategic Direction 4: Climate Change, provided for four objectives and thirteen policies.
- 8.2 As set out in the s42A Report, there were a total of 30 submissions in relation to the following specific issues:
- Implementation
 - Recognition of Renewable Power Generation Activities
 - Transportation
 - Recognition of Māori Values
 - National Policy Statement – Urban Development
- 8.3 In his s42A Report, Mr Sapsford addressed these matters above.⁷⁷
- 8.4 The main matter of contention at the hearing, related to the submissions seeking recognition of renewable power generation activities. Mr Sapsford's s42A Report canvassed this matter, stating that electricity generation activities are implicitly supported within proposed Policy 2.4.3.1 and given the current level of recognition of such activities in the Climate Change strategic direction chapter he did not consider it necessary to include additional policies that duplicate that content.⁷⁸
- 8.5 At the hearing, the Panel remained concerned whether the energy cohort submissions⁷⁹ had been adequately addressed. As a result, **Minute 12**⁸⁰ was issued by the Panel instructing the Energy Providers to provide an agreed set of provisions, which were duly provided.⁸¹ The Panel acknowledges the combined effort of the Energy Providers and thanks them for this contribution.
- 8.6 The Energy Providers agreed not to pursue separate objectives and instead sought changes to Objective 1.⁸²

⁷⁷ s42A Report, prepared by Mr Sapsford, Section 4.6, dated 3 July 2023

⁷⁸ s42A Report, prepared by Mr Sapsford, paragraph 185, page 37, dated 3 July 2023

⁷⁹ Genesis Energy (OS84.3, OS84.4 and OS84.5), Contact Energy (OS93.10, OS93.11 and OS93.12), Manawa (OS57.2, OS57.3 and OS57.4) and Mercury (OS68.5, OS68.6 and OS68.7).

⁸⁰ Minute 12, dated 19 August 2023

⁸¹ Energy Section Agreed Provisions, dated 8 September 2023

⁸² Energy Section Agreed Provisions, dated 8 September 2023

- 8.7 The evidence submitted by the Energy Providers stated that "*The Energy Cohort are collaborating to provide the Hearings Panel with proposed energy provisions on the Strategic Directions chapter and the General Rural and Rural Lifestyle Environments Chapters.*"⁸³
- 8.8 Therefore, the agreed changes to the Strategic Directions are in essence an interim set of provisions; however, the Panel must still be assured that these changes are still appropriate in respect to the s32 and s32AA assessments.
- 8.9 In addition, the Energy Providers also reviewed the Infrastructure Strategic Direction given the potential cross-over between Climate Change and Infrastructure, which the Panel were mindful also of and make further comment on this in **Section 9**, paragraph 9.5 below.
- 8.10 However, Mr Sapsford provided comments which did not support the agreed set of provisions prepared by the Energy Providers and did not support this additional wording, commenting that "*The objective is to be applied across the district and across all relevant objectives (including REG). The suggested amendment refocuses the objective to REG by virtue of the example being present within the objective.*"⁸⁴
- 8.11 The Panel agrees with Mr Sapsford's comments and considers that the additional wording provided by the Energy Providers is wider in scope and is not a climate change matter per se but is more appropriately considered as part of the strategic direction on infrastructure.
- 8.12 The Energy Providers also recommended that a new policy be included to provide for renewable energy resources, which read "*Recognise and provide for the use and development of the District's renewable energy resources to facilitate decarbonization of the economy, including a reduction in greenhouse gas emissions, increased electricity generation capacity and improved security of supply including transmission.*"⁸⁵
- 8.13 In response, Mr Sapsford provided a slightly alternative policy wording to read "*Recognise and provide for renewable electricity generation activities to facilitate decarbonisation of the economy and to reduce greenhouse gas emissions*", which partially incorporated the agreed wording by the Energy Providers but did not entirely address all the sentiments of the Energy Providers.⁸⁶ Mr Sapsford's reasonings for this amended wording stated that "*The proposed policy includes the direction from the NPS-REG but keeps it focused on climate change matters....electricity supply are best dealt with in the wider plan specifically the new energy chapter to be developed*"⁸⁷. However, Mr Sapsford did recognise a level of cross-over between the infrastructure strategic directions and this is addressed further under **Section 9** below.
- 8.14 The Panel accepts and adopts Mr Sapsford's position and slightly alternative wording in response to the agreed provisions submitted by the Energy Providers and the associated s32AA assessment provided in the RS.⁸⁸

⁸³ Addendum to Statement of Evidence of Hayley Strange for Mercury Energy Limited, dated 25 August 2023, Para 6.1

⁸⁴ Energy Section Agreed Provisions –s42A Report Writer Comments

⁸⁵ Energy Section Agreed Provisions, new policy 2.4.3

⁸⁶ Energy Section Agreed Provisions –s42A Report Writer Comments

⁸⁷ Energy Section Agreed Provisions –s42A Report Writer Comments

⁸⁸ Reply Statement, prepared by Mr Sapsford, page 12, dated 21 September 2023

9. 2.5 Strategic Direction 5: Significant and Local Infrastructure

Overview

Provision(s)	Panel recommendations
Title	<ul style="list-style-type: none"> Rename the Strategic Direction Title to "<u>Nationally Local and Regionally Significant Infrastructure</u>"
Introduction	<ul style="list-style-type: none"> Amend introduction to better reflect the outcomes sought.
2.5.2 Objectives	<ul style="list-style-type: none"> Amend Objective 2.5.2.1-2.5.2.4 to reflect the change in title and outcomes sought by submitters
2.5.3 Policies	<ul style="list-style-type: none"> Amend Policy 2.5.3.1 to replace the word 'energy' with 'electricity' Amend Policy 2.5.3.2 to provide for the 'operation, maintenance and upgrading' Amend Policy 2.5.3.3-2.5.3.5 to include the words 'national and regional' to reflect the renaming of the Strategic Direction.
Definition	<ul style="list-style-type: none"> Insert new definition for 'Regionally Significant Infrastructure'

Amendments and reasons

- 9.1 As notified Strategic Direction 5: Significant and Local Infrastructure, provided for four objectives and five policies.
- 9.2 As set out in the s42A Report, there were a total of 36 submissions in relation to the following specific issues:
- Scope and Definitions
 - Provision for Electricity Generation activities
 - Development of Māori Land and Cultural Impacts
 - Infrastructure Effects
- 9.3 Mr Sapsford's s42A Report addressed the submissions above, and as a result, recommended that the introduction be amended to reflect the requests of submissions⁸⁹ seeking that the term "electricity generation" rather than "energy generation", which is consistent with the relevant term used in the national and regional planning documents, and other minor wording changes recommended by Mr Sapsford.
- 9.4 Mr Sapsford also recommended that Policy 2.5.3.1 be amended to provide recognition of the importance of the natural resources which infrastructure relies on to operate.⁹⁰
- 9.5 As set out above, in paragraph 8.5-8.7, at the hearing the Panel sought a set of agreed provisions from the Energy Providers that also related to Strategic Direction 5 and were

⁸⁹ Contact Energy (OS93.13), Genesis Energy (OS84.6) Manawa (OS57.5) and Mercury Energy (OS68.8)

⁹⁰ s42A Report, prepared by Mr Sapsford, section 4.7, page 40, dated 3 July 2023

mindful to ensure that any cross over between these agreed provisions with Strategic Direction 4 were assessed to ensure consistency between the two Strategic Directions.

- 9.6 The Panel were also mindful that a new standalone Energy Chapter would be provided as part of the rolling district plan review and took a level of comfort in this fact, that further detail would be provided at that stage.
- 9.7 The agreed provisions by the Energy Providers considered that Policy 2.4.3 of Strategic Direction 4 was more appropriate for Strategic Direction 5 and offered additional bullet points be added to this policy to read:

"Enable the upgrading and maintenance of existing and development of new renewable electricity generation activities and transmission, including where contributing to one of the following;

- *adaptation required to mitigate risks from climate change*
- *provides for increased electricity output, or greater efficiency*
- *continued safe, efficient and secure operation.*

- 9.8 The Panel considers that including both Policy 2.4.3 and the elongated version of Policy 2.5.3.2 as above would result in a level of duplication or 'double-dipping'. Mr Sapsford provided amended wording to Policy 2.5.3.2, however, the Panel considers that the changes made by Mr Sapsford have truncated the policy and made it less specific. We consider the first bullet point of Energy Providers wording should be included to the alternative Policy 2.5.3.2 wording recommended by Mr Sapsford to read:

*"Recognise and provide for the functional and operational needs associated with the use and development, operation, maintenance and upgrading of nationally and regionally significant infrastructure, **including where contributing to the following:***

- **adaptation required to mitigate risks from climate change**

- 9.9 In terms of a s32AA evaluation of this somewhat derived change between the Energy Providers agreed provisions and Mr Sapsford amended provision, we consider the adequate justification has been provided by the Energy Providers s32AA assessment and therefore, in addition to our reasons set out above in paragraph 9.8, we consider the hybrid wording of Policy 2.5.3.2 provides for the most efficient and effective way to give effect to the NPS-REG.
- 9.10 Another matter that remained in contention at the hearing related to the term 'Regionally Significant Infrastructure'. In his s42A Report, Mr Sapsford initially suggested that the definition simply refer to the RPS which contains such a definition.⁹¹ However, the Panel queried the appropriateness of this and in his RS, Mr Sapsford revisited this matter and agreed that an actual definition rather than a referral is required and therefore recommended the full definition text be included.⁹² The Panel welcomes the inclusion of the definition and the inclusion of specific infrastructure incorporated, such as Taupō Airport and Taupō Public Hospital, which is consistent with the definition of 'Regionally significant infrastructure' provided in the Waikato RPS.
- 9.11 The Panel adopts and accepts the changes of Mr Sapsford's RS and associated s32AA assessment in relation to these changes.⁹³

⁹¹ s42A Report, prepared by Mr Sapsford, section 4.7, page 40, dated 3 July 2023

⁹² RS, prepared by Mr Sapsford, Issue C, page 4, dated 21 September 2023

⁹³ RS, prepared by Mr Sapsford, Issue C, page 4, dated 21 September 2023

10. 2.6 Strategic Direction 6: Natural Environmental Values

Overview

Provision(s)	Panel recommendations
Introduction	<ul style="list-style-type: none"> Minor wording changes to recognise mana whenua
2.6.2 Objectives	<ul style="list-style-type: none"> Minor wording changes to Objectives 2.6.2.4 and 2.6.2.5 for clarity to include subdivision
2.6.3 Policies	<ul style="list-style-type: none"> Amend Policy

Amendments and reasons

- 10.1 As notified Strategic Direction 6: Natural Environmental Values, provided for seven objectives and six policies.
- 10.2 As set out in the s42A Report, there were a total of 31 submissions in relation to the following specific issues:
- Significant Natural Areas and areas of national importance
 - Offsetting
 - Recognition of Māori Land
 - Recognition of Property Owners and Enhancement
 - Subdivision of Landscapes and Areas of Natural Value
 - National Policy Statement for Indigenous Biodiversity
- 10.3 In response to the submissions received, Mr Sapsford's s42A Report recommended minor changes to the Strategic Direction introduction to correctly reference that natural landscapes and areas are valued by mana whenua, however, not all these areas are valued nationally.⁹⁴ Mr Sapsford also recommended that subdivision as an activity should be included within Objective 2.6.2.5 and Policy 2.6.3.1 to ensure that outstanding landscapes and areas of significant indigenous habitat are protected against inappropriate development.⁹⁵
- 10.4 With respect to the submissions seeking biodiversity offsetting⁹⁶ and recognition of Māori Land⁹⁷, no additional changes to the proposed provisions were considered necessary as the matters raised by the submitters are duly recognised as required under Sections 6 and 7 of the RMA.⁹⁸
- 10.5 We accept and adopt the recommended changes and associated s32AA assessment in relation to the above changes contained in Mr Sapsford s42A Report.⁹⁹

⁹⁴ s42A Report, prepared by Mr Sapsford, Section 4.8.1, page 46, dated 3 July 2023

⁹⁵ s42A Report, prepared by Mr Sapsford, Section 4.8.5, page 48, dated 3 July 2023

⁹⁶ Pukawa D2 Trust (OS58.9, OS58.10 and OS58.14) the Pukawa D3 Trust (OS95.9, OS95.10 and OS95.14) Manawa (OS57.6), Genesis Energy (OS84.10), Contact Energy Limited (OS93.18), Mercury (OS68.11) and the Department of Conservation (OS89.2)

⁹⁷ Rangatira Block Trusts (OS41.13), Pukawa D2 Trust (OS58.11 and OS58.16), Pukawa D3 Trust (OS95.11 and OS95.16) and Ngāti Tahu-Ngāti Whāoa Runanga Trust (OS66.4)

⁹⁸ s42A Report, prepared by Mr Sapsford, Section 4.8.3-4, page 47, dated 3 July 2023

⁹⁹ s42A Report, prepared by Mr Sapsford, Section 4.8.7 4, page 48-49, dated 3 July 2023

11. Statutory Considerations

Summary of statutory requirements

- 11.1 The statutory requirements for the preparation and consideration of the contents of a District Plan are set out in s31, 32, and 72-77D of the RMA.
- 11.2 In *Colonial Vineyard Ltd v Marlborough District Council*,⁵ the Environment Court updated the framework of matters to be evaluated when preparing a plan, albeit by reference to the version of the RMA that applied prior to 3 December 2013. The RMA has been amended a number of times since that date, the most relevant for our purposes being the substantial rewriting of s32 and the introduction of s32AA and the National Planning Standard. Other minor amendments to words and phrases have also been made.
- 11.3 In these circumstances we prefer to set out the statutory requirements that we consider apply specifically to the preparation and consideration of PC38, drawing on *Colonial Vineyard*, where it is appropriate to do so, but supplementing as necessary where amendments have been made.

Part 2 of the RMA

- 11.4 The Act's purpose and principles are set out in Part 2 of the Act.
- 11.5 Section 5 explains that the Act's purpose is to promote the sustainable management of natural and physical resources.
- 11.6 The Panel accepts and adopts the initial evaluation of Part 2 matters in the s32 and the subsequent changes to PC38 recommended by the s42A and RS assessments reflect the importance of Part 2 of the RMA specifically, Sections 5, 6 (e) and (g), 7 (a) and Section 8.
- 11.7 Furthermore, there was no evidence before us to suggest that there are areas of invalidity, incomplete coverage or uncertainty in the Plans or intervening statutory documents such that any detailed evaluation of Part 2 is required.

Council's function and purpose of PC38

- 11.8 The Council has extensive functions under s31 of the RMA for the purpose of giving effect to the Act's sustainable management purpose, as follows:
 - (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (section 31(1)(a)).*
 - (aa) *The establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (section 31(1)(aa)).*
 - (b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*

- (i) the avoidance or mitigation of natural hazards; and
- (ii) repealed
- (iii) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land

(iii) the maintenance of indigenous biodiversity:

- (c) Repealed
 - (d) the control of the emission of noise and mitigation of the effects of noise:
 - (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes
 - (f) any other functions specified in this Act (section 31(1)(b)).
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision (section 31(2)).

11.9 The purpose of PC38 is to provide statutory direction on key matters of importance for the district and provides guidance on key district wide matters through objectives and policies.

11.10 This approach is consistent with that set out in the 2019 National Planning Standards¹⁰⁰ and the proposed objectives and policies are the most appropriate way to achieve the purpose of the RMA.

Relevant Policy Considerations

11.11 We have also given consideration to PC38 consistency with Section 75(1) of the RMA, which requires a District Plan to state the objectives for the district, any policies to implement the objectives, and the rules (if any) to implement the policies.

11.12 As discussed in our evaluation above, the Panel were mindful throughout the hearings process that there was consistency between the Strategic Direction objectives and policies and how they are implemented within the Strategic Direction chapter but also how they interact with other objective and policies of the District Plan. We accept and adopt Mr Sapsford's s42A, RS and subsequent responses to our questions that PC38 offers a clear connection between resource management issues that have been identified, the policies to address those issues, and their interaction with the rules of the District Plan to implement the policies.

National Policy Statements

11.13 When Bundle One Plan Changes were notified on 14 October 2022, the following National Policy Statements (NPSs) were in force:

- NPS for Renewable Electricity Generation 2011;
- New Zealand Coastal Policy Statement 2010;
- NPS on Electricity Transmission 2008; and
- NPS for Freshwater Management 2020;
- NPS on Urban Development 2020

11.14 We accept that New Zealand Coastal Policy Statement has no relevance to the Taupō District.

11.15 By virtue of s75(3) of the RMA, PC38 is required to give effect to the provisions of these documents, where relevant.

¹⁰⁰ s42A Report, prepared by Mr Sapsford, para 12, page 6, dated 3 July 2023

- 11.16 As set out above in paragraphs 2.15-2.18, the period between the close of submissions and the commencement of hearings of the Bundle One Plan Changes 2023, three days after the Plan Changes were notified, a new NPS on Highly Productive Land (**NPS-HPL**) came into force on 17 October 2022. Therefore, it is a statutory requirement that PC38 must give effect to the NPS-HPL.
- 11.17 In addition, the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) was also gazetted on 7 July 2023. Therefore, it is a statutory requirement that PC38 must give effect to the NPS-IB.
- 11.18 In terms of the above, at the hearing the Panel posed the following questions to Mr Sapsford:

Question 1. *Provide a wiring diagram of the hierarchy within the plan and how it relates to higher order legislation and policy statements and if it is implemented in the wider TDP. Identify any gaps in the relationship between the Strategic Directions and the higher and lower order provisions.*

Question 5. *Identify gaps in the Strategic Directions as they relate to the recently gazetted NPS-IB. Consider this from a risk perspective (i.e., what gaps are there in the TDP as a result). Note this may be addressed via the response to Question 1.*

- 11.19 Mr Sapsford provided answers to these questions¹⁰¹.
- 11.20 With respect to Question 1 above, he helpfully provided a wiring diagram demonstrating how the strategic directions addressed the National Policy Statements. We accept and adopt Mr Sapsford's RS assessment that although not all NPS's (particularly not the NPS-IB) are fully addressed through PC38, however "*The staged review of the TDP will be guided by the strategic directions and it is anticipated that the level by which they [the NPS'] are implemented by the wider plan will increase over time*".¹⁰²
- 11.21 In addition, we also consider that the proposed amendments to PC38 made to the provisions, particularly Objective 2.3.2.1.f better reflects the relevant direction of the NPS-HPL.¹⁰³
- 11.22 Overall, we accept and adopt the initial s32 assessment in respect to the National Policy Statements listed in paragraph 11.13 above that PC38 recognises and provides for freshwater as a matter of national importance, considers the need for high voltage transmission lines and provides sufficient development capacity for housing and business.¹⁰⁴

The Regional Policy Statements

- 11.23 As with the NPSs, the Regional Policy Statements (**RPS**) must be given effect to by PC38. We acknowledge that there is a level of complexity in relation to the RPS given that there are four relevant RPS's in relation to the six Plan Changes as follows:
- Waikato Regional Policy Statement
 - Horizons Regional Policy Statement
 - Bay of Plenty Regional Policy Statement

¹⁰¹ Response to Questions of the Independent Hearings Panel, prepared by Mr Sapsford, dated 21 September 2023

¹⁰² Response to Questions of the Independent Hearings Panel, prepared by Mr Sapsford, dated 21 September 2023

¹⁰³ Reply Statement, prepared by Mr Sapsford, page 11, dated 21 September 2023

¹⁰⁴ Reply Statement, prepared by Mr Sapsford, page 11, dated 21 September 2023

- Hawkes Bay Regional Policy Statement

- 11.24 We accept the findings of the s32 report in relation to the relevant **RPS's** and the comprehensive assessment of the relevant objectives and policies of the four regional policy statement set out in Appendix 2 of s32 report.¹⁰⁵
- 11.25 Furthermore, no additional evidence was lodged in respect of the assessment of RPS's.
- 11.26 Overall, we consider that PC38 has adequately given effect to the above RPS's set out above in paragraph 11.22.

National Environmental Standards

- 11.27 There are nine National Environmental Standards (**NESs**) currently in force:
- NES for Storing Tyres Outdoors 2021;
 - NES for Freshwater 2020;
 - NES for Marine Aquaculture 2020;
 - NES for Plantation Forestry 2017;
 - NES for Telecommunication Facilities 2016;
 - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
 - NES for Electricity Transmission Activities 2009;
 - NES for Sources of Human Drinking Water 2007; and
 - NES for Air Quality 2004.
- 11.28 Each of these documents provides for nationally consistent management of the respective topics to which the standards relate and include technical standards and other methods. These standards will usually override provisions in a district or regional plan; however, the Act enables provisions in a plan or a resource consent to prevail in relation to certain uses and where expressly enabled by a particular NES.
- 11.29 The Panel accept and adopts the s32 assessment¹⁰⁶ of the relevant NES's listed above in paragraph 11.25.

Other statutory considerations

- 11.30 The requirement under s74 of the RMA to give regard to matters when preparing a plan extends beyond those documents referred to above to include:
- a. National Planning Standards;
 - b. Management plans and strategies prepared under other Acts;
 - c. Relevant entries on the New Zealand Heritage List / Rārangī Kōrero;
 - d. The plans or proposed plans of adjacent territorial authorities; and
 - e. Iwi management plans.
- 11.31 The Council has demonstrated its regard to these matters in preparing PC38 and the s42A Report of the RMA has specifically detailed relevant information relating to s74 matters, and the Panel has also had regard to the relevant matters to the extent relevant to our role.
- 11.32 The purpose of the first set of National Planning Standards that came into force in 2019 is to improve the efficiency and effectiveness of New Zealand's planning system by providing a nationally consistent structure, format, definitions, noise and vibration

¹⁰⁵ s32 Report – PC38, Appendix 2. Undated

¹⁰⁶ s32 Report, PC38, section 4.5, page 13. Undated.

metrics and electronic functionality and accessibility for district and other RMA plans.

11.33 Within the Taupō District there are the following iwi management plans:

- Central North Island Forests Iwi Collective (CNI) He Mahere Pūtahitanga (2018)
- Te Arawa River Iwi Trust (TARIT) Environmental Management Plan (2021)
- Ngāti Tūwharetoa Environmental Iwi Management Plan (EIMP) (2003)
- Ngāti Tahu - Ngāti Whaoa Iwi Environmental Management Plan (IEMP): Rising above the mist - Te aranga ake i te taimahatanga (2019)
- Raukawa Environmental Management Plan: Te Rautaki Taiao a Raukawa (2015)

11.34 The s32 and S42A report for PC38 sets out the analysis of how each of the Iwi Management Plans have been taken into account and we accept and adopt that PC38 is consistent with the iwi management plans listed above in paragraph 11.31.¹⁰⁷

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

11.35 In 2021 the Government amended the RMA to oblige councils to introduce medium density residential standards (MDRS) into their district plans, as a means to give effect to the NPS-UD.

11.36 As a 'Tier 3' local authority, the Taupō township is considered an 'urban environment',¹⁰⁸ which is relevant to PC38. As set out above in paragraph 11.18, a further assessment was provided on all higher order documents, including the NPS-UD, through Mr Sapsford's response to the Panel's line of questioning at the hearing. We accept and adopt this assessment that PC38 implements the NPS-UD in a manner that is set out for Tier 3 local authorities in that it strongly encourages a well-functioning urban environment by the inclusion of the Strategic Direction for Urban Form and Development.¹⁰⁹

Summary of Statutory Requirements

11.37 Overall, we accept and adopt the s32, s42A, RS assessments and additional responses provided to the Panel's **Minutes 7, 12 and 20**, that PC38 is consistent with the policy framework of the relevant NPS's, NES's, RPS's, iwi management plans and the Resource Management Amendment Act.

¹⁰⁷ s32 Report, PC38 Sections 4.8 and 4.9, undated

¹⁰⁸ NPS-UD Section 1.4 Interpretation

¹⁰⁹ Response to Questions of the Independent Hearings Panel, prepared by Mr Sapsford, dated 21 September 2023

12. Conclusion

- 12.1 For the reasons summarised above, we recommend the adoption of a set of changes to the PC38 provisions relating to the Strategic Directions Chapter. Our tracked recommended amendments are shown in **Appendix 3**.
- 12.2 Overall, we find that these changes will ensure that PC38 better achieves the statutory requirements, national policy directions, and our recommended Strategic Direction objectives, and will improve its useability.
- 12.3 Our recommended decisions, except as outlined in this report where they vary from the 42a recommendations, in terms of the acceptance or rejection of submissions are shown in **Appendix 2**.
- 12.4 **Appendix 4** contains the amended provisions as notified and with accepted recommendations by the Panel.

DATED THIS 12th DAY OF February 2024



DJ McMahon
Chair



EA Burge
Independent Commissioner



K Taylor
Councillor

Appendix 1: Schedule of attendances**Present for the entire hearing were:**

- Commissioners: David McMahon (chair), Liz Burge, Councillor Kevin Taylor.
- Taupō District Council Staff: Hilary Samuel and Haydee Wood
- Section 42a writer: Rowan Sapsford (Roam Consulting).

Day 1 Hearing Attendance - 17/8/23.

Name	Organisation	In person/online
Hannah Lightfoot	Taupō District Council	In person
Kim Smillie	Taupō District Council	In person
Kara Scott	Taupō District Council	In person
Te Wharau Waaka	Taupō District Council	In person
Emerina Adams	Paenoa Te Akau Trust	In person
Erin OCallaghan	Taupō District Council	In person
Fraser Graafhuis	Mercury Energy	In person (Submitter & speaker)
Tanya Wood	Taupō District Council	In person
Pauline Whitney	Transpower New Zealand	Online (Submitter and speaker)
Rebecca Eng	Transpower New Zealand	Online (Submitter and speaker)
Duncan Whyte	Tauhara Quarries	Online (Submitter and speaker)
Jessica Bates	Enviro Waste NZ	In person (Submitter and speaker)
Kaaren Rosser	Enviro Waste NZ	In person (Submitter and speaker)
John Tupara	Paenoa Te Akau Trust	Public
Hayley Stronge	Harrison Grierson	In person (Submitter & speaker)
Heather Williams	Taupō District Council	In person
Kirsteen McDonald	Mckenzie & Co	Online
Mel Bennett	Taupō District Council	Online
Shainey James	Taupō District Council	Online
Sue Slegers	Central Surveys Ltd	Online
George Asher	Te Kotahitanga o Ngati Tuwharetoa	In person (Submitter & Speaker)
Hein Pretorius	Transpower New Zealand	Online
Jo-Anne Cook-Munro	Federated Farmers of NZ – Rotorua / Taupō	Online (Submitter & speaker)
John Lenihan	Rangatira Block Trusts	Online
Lynda Murchison	NZ Pork	Online (Submitter & speaker)

Plan Change 38 Day 2 Hearing Attendance - 18/8/23.

Name	Organisation	In person/online
Lisa Ahn	Taupō District Council	In Person

Nicola Foran	Manawa Energy	Online (Submitted & speaker)
Romae Calland	Manawa Energy	Online (Submitter and speaker)
John Lenihan	Rangatira E Trust	Online
Miles Rowe	Genesis Energy	Online
Natalie Healy	Rangatira 8A16	Online
Alice Lin	Genesis	Online
Emirena Adams	Paenao Te Akau Trust	In Person
Fiona Bramwell	Taupō District Council	Online
Joanne Lewis	Pukawa D2 and D3 Trusts	In person (Submitter & speaker)
Charlotte Muggeridge	Pukawa D2 and D3 Trusts	In person (Submitter & speaker)
Alana Delich	Taupō Climate Action Group	In person (Submitter & speaker)
Laurie Burdett	Member of the public speaking with Alana Delich	In person (Submitter and speaker)
Mark Chrisp	Contact Energy	In person (Submitter and speaker)
Mike Stevens	Contact Energy	In person (Submitter & speaker)
Sue Slegers	Mckenzie & Co	Online
Luke Rikiti	Paenao Te Akau Balance Block Trustee (PTABB)	Online
David Grey	PTABB Trustee	In person
Alex grey	PTABB Trustee	In person
Maraina Rakatau	PTABB Trustee	In person
Priya Singh	PTABB Trustee	In person
Brian Henry	PTABB Trustee	In person
Nan Henry	PTABB Trustee	In person
Skyla Keremete	PTABB Trustee	In person
Raewyn Keremet	PTABB Trustee	In person

Appendix 2: 42A Summary table of recommendations on each submission point

Original Sub No	Report Section	Submitter	Provision	Position	Decision Sought	Officers Recommendation	Further Sub ID	Further Submitter	Position	Further Sub Reason	F Sub Officers Recommendation
OS3.1	4.5	Turangi Riverside Area Preservation Group	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain SD 2.3.2 Point 7.	Accept in Part					
OS3.2	4.5	Turangi Riverside Area Preservation Group	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	Retain SD 2.3.3, point 10.	Accept in Part	FS229.1	Contact Energy Limited	Support	The submitter is requesting to retain Strategic Direction 2.3.3 point 10, and Contact Energy has sought amendments to Policy 2.3.3.10 in their original submission. The suggestion is to accept the relief sought by the submitter, as long as it is consistent with the original submission by Contact Energy.	Accept in Part
OS3.3	4.5	Turangi Riverside Area Preservation Group	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	Retain SD 2.3.3 point 12.	Accept in Part					
OS3.4	4.8	Turangi Riverside Area Preservation Group	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Support	Retain SD 2.6.2.	Accept	FS229.2	Contact Energy Limited	Support	The submitter is asking to keep Strategic Direction 2.6.2 Objectives as originally submitted by Contact Energy, and seeks the Council accept the relief sought by the submitter as long as it is consistent with the original submission.	Accept
OS3.5	4.5.6	Turangi Riverside Area Preservation Group	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The submitter seeks an amendment to 2.3.3. 8, to make reference to all town centres in District.	Accept	FS229.3	Contact Energy Limited	Oppose	The submitter opposes the relief sought by the original submitter, as it is inconsistent with the original submission by Contact Energy. Contact Energy wants to keep 2.3.3.8 as originally submitted and not make reference to all town centres in the district.	Not Accept
OS9.2	4.7	New Zealand Defence Force	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	Retain policy as notified.	Accept	FS229.5	Contact Energy Limited	Oppose	The policy 2.5.3 should remain as notified, and no changes should be made to Policies 2.5.3.1 and 2.5.3.2.	Accept
OS17.3	4.2	Jennifer Molloy-Hargraves	Strategic Directions	Support	Retain Plan Change 38 as notified.	Accept in Part	FS229.6	Contact Energy Limited	Oppose	The submitter opposes the relief sought by the submitter, as it is inconsistent with the original submission made by Contact Energy. Contact Energy had requested several amendments to Plan Change 38 in their submission.	Accept in Part
OS22.17	4.4.1	New Zealand Pork Industry Board	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Oppose	Amend Objective 2.2.2(1) to an objective that corresponds to the function, powers and duties of the territorial authority.	Not Accept	FS233.82	Horticulture New Zealand	Support	HortNZ has opposed Strategic Objective 2.2 of the proposed position on freshwater quality, arguing that the provision should be linked to the function, powers and duties of the council.	Accept
							FS209.1	Manawa Energy Limited	Support	Manawa Energy supports the Regional Council's responsibility to implement the NPS-FM 2020, as outlined in the submission.	Accept
OS22.18	4.4.3	New Zealand Pork Industry Board	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.2.3 Policy	Oppose	Explain in the strategic direction what benefits the district plan seeks to achieve for water quality within the function, powers and duties of the territorial authority.	Not Accept	FS209.2	Manawa Energy Limited	Support	Manawa Energy supports the Regional Council's responsibility to implement the NPS-FM 2020, as outlined in their submission.	Not Accept
OS22.19	4.4.1	New Zealand Pork Industry Board	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.2.3 Policy	Oppose	Amend Policy 2.2.3(5) to a policy that corresponds to the function, powers and duties of the territorial authority.	Not Accept	FS233.83	Horticulture New Zealand	Support	HortNZ has opposed the Strategic Direction 2 Freshwater Quality policy 2.2.3, which would link the provision of the policy with the function, powers and duties of the council.	Accept
							FS209.3	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept
OS22.20	4.6	New Zealand Pork Industry Board	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.1-2.4.2 Objective	Support	Provide clarification through the strategic direction on how this objective relates back to land-use activities within the district that produce greenhouse gas emissions.	Accept					
OS22.21	4.6	New Zealand Pork Industry Board	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Support	Retain as proposed	Accept in Part	FS229.31	Contact Energy Limited	Oppose	Contact Energy's proposed amendments to 2.4 Strategic Direction 4 Climate Change should be accepted.	
OS22.22	4.6.1	New Zealand Pork Industry Board	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Oppose	Provide clarification through the strategic direction on the intent of the policy in relation to assessing and measuring the effects on climate change of individual land-based activities.	Not Accept	FS229.32	Contact Energy Limited	Oppose	Oppose the submitter's request to amend Policy 2.4.3 Strategic Direction as it is inconsistent with Contact Energy's original submission. The proposed wording does not take into account the effects on other activities in the Rural Environment, including Geothermal Power Stations, Taupo Motorsport Park and Taupo Racing Club.	Accept
OS22.23	4.2.1	New Zealand Pork Industry Board	1.1-Chapter 2 Strategic Directions	Seek Amendment	Create a new strategic direction, objectives and policies to outline the key strategic and significant resource management issues for the rural	Accept in Part	FS238.13	EnviroNZ	Oppose	The submission opposes the proposed reserve sensitivity clauses as they do not allow for regional infrastructure activities that are subject to reverse sensitivity. Amendments are needed to address this.	Accept in Part

Original Sub No	Report Section	Submitter	Provision	Position	Decision Sought	Officers Recommendation	Further Sub ID	Further Submitter	Position	Further Sub Reason	F Sub Officers Recommendation
					environments within the district. Social and Economic Wellbeing Taupo's rural environment contributes positively to the districts economic and social wellbeing. Productive capacity Rural land remains available for primary production activities and productive capacity is protected. Reverse Sensitivity Reverse sensitivity effects are managed so as not to constraint primary production activities Rural lifestyle Opportunities for rural lifestyle subdivision and development are only provided in parts of the rural environment where they do not conflict with enabling primary production and protecting the productive potential of land.		FS233.85	Horticulture New Zealand	Support	This position supports the submission of HortNZ and NZ Pork to include strategic direction, objectives and policies for the rural environment. The submitter is looking for a new strategic direction, objectives and policies for the rural environment in the district, and HortNZ has also made a submission to ensure the rural environment is taken into account.	Accept in Part
							FS229.33	Contact Energy Limited	Oppose	We oppose the proposed amendments to Chapter 2 Strategic Directions as they do not recognise other activities located in the Rural Environment, such as Geothermal Power Stations, Taupo Motorsport Park and Taupo Racing Club.	Accept in Part
							FS220.1	Federated Farmers	Support	Federated Farmers submitted a request to include a new strategic direction, objectives, and policies in Chapter 2 of the Taupo District Plan, focusing on rural sustainability and the protection of the rural economy and environment.	Accept in Part
							FS215.12	Genesis Energy	Oppose	Genesis opposes the relief sought by the submitter unless the new strategic direction adequately provides for all activities that have a strategic need to be located in the District, including existing strategic infrastructure that are regionally and/or nationally significant. This new strategic direction must be inclusive of all rural industry that have a functional and/or operational need to be located in the rural environment, not just primary production activities.	Accept in Part
							FS209.4	Manawa Energy Limited	Oppose	Manawa Energy opposes the submission as it does not include provisions for renewable electricity generation, which is necessary in rural environments.	Accept in Part
OS26.59	4.2.1	Horticulture New Zealand	Strategic Directions	Seek amendment	Add to chapter 38 SD – RE-01 Primary production activities are recognised and provided for to enable them to operate efficiently and effectively to ensure the contribution for the economic and social wellbeing of the district and not be compromised by inappropriate subdivision, use and development SD – RE – 02 Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.	Accept in Part	FS229.34	Contact Energy Limited	Support	The submitter is asking to add a new strategic direction for the Rural Environment to Chapter 2 Strategic Directions, and this request is accepted as long as it is consistent with Contact Energy's original submission.	Accept in Part
							FS215.13	Genesis Energy	Oppose	Genesis opposes the relief sought by the submitter unless the new strategic direction is inclusive of all rural industry that have a functional and/or operational need to be located in the rural environment, not just primary production activities.	Accept in Part
							FS209.5	Manawa Energy Limited	Oppose	Manawa Energy opposes the submission as they believe renewable electricity generation should not be excluded from rural environments, as it has a functional and operational need to be there.	Accept in Part
OS26.60	4.4.1	Horticulture New Zealand	Strategic Directions	Oppose	Delete 2.2 strategic direction freshwater quality / te mana o te wai.	Not Accept	FS209.6	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept
OS29.1	4.5	Waikato Regional Council	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Seek amendment	Review and reword the second paragraph of Section 2.3.	Accept					
OS29.10	4.7.2	Waikato Regional Council	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	Amend wording by changing the percentage from 20% to 27% and providing wording that recognises the local and national importance of Taupo's electricity-producing capability.	Accept	FS229.38	Contact Energy Limited	Support	The proposed amendments to Strategic Directions 2.5.2 of the District Plan would recognise the importance of the district's electricity generating capacity to the local and national economy, increasing the percentage from 20% to 27% and providing wording that acknowledges its importance.	Accept
							FS215.14	Genesis Energy	Support	The submitter supports the relief sought by the original submitter as long as it is in line with the original submission by Genesis. The relief requested is in agreement with Genesis' original request.	Accept
							FS211.5	Mercury NZ Limited	Support	Mercury supports the correction to Taupo District's electricity supply, as it currently provides up to 27% of New Zealand's electricity. The additional wording should emphasise the importance of REG activities at a local, regional and national level, as well as the positive climate change outcomes it can provide.	Accept
							FS209.7	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept
OS29.11	4.8.1	Waikato Regional Council	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Amend wording after the first sentence to include the sentence: Our rare habitats include 42% of the nation's geothermal vegetation, a rare and vulnerable ecosystem type. And include a new policy in 2.6.3. to read: Map as SNAs all geothermal areas that meet the Waikato Regional Policy Statement definition of SNA, and ensure their protection.	Not Accept	FS236.3	Te Kotahitanga o Ngāti Tuwharetoa	Oppose	Oppose the assignment of SNAs on Māori owned lands until an agreement is reached with local authorities to ensure a fair and equitable process to re-engage in discussions on Natural Environmental Values, and a system of compensation is implemented to reward/compensate the loss of land use and the contribution of the landowners and kaitiaki hapū.	Accept
							FS229.39	Contact Energy Limited	Oppose	The proposal to recognise geothermal vegetation is supported, however the requirement to 'ensure their protection' is opposed by Contact Energy.	Accept
							FS220.3	Federated Farmers	Oppose	Federated Farmers opposes the relief sought until there has been an appropriate engagement with landowners affected by the relief sought.	Accept

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							FS211.6	Mercury NZ Limited	Oppose	Mercury opposes the submission proposing a new policy in 2.6.3 which states that all geothermal areas that meet the Waikato Regional Policy Statement definition of SNA should be mapped and protected. Mercury believes that this definition is not appropriate for mapping all geothermal areas and that the protection of the environment in aggregate should be recognised and provided for, with the reduction of GHG through the use and development of renewable energy sources being important for indigenous biodiversity in the future.	Accept
OS29.12	4.5.10	Waikato Regional Council	Strategic Directions	Seek amendment	Include provisions to address the following to give effect to NPS UD, WRPS and Change 1: • Urban development supports emissions reduction through urban form, design and location. • New development is located in and around existing settlements. • Enable a diverse range of dwelling types and sizes. Responsiveness to proposals that provide significant development capacity with reference to WRPS Change 1 UFD-M74 – Tier 3 out of sequence or unanticipated development and APP14 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Non-Future Proof tier 3 local authorities).	Accept in Part					
OS29.13	4.2.5	Waikato Regional Council	1.3-Section 32	Seek amendment	Amend wording in the report to appropriately connect Plan Change 1 to the WRP, instead of WRPS.	Accept					
OS29.2	4.5.4	Waikato Regional Council	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	Reword the objective as follows: a. contributes to well-functioning and compact urban forms environments that provide for connected liveable communities;	Accept	FS234.1	Kainga Ora	Support	Kainga Ora supports the amendment to an objective and agrees with the rewording of it, which is in alignment with the NPS-UD.	Accept
OS29.21	4.2.8	Waikato Regional Council	Strategic Directions	Seek Amendment	General- Give regard to Change 1 to the WRPS as a ‘proposed policy statement’ in the proposed plan changes.	Accept					
OS29.27	4.2.8	Waikato Regional Council	Strategic Directions	Seek Amendment	National Planning Standards- Update PP38-43 to the new plan format provided with the National Planning Standards 2019	Accept in Part					
OS29.3	4.5.5	Waikato Regional Council	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	Include a new bullet point to Objective 2.3.2(1) to read: Ensures the protection of Significant Geothermal Features including geothermal vegetation.	Not Accept	FS229.35	Contact Energy Limited	Oppose	Contact Energy opposes the submitter's request to amend Objective 2.3.2.1. to include a new bullet point that reads 'Ensures the protection of Significant Geothermal Features including geothermal vegetation' as it is inconsistent with the policy regime in the Regional Policy Statement and Waikato Regional Plan.	Accept
							FS219.2	Sikka & Aggarwal Investment Limited	Oppose	We oppose the inclusion of additional wording to include geothermal vegetation as a SGF as it can be considered through the identification of SNA and the associated public process.	Accept
							FS211.1	Mercury NZ Limited	Oppose	The submitter opposes the amendment relating to significant geothermal features, as it should be included in section 2.6 alongside other natural values matters. However, Mercury supports the recognition of significant geothermal features and geothermal vegetation, and seeks to ensure that the use and development of infrastructure of REG's activities is provided for in and around significant geothermal features in order to support these activities and help to avoid climate change.	Accept
OS29.4	4.5.5	Waikato Regional Council	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	Include a new bullet point to Objective 2.3.2(1) to read: Ensure that building, roading and infrastructure developments are directed away from geothermal hazards.	Not Accept	FS236.1	Te Kotahitanga o Ngati Tuwharetoa	Oppose	TKNT opposes the provision which calls for a blanket prohibition from geothermal land where geothermal resources exist. It is argued that many essential existing structures already exist in potential risk locations, and thus it is important that there is a requirement for existing and proposed infrastructure to be preceded by a proper assessment of any geothermal hazards or risk	Accept
							FS235.6	Waka Kotahi	Oppose	Waka Kotahi opposes the proposed change as the wording of the objective would capture the state highway roading network and associated infrastructure in geothermal hazard areas, which may not be possible or practicable to direct away from the area.	Accept
							FS229.36	Contact Energy Limited	Oppose	The submitter is seeking to amend Objective 2.3.2.1. by adding a new bullet point that reads: ‘Ensure that building, roading and infrastructure developments are directed away from geothermal hazards’. However, this amendment is opposed as it is too vague and it is not clear what is meant by ‘directed away from geothermal hazards’.	Accept
							FS219.3	Sikka & Aggarwal Investment Limited	Oppose	The submitter opposes the inclusion of additional wording, as Taupo contains large areas subject to geothermal influence, and potential hazards can be mitigated through design solutions, so avoidance is not necessary.	Accept

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							FS211.2	Mercury NZ Limited	Oppose	Mercury suggests that the submission point should be amended to refer to "urban infrastructure" instead of just "infrastructure" to ensure that it does not refer to Renewable Electricity Generation facilities.	Accept
OS29.5	4.4.2	Waikato Regional Council	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.3 Policy	Seek amendment	Amend the wording to read: Recognise and provide for the vision, objectives, and outcomes, and values in Te Ara Whanui o Rangitaiki (Pathways of the Rangitaiki) and Te Kaupapa Kaitiaki documents and to give effect to Te Ture Whaimana o Te Awa o Waikato-the Vision and Strategy for the Waikato River.	Accept	FS236.2	Te Kotahitanga o Ngati Tuwharetoa	Support	PC-38 should support amendment to policy 2.2.3 to comply with the statutory obligation within Section 181 of the Ngati Tuwharetoa Settlement Act 2018, as requested in TKNT submissions OS 115.15 and OS 115.3, and ensure that all policies recognise and provide for the vision, objectives, values and desired outcomes in Te Kaupapa Kaitiaki, approved by Te Kopu a Kanapanapa Committee in November 2022.	Accept
OS29.6	4.5.2	Waikato Regional Council	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Amend the wording as follows: 7. Provide for the development of Papakainga and supporting services on maori land to facilitate maori occupation on their ancestral lands.	Not Accept					
OS29.7	4.5.5	Waikato Regional Council	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Amend the wording as follows: 11. Require the design and location of activities to avoid or mitigate natural hazards to an acceptable level of current and future risks to life, property and the environment.	Accept	FS238.25	EnviroNZ	Support	The submitter agrees that changes to plans should be made in accordance with the National Planning Standards format.	Accept
							FS211.3	Mercury NZ Limited	Support	Mercury supports amending policy 2.3.3.11 to include 'current and future' risks to life, property and the environment, which would enable consideration of climate change at the policy stage.	Accept
OS29.8	4.5.5	Waikato Regional Council	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Include new policy (or similar) as follows: Avoid new development and subdivision of areas in close proximity to Significant Geothermal Features as mapped in the Waikato Regional Plan.	Not Accept	FS229.37	Contact Energy Limited	Support	The submitter is seeking to add a new policy to 2.3.3 which would "avoid new development and subdivision of areas in close proximity to Significant Geothermal Features as mapped in the Waikato Regional Plan". This is rejected due to the policy being too vague and the use of "avoid". Renewable electricity generation activities are encouraged.	Not Accept
							FS219.4	Sikka & Aggarwal Investment Limited	Oppose	The submitter opposes the inclusion of additional wording, as avoidance of the term 'close proximity' would prevent appropriate subdivision and development. The term 'close proximity' is considered to be vague and undefined.	Accept
							FS211.4	Mercury NZ Limited	Oppose	Mercury requests that the policy be amended to read: "Except in relation to infrastructure with a functional or operational need for a specific location, avoid new development and subdivision of areas in close proximity to Significant Geothermal Features as mapped in the Waikato Regional Plan." This wording is less absolute and allows for REG activities that have a functional or operational need to be located in and around geothermal areas. This is important as REG activities assist towards New Zealand meeting its climate change obligations.	Accept
OS29.9	4.2.5	Waikato Regional Council	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	Amend text to read: "State highways (1, 5, 30, 32, 41, 46 and 47)."	Accept	FS235.7	Waka Kotahi	Support	Waka Kotahi supports the inclusion of State Highways 30 and 46 into Strategic Direction 5 of the Taupo District and the correction of any errors in the same direction.	Accept
OS38.1	4.2	Terry Palmer	Strategic Directions	Support	Retain as notified.	Accept in Part					
OS38.10	4.4	Terry Palmer	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Support	Retain as supported.	Accept					
OS38.11	4.5	Terry Palmer	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Support	Retain as supported.	Accept in Part					
OS38.12	4.5	Terry Palmer	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Support	Retain as supported.	Accept					
OS38.13	4.7	Terry Palmer	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Support	Retain as supported.	Accept					
OS39.2	4.5.8	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	Development is serviced by an appropriate level of infrastructure that effectively meets the needs of that development. Addition of '.....an appropriate level of infrastructure and waste facilities that effectively meets...	Not Accept					
OS39.3	4.5.8	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain.	Accept					
OS39.4	4.5.8	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Add- Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including development and additional infrastructure (such as waste facilities),	Not Accept					

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					according to the capacity limitations of that infrastructure.						
OS39.5	4.5.8	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	Retain.	Accept					
OS39.6	4.6.1	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	The policy should identify the mechanisms by which complex climatic footprints are assessed.	Not Accept					
OS39.7	4.7.1	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	Paragraphs 1, 4 and 5 Add...and any other network utilities undertaken by network utility operators. Waste recovery, treatment and disposal facilities are also critical services. ...The Taupo District is also home to Regionally Significant Infrastructure including municipal waste water systems, the telecommunications and electricity networks, and a regional landfill. ...In addition to nationally and regionally significant infrastructure, local roads and other infrastructure (including development and additional infrastructure (such as waste facilities)) is vital...	Not Accept					
OS39.8	4.7.1	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Seek amendment	Add- Land use in the District will not adversely affect the capacity and the safe and effective functioning of nationally and regionally significant and local infrastructure (including waste facilities) required to service existing and future communities.	Not Accept					
OS39.9	4.7.1	EnviroWaste Services Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Add- Subdivision, landuse and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of infrastructure (including waste facilities).	Not Accept					
OS41.1	4.3	Rangatira Block Trusts	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Support	Retain.	Accept	FS217.2	Pukawa D3 Trust	Support	This submitter supports the recognition and protection of Mana whenua rights, as well as listening to their views.	Accept
							FS217.1	Pukawa D3 Trust	Support	Mana whenua rights should be recognised and protected (as well as listened to).	Accept
OS41.10	4.5.2	Rangatira Block Trusts	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Remove “the “ and “of Papakāinga”	Not Accept					
OS41.11	4.5.2	Rangatira Block Trusts	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Delete this policy.	Accept in Part	FS229.7	Contact Energy Limited	Oppose	Contact Energy is opposed to the submitter's request to delete Policy 2.3.3, as they had previously sought amendments to it rather than its removal.	Accept in Part
OS41.12	4.7.3	Rangatira Block Trusts	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	Include Māori land in the objectives and policy section wording.	Not Accept					
OS41.13	4.8.3	Rangatira Block Trusts	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Objectives and policy wording needs to be changed to include the ability for Māori landowners to determine how they develop their land and what should be protected, enhanced or mitigated.	Not Accept	FS217.6	Pukawa D3 Trust	Support	Māori should not be expected to bear the burden of remedying the loss of environmental values, character and amenity on other land.	Not Accept
OS41.2	4.3	Rangatira Block Trusts	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.1-2.1.2 Objective	Support	Retain.	Accept	FS217.3	Pukawa D3 Trust	Support	Mana Whenua should be recognised as a partner in District Plan decision-making and given support to do so.	Accept
OS41.3	4.3.3	Rangatira Block Trusts	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Seek amendment	Amend by adding to the policy that public structure planning processes would enable the re-zoning of land and provision of infrastructure to remove constraints and enable development of Multiple Māori owned land.	Not Accept	FS217.4	Pukawa D3 Trust	Support	This submitter agrees that Policy 5 should be reworded to better reflect the Council's intent to remove perceived constraints that are preventing the development of Māori land.	Not Accept
OS41.4	4.3.5	Rangatira Block Trusts	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Seek amendment	Amend by removing “within the provisions of the plan”	Accept in Part	FS217.5	Pukawa D3 Trust	Support	The original submitter has proposed an amendment to Policy 6 of the District Plan to recognise that the current provisions have restrained development, and to address perceived constraints hindering development of Māori land. The submitter supports the amendment to the policy wording.	Not Accept
OS41.5	4.5.2	Rangatira Block Trusts	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Seek amendment	Amend to add to the second paragraph after 2050 “ and supports urban development on Multiple Māori owned land”	Not Accept					

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OS41.6	4.5.2	Rangatira Block Trusts	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	Amend after 2050 2018” and to support urban development on Multiple Māori owned land, to maximise efficient use of potential unzoned & unserviced Māori land along with existing ...”	Not Accept					
OS41.7	4.5.2	Rangatira Block Trusts	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	Item 5 already supports the Town Centre Environment as the “primary” centre. Remove objective 6 as un-necessary and poorly defined.	Not Accept	FS226.1	HNZPT	Oppose	HNZPT opposes the submission point to delete the objective of Urban Form and Development, as they sought an amendment to this objective to improve consideration of cultural and historic heritage values.	Accept
OS41.8	4.5.2	Rangatira Block Trusts	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Amend after 2050 2018” and to support urban development on Multiple Māori owned land, to maximise efficient use of potential unzoned & unserviced Māori land along with existing ...”	Not Accept					
OS41.9	4.5.2	Rangatira Block Trusts	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Remove item 4	Accept in Part					
OS45.1	4.3	Rangatira 8A111D(Paenoa Te Akau)	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Support	Retain as notified.	Accept in Part					
OS46.10	4.6.1	Tukairangi Trust	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Not Stated	The only design that would reduce GHG emissions would be use of wood products in design and construction.	Not Accept					
OS46.11	4.7.1	Tukairangi Trust	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Seek amendment	Submitter seeks an objective that encourages reductions in power consumption.	Not Accept					
OS46.12	4.8.4	Tukairangi Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Seek amendment	Submitter seeks clarification on how activities that lead to the enhancement of indigenous biodiversity be specifically provided for.	Accept					
OS46.13	4.8.4	Tukairangi Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Seek amendment	Submitter seeks clarification on ow specifically will TDC support and facilitate this provision.	Accept					
OS46.2	4.2.7	Tukairangi Trust	Strategic Directions	Seek Amendment	Greater emphasis on green buildings (better insulation, use of natural solar warming etc, the catching and use of roofwater) and the provision of green spaces and trees. More use of timber as a construction material rather than concrete and steel. Limits on unnecessary lighting, heating and air conditioning in public buildings and office buildings where better design such as having openable windows would suffice. Bans on consumer goods that fail to meet standards for recyclability or repairability. Council compost collections for those who can’t or won’t compost themselves. Penalties for those who don’t sort their household refuse adequately, penalties for builders and developers who don’t sort and reuse/or recycle waste or leftover building materials. Trees planted on every roadside verge in the Taupo town area and in the medians in open car parks. That the Council promote self-contained wastewater systems such as worm based ones to mitigate increased wastewater from subdivisions.	Not Accept					
OS46.6	4.6.1	Tukairangi Trust	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Seek amendment	Submitter suggests a toll is imposed on private vehicle use and this used to subsidise public transport.	Not Accept	FS229.20	Contact Energy Limited	Oppose	The submission by the submitter is opposed as it is inconsistent with the original submission by Contact Energy, which also seeks amendments to Policy 2.4.3 regarding avoiding subdivision and land use adjacent to natural areas.	Accept
							FS219.5	Sikka & Aggarwal Investment Limited	Oppose	The submitter is opposed to the addition of a new policy because it would prevent the subdivision of rural land which contains overland flow paths.	Accept
							FS209.10	Manawa Energy Limited	Oppose	Manawa Energy is against this submission.	Accept
							FS209.8	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission.	Accept

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OS46.7	4.6.1	Tukairangi Trust	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	Unless an Energy Audit or Emissions budget is provided for a change in land use.	Not Accept					
OS46.8	4.6.1	Tukairangi Trust	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	Submitter suggests that only development of land that would result in positive climate change outcomes would be land use change to forestry or retirement and revegetation of some kind.	Not Accept	FS209.9	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission.	Accept
OS46.9	4.6.1	Tukairangi Trust	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	Avoid subdivision and development in natural ephemeral waterways, wetlands or LIAs.	Not Accept					
OS57.1	4.5.6	Manawa	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Amend to read as follows: 2.3.3 Policiesy ... 5. Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including development and of additional infrastructure), according to the capacity limitations of that infrastructure. ... 7. Provide for the development of Papakainga on mMaori land to facilitate mMaori occupation on their ancestral lands. ... 9. Restrict the location and development of retail and commercial activities within non-commercial areas of the district to ensure that the town centre continues to be the district's pre-eminent retail, commercial and mixed-use centres. 10. Manage subdivision use and development of land to ensure that it will not: a. have an adverse effect on the functioning of the environment where it is located, b. unduly conflict with existing activities on adjoining properties and the surrounding areas, c. compromise development consistent with the intent and planned urban built form of the environment where it is located d. give rise to reverse sensitivity effects from existing uses. ...	Accept in Part	FS239.1	VCard Solutions Limited	Oppose	The submitter opposes the inclusion of 'and the surrounding area' in the policy as it is hard to define and would increase the scope of the policy inappropriately.	Accept in Part
							FS238.31	EnviroNZ	Support	The proposed amendment is acceptable, however the proposed wording does not allow for infrastructure activities that are necessary for the functioning of the submission point.	Accept in Part
OS57.2	4.6.2	Manawa	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.1-2.4.2 Objective	Seek amendment	2.4.2 Objectives ... 2. An increase in the amount of electricity generated from renewable sources within the Taupo District to assist with the decarbonisation of the economy. 23. Subdivision, use and development of land in the Taupo District will be resilient to the current and future effects of climate change on the District's current and future communities, including any disproportionate effects on mMaori. 34. The Taupoo District is well prepared to adapt to the risks and effects from climate change, such as natural hazards.	Not Accept					
OS57.3	4.6.2	Manawa	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	2.4.3 Policiesy 1. Land use activities which will result in positive climate change outcomes, including through reducing greenhouse gas emissions and decarbonisation, will be supported and encouraged enabled. 2. Recognise and provide for the use and development of the District's renewable energy resources to facilitate decarbonization of the economy, including a reduction in greenhouse gas emissions, increased electricity generation capacity and improved security of supply including transmission. 3. Enable the upgrading and maintenance of existing and development of new renewable electricity generation activities and transmission, including where contributing to one of the following; •adaptation required to mitigate risks from climate change •provides for increased electricity output, or greater efficiency continued safe, efficient and secure operation 24. Land use activities which will unduly accelerate the effects of climate change will be discouraged. 35.... 46. Subdivision, use and development of land must demonstrate resilience to the effects of climate change over time.	Not Accept	FS225.7	Transpower	Support	Transpower supports the amendments to Policy 2.4.3 as it provides clear policy recognition for renewable energy and transmission, despite their original submission for specific National Grid provisions to give effect to the NPSET.	Not Accept
							FS220.4	Federated Farmers	Oppose	The submitter opposes the relief sought as Policy 2.4.3, which is in the climate change strategic direction section, is focused on one activity and does not consider all activities that are necessary to address climate change.	Accept

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OS57.4	4.6.2	Manawa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Seek amendment	Amend as follows: 1.. The wider benefits and strategic importance of nationally and regionally significant infrastructure to the District and wider, including the economic, cultural and social wellbeing of people and communities and for their health and safety, are recognised and protected in decision making and land use planning. 2. The local and national benefits of the sustainable development, operation, maintenance and upgrading of electricity transmission and renewable electricity generation resources and activities are recognised and encouraged achieved.	Not Accept					
OS57.5	4.7.1	Manawa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Amend as follows: 2.5.3 Policiesy 1. Recognise and provide for the national, regional and local benefits of renewable energy electricity generation activities and resources.... 2. Recognise and provide for the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure.	Accept in Part	FS225.8	Transpower	Support	Transpower supports the amendments to Policy 2.5.3 as they give effect to the NPSET and NPSREG, even though they had originally sought relief from specific National Grid provisions to do so.	Accept in Part
OS57.6	4.8.2	Manawa	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Seek amendment	Amend as follows: 2.6.3 Policiesy ... 7. Recognise the benefits of offset measures and compensation and provide for their use as feasible alternatives to manage significant residual adverse effects of renewable electricity generation activities and regionally significant infrastructure.	Not Accept					
OS58.1	4.2.3	Pukawa D2 Trust	Strategic Directions	Seek Amendment	The following chapter provides an outline of the key strategic and significant resource management matters for the Taupo district. This chapter includes objectives and policies to guide decision making at a strategic level. The order of the Strategic Directions reflects the status and importance of each Direction and its objectives and policies. The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes for resource management practices. They are indicative of the matters which are important to the Taupo District community and Council and reflect the intended outcomes to be achieved through the implementation of the District Plan. ... requirement to consider District Plan policy. The strategic directions must be considered in all resource consent applications and plan changes. ...	Not Accept	FS229.40	Contact Energy Limited	Oppose	Contact Energy opposes the submitter's proposal to establish a hierarchy on the order of the Strategic Directions in Chapter 2, as they believe the order of the Strategic Directions already reflects the importance of each Direction and its objectives and policies.	Accept
							FS215.15	Genesis Energy	Oppose	Genesis opposes the proposal to create a hierarchy for the Strategic Directions, as this would imply a priority between them which is not appropriate as they should all be considered equally.	Accept
OS58.10	4.8.2	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Activities which will lead to the enhancement of indigenous biodiversity values will be recognised and provided for, including activities used as an environmental offset.	Not Accept					
OS58.11	4.8.3	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Recognition of the extent of indigenous vegetation and habitat under Māori land tenure, and the need to provide for the important relationship of Māori and their culture and traditions with their ancestral lands and waahi tapu, as well as using land to provide for their communities as Māori see appropriate.	Not Accept					
OS58.12	4.8	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					
OS58.13	4.8	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					
OS58.14	4.8.2	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Protect the natural values of areas of significant indigenous vegetation and significant habitats of indigenous fauna from land use and development activities that will have more than minor adverse effects on the ecological values that cannot be offset. and processes important to those areas.	Not Accept					
OS58.15	4.8	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					

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OS58.16	4.8.3	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	5. Encourage the protection, enhancement and restoration of natural and landscape value areas, including by Supporting opportunities for tangata whenua to exercise their customary responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing these areas.	Not Accept					
OS58.2	4.3.3	Pukawa D2 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Seek amendment	The values, rights and interests of Taupo District mana whenua are listened to, recognised and protected. (moved to be objective 4)	Not Accept					
OS58.3	4.2.2	Pukawa D2 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.1-2.1.2 Objective	Seek Amendment	2. Mana whenua are a partner in District Plan planning and decision making. (moved to be objective 5) 3. Resource management planning and decision making reflects tikanga, mana whakahaere, Kaitiakitanga, manaakitanga, whakapapa, mautaranga maori and te whanake (moved to be objective 6). 4. Support development on Māori land that meet the needs of those landowners and respects the exercise of kaitiakitanga, self determination and the relationship of tangata whenua with their land, water, significant sites and Wahi tapu. (moved to be objective 3) 5. Māori are supported to develop their ancestral lands for their social, economic and cultural wellbeing. (moved to be objective 2)	Not Accept	FS229.41	Contact Energy Limited	Oppose	The relief seeks to amend Strategic Directions Objective 2.1.2 by altering the order of the objectives.	Accept
OS58.4	4.3.2	Pukawa D2 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Seek amendment	The principles of te tiriti o Waitangi are must be taken into account through District Plan planning and decision making. (moved to be objective 1)	Not Accept					
OS58.5	4.4	Pukawa D2 Trust	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.2.3 Policy	Support	Retain.	Accept					
OS58.6	4.3.4	Pukawa D2 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Support	Recognise that iwi management plans are higher order statutory documents in decision making, and the importance of iwi environmental management plans in providing important guidance and direction on the sustainable use and development of the environment and natural resources.	Not Accept					
OS58.7	4.8.1	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	The Taupo district is characterised by important landscapes and natural areas. These areas are a strong part of the identity to the district and are valued by the local communities and mana whenua and some also hold importance nationally.... The effects of human activities such as built development, vegetation clearance and land development etc. can significantly alter the character of the environment resulting in the loss of these areas and their values, if completed with little regard to the environment.... ..There is also a high proportion of these areas on maori land throughout the District which can impacts the ability of maori landowners in to undertaking development on their ancestral lands.	Accept in Part					
OS58.8	4.8	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					
OS58.9	4.8.2	Pukawa D2 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	The protection of the natural values of areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of inappropriate development, including through offsetting to result in a net environmental gain.	Not Accept					
OS59.1	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain	Accept					

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OS59.10	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Support	Given the high-level strategic direction of section 2.3 RHL does not request any additional objectives and policies to those referred to above, but seek the following policies be included when the Council prepares its Residential Chapter: Changing communities: To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the Residential Environment will change over time to enable a variety of housing types with a mix of densities. Larger sites: Recognise the intensification opportunities provided by larger sites within the Residential Environment by providing for more efficient use of those sites. Provision of housing for an ageing population: (a) Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in the Residential Environment, such as retirement villages. (b) Recognise the functional and operational needs of retirement villages, including that they: i. May require greater density than the planned urban built character to enable efficient provision of services. ii. Have unique layout and internal amenity needs to cater for the requirements of residents as they age. Role of density standards: Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.	Accept in Part					
OS59.2	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Oppose	The submitter seeks the following amendments (using the terminology found in TD2050): Subdivision, use and development of land will: be consistent with TD2050 2018 to a. maximise the efficient use of zoned and serviced urban land by enabling intensification and a diversity in housing types and lifestyles, especially meeting the needs of the increasingly ageing population; and b. is co-ordinated with the provision of cost effective infrastructure.	Not Accept					
OS59.3	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	The submitter seeks the deletion of the term “demonstrable”. The policies should identify the social benefits of land use development, which should include recognition of increased and diverse housing / accommodation options.	Not Accept	FS226.2	HNZPT	Oppose	HNZPT opposes the submission point to amend the Urban Form and Development objective, as the submitter has not provided enough information about the proposed amendments.	Accept
OS59.4	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain	Accept					
OS59.5	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	The submitter seeks that a new objective is inserted that provides for the housing and care needs of the ageing population as follows: Objective 2.3.2(8). Recognise and enable the housing and care needs of the ageing population.	Not Accept					
OS59.6	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The submitter seeks that Policy 2 be amended to provide more specific direction / guidance relating to a course of action required in order to achieve the outcome sought by Objective 1, including by enabling a range of building typologies to meet the varied needs of the community.	Not Accept					
OS59.7	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	RHL seeks that proposed Policy 3 is amended to provide clear direction or a course of action that is required in order to achieve the outcome sought by Objective 2.	Accept in Part					
OS59.8	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Taking into account RHL’s key concerns with proposed Objective 3 (as set out above), the RHL considers that the policy should be amended to include specific reference to the benefits of providing increased and diverse housing / accommodation options, particularly retirement and aged care accommodation. Further, recognition should be made of the benefits of a variety of accommodation types and developments, including more intensive or	Accept in Part					

Original Sub No	Report Section	Submitter	Provision	Position	Decision Sought	Officers Recommendation	Further Sub ID	Further Submitter	Position	Further Sub Reason	F Sub Officers Recommendation
					higher density developments of the type supported by the NPSUD and TD2050						
OS59.9	4.5.3	Ryman Healthcare Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Oppose	RHL seeks the following amendments: Manage subdivision, use and development of land to ensure that it will not in a way that considers: a. have an adverse effects on the functioning of the environment where it is located, b. unduly conflict with existing activities on adjoining properties, c. compromise development consistent with the intent and planned urban built form of the environment where it is located d. give rise to reverse sensitivity effects from existing uses	Accept in Part	FS234.8	Kainga Ora	Support	Kainga Ora opposes the relief sought in relation to reverse sensitivity effects, believing that the effects should be mitigated at the source. They consider the policy to be ambiguous, overly directive, and placing too much responsibility on the receiving environment.	Accept in Part
							FS234.2	Kainga Ora	Support	Kainga Ora agrees that clause b is repetitive and supports its removal.	Accept in Part
							FS229.18	Contact Energy Limited	Support	Any amendments proposed that are inconsistent with the relief sought by Contact Energy should be rejected.	Accept in Part
							FS215.7	Genesis Energy	Oppose	Genesis opposes the proposed softening of Policy 10, which would only require existing uses and reverse sensitivity effects to be 'considered' instead of adhered to. They seek to retain the policy as it is, with the relief sought in their primary submission.	Accept in Part
OS63.1	4.3.3	Debs Morrison	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Seek amendment	Amend to include all peoples of Taupo, no matter what their culture. Include a more robust consultative process with all peoples.	Not Accept					
OS63.2	4.4.2	Debs Morrison	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.2.3 Policy	Seek amendment	Delete: "Recognise the benefits of subdivision, land use and development" activities which will directly contribute to the enhancement of fresh water quality."	Not Accept					
OS63.3	4.5.8	Debs Morrison	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Seek amendment	To include a more robust planning process to ensure development of infrastructure is well thought out, to reduce costly errors.	Accept in Part					
OS63.4	4.8.4	Debs Morrison	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain 2.6.3 Policy 6.	Accept					
OS65.1	4.3.3	Debs Morrison	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Seek amendment	Amend to include all peoples of Taupo, no matter what their culture. Include a more robust consultative process with all peoples.	Not Accept					
OS65.2	4.4.2	Debs Morrison	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Seek amendment	Delete statement 4 under 2.2.3 Policy. RMA supports promotion of fresh water quality, but does not remove responsibility for our sustainable use of water.	Not Accept					
OS65.3	4.5.8	Debs Morrison	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Seek amendment	To include a more robust planning process to ensure development of infrastructure is well thought out, to reduce costly errors.	Accept in Part					
OS65.4	4.8.4	Debs Morrison	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain 2.6.3 Policy 6.	Accept					
OS66.1	4.3	Ngati Tahu-Ngati Whaoa Runanga Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Support	Retain	Accept	FS217.7	Pukawa D3 Trust	Support	Principles of Te Tiriti o Waitangi should be recognised, as well as iwi aspirations.	Accept
OS66.2	4.4.2	Ngati Tahu-Ngati Whaoa Runanga Trust	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Seek amendment	Recognise the National Policy Statement for Freshwater Management (NPS-FM) which contains the principles of Te Mana o te Wai.	Accept	FS220.5	Federated Farmers	Support	This position supports the relief sought, and acknowledges the importance of Te Mana o te Wai in freshwater management. It is suggested that context should be given to explain why Te Mana o te Wai is relevant to this area.	Accept
							FS209.16	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission as they believe it is the responsibility of the Regional Council to implement the NPS-FM 2020.	Not Accept
OS66.3	4.6	Ngati Tahu-Ngati Whaoa Runanga Trust	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Support	Retain	Accept					
OS66.4	4.8.3	Ngati Tahu-Ngati Whaoa Runanga Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Recognise the right of iwi Māori to provide for their social, cultural and economic wellbeing in developing underdeveloped land	Not Accept					
OS68.1	4.3.5	Mercury	Strategic Directions	Seek amendment	Retain policies 2.1.3(1) to 2.1.3(9) other than Policy 2.1.3(6) which should be deleted. Amend policies as shown below: 2.1.3 Policiesy 1. Recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu (sacred sites), and other taonga (treasures). ... 6. Enable development of Māori Land within the	Accept	FS209.17	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept

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					provisions of the plan for the purposes of fulfilling the economic and social aspirations of those owners. ...						
OS68.10	4.7.2	Mercury	Strategic Directions	Seek amendment	Retain the following policies, subject to minor amendments to Policy 2.5.3(1) and 2.5.3(2) as follows: 2.5.3 Policiesy 1. Recognise and provide for the national, regional and local benefits of renewable energy electricity generation activities and resources, and transmission activities, in relation to climate change, security of supply, and social, and economic wellbeing of people and communities and for their health and safety. 2. Recognise and provide for the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure. ...	Accept in Part	FS237.2	New Zealand Defence Force	Support	The submitter supports the need to recognise and provide for the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure, as outlined in Policy 2.5.3(2). The Plan provisions should include direction that the benefits of such infrastructure are to be recognised and provided for.	Accept in Part
							FS233.92	Horticulture New Zealand	Support	The submitter supports the changes sought in OS68.10 and also supports the policy of recognising and providing for infrastructure.	Accept in Part
							FS225.14	Transpower	Support	Transpower supports the relief sought in its original submission for specific National Grid provisions in order to give effect to the NPSET.	Accept in Part
							FS209.26	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS68.11	4.8.2	Mercury	Strategic Directions	Seek amendment	Add the following new policy 2.6.3(7) as follows: 7. Recognise the benefits of offset measures and compensation and provide for their use as feasible alternatives to manage significant residual adverse effects of renewable electricity generation activities and regionally significant infrastructure.	Not Accept	FS209.27	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Not Accept
OS68.2	4.4	Mercury	Strategic Directions	Support	Retain 2.2.2 Objective in same or similar form	Accept	FS209.18	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept
OS68.3	4.5.9	Mercury	Strategic Directions	Seek amendment	Amend Objective 2.3.2(3) and add new Objective 2.3.2(8) as below: 3. Subdivision, use and development of land in appropriate locations which will have demonstrable social and cultural benefits to the District’s community will be supported. 8. The East Taupo Arterial will continue to act as an ‘urban fence’ separating urban activities to the west from industrial and rural activities to the east including renewable electricity generation activities.	Not Accept	FS238.42	EnviroNZ	Support	EnviroNZ supports the idea of separating urban activities from the regional landfill, which would benefit the overall objective.	Not Accept
							FS209.19	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Not Accept
OS68.4	4.5.6	Mercury	Strategic Directions	Seek amendment	Amend Policy 2.3.3(10) to read as follows: 10. Manage subdivision use and development of land to ensure that it will not: a. ... b. unduly conflict with existing activities on adjoining properties and the surrounding areas, ... d. give rise to reverse sensitivity effects from existing uses	Accept in Part	FS238.43	EnviroNZ	Support	The submitter supports further consideration of subdivision effects beyond the adjoining property, and agrees that reverse sensitivity effects do not arise from existing uses.	Accept in Part
							FS237.1	New Zealand Defence Force	Support	NZDF agrees that Policy 2.3.3(10) should be amended to ensure that subdivision use and development of land will not unduly conflict with existing activities on adjoining properties and the surrounding areas, and will not give rise to reverse sensitivity effects from new or expanded sensitive activities locating in proximity to existing uses.	Accept in Part
							FS235.2	Waka Kotahi	Support	Waka Kotahi supports the inclusion of the term "Reverse Sensitivity" and the proposed wording in the Taupo District Plan, which is consistent with the wording in the Waikato Regional Policy Statement.	Accept in Part
							FS234.3	Kainga Ora	Oppose	Kainga Ora opposes the proposed relief, arguing that the presence of infrastructure near residential areas does not necessarily cause a reverse sensitivity effect that would require additional controls or management.	Accept in Part
							FS233.86	Horticulture New Zealand	Support	The submitter supports the original submitter's request that development should not conflict with existing activities in the surrounding area. OS68.4 is accepted.	Accept in Part
							FS220.6	Federated Farmers	Support	The submitter's amendments accurately reflect the potential conflicts that new subdivision and development can have on existing activities and land uses, and should be accepted or amended with a similar intent.	Accept in Part
							FS209.20	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part

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OS68.5	4.6.2	Mercury	Strategic Directions	Seek amendment	Amend the introductory part of section 2.4 (STRATEGIC DIRECTION 4 CLIMATE CHANGE) as follows: Climate change has been identified as an issue which is important globally and within the Taupo District. ... It is important that the District and its communities are able to adapt to the effects of climate change to be resilient and safe.... 1. Effects on climate change – which refers to activities that may lead to an increase in greenhouse gasses and those which may result in a reduction of greenhouse gasses from discharged to the atmosphere or help to facilitate efforts towards decarbonisation, including the electrification of home heating, transport and industry. 2.Supporting positive climate change outcomes and ensuring that the effects of climate change are recognised and provided for will assist in planning for a district which helps avoid, does not contribute to, and is resilient to, climate change...	Accept in Part	FS209.21	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS68.6	4.6.2	Mercury	Strategic Directions	Seek amendment	Retain objectives, 2.4.2(1), 2.4.2(2) and 2.4.2(3). In addition, add new objective 2.4.2(4) that reads: 4. An increase in the amount of electricity generated from renewable sources within the Taupo District to assist with the decarbonisation of the economy.	Accept in Part	FS209.22	Manawa Energy Limited	Support	Manawa Energy fully supports this submission.	Accept in Part
OS68.7	4.6.2	Mercury	Strategic Directions	Seek amendment	Retain policies 2.4.3(1). Delete policy 2.4.3(3) and policy 2.4.3(4). In addition, add new policies 2.4.3(2) and 2.4.3(3) as below and renumber proposed policy 2.4.3.(2) to policy 2.4.3.(4) with a minor amendment as below. 1.... 2. Land use activities which will unduly accelerate the effects of climate change will be discouraged. 3. Urban and built development must be designed in a manner which considers the need to reduce greenhouse gas emissions associated with that development and resulting land use. 2. Recognise and provide for the use and development of the District’s renewable energy resources to facilitate decarbonization of the economy, including a reduction in greenhouse gas emissions, increased electricity generation capacity, improved security of supply and transmission. 3. Enable the upgrading and maintenance of existing and new renewable electricity generation activities and transmission, including where contributing to one of the following; · adaptation required to mitigate risks from climate change or · provides for increased electricity output, or greater efficiency · continued safe, efficient and secure operation. 24. Land use activities which will unduly accelerate the effects of climate change will be discouraged.	Accept in Part	FS225.12	Transpower	Support	Transpower supports the relief sought which would provide policy recognition for renewable energy and transmission, even though the original submission sought relief for specific National Grid provisions to give effect to the NPSET.	Accept in Part
							FS220.7	Federated Farmers	Oppose	The proposed amendments to the plan are not appropriate as they would give priority to renewable electricity generation over other activities, which is not an effective way to address climate change.	Accept in Part
							FS209.23	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS68.8	4.7.1	Mercury	Strategic Directions	Seek amendment	Amend the introductory part of section 2.5 as follows: Infrastructure, ..., such as the three waters network, transport, communications, energy electricity generation, transmission and distribution networks, and any other network utilities undertaken by network utility operators.However, inappropriately located or designed land use activities can adversely affect the safe and effective functioning of significant and locally important infrastructure and the natural resources on which they rely on to operate. The Taupo District plays an important role in the location and provision of nationally ‘significant infrastructure’. Its central location and natural resources means that Taupo is home to: · ... · renewable electricity generation facilities that connect with the national grid, that provide electricity to meet up to 20% of New Zealand’s total electricity demand... In addition to nationally and regionally significant infrastructure, local roads and other infrastructure ... is vital for the ongoing functioning of the District District’s urban and rural communities.	Accept in Part	FS209.24	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part

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OS68.9	4.7.2	Mercury	Strategic Directions	Seek amendment	Retain the following Objectives, subject to minor amendments to Objective 2.5.2(1) and 2.5.2(2) as follows: 1. The wider benefits and strategic importance of nationally and regionally significant infrastructure to the District and wider, including the economic, cultural and social wellbeing of people and communities and for their health and safety, are recognised and protected in decision making and land use planning. 2. The local and national benefits of the sustainable development, operation, maintenance and upgrading of electricity transmission and renewable electricity generation resources and activities are recognised and encouraged achieved. ...	Accept in Part	FS238.45	EnviroNZ	Support	The submitter supports the idea that locating Māori cultural activities, tourism activities, and visitor accommodation in appropriate locations is important to reduce the effects of reverse sensitivity, but suggests that further strengthening of this objective is necessary to ensure avoidance of reverse sensitivity to regional infrastructure.	Accept in Part
							FS238.44	EnviroNZ	Support	This submission supports the proposed amendment to strengthen 2.5.1(1) of the document.	Accept in Part
							FS225.13	Transpower	Support	Transpower supports the relief sought in the original submission for specific National Grid provisions to give effect to the NPET. However, Transpower suggests using the word 'provided for' instead of 'encouraged' to better reflect the wording of Policy 1 of the NPSET.	Accept in Part
							FS209.25	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS75.1	4.7.1	Tauhara Quarries Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	Amend to include an objective that recognises the strategic importance of producing aggregate to support significant and local infrastructure. e.g. 5. The importance of quarrying as a component of primary production that supports the construction and maintenance for development and infrastructure is recognised.	Not Accept					
OS75.2	4.7.1	Tauhara Quarries Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Recognise the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure, including those activities which support them such as quarrying.	Not Accept					
OS75.3	4.7.1	Tauhara Quarries Ltd	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Amend. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of infrastructure, including those activities which support them such as quarrying.	Not Accept	FS238.58	EnviroNZ	Support	The submitter supports the idea that additional wording should be added to allow for waste facilities to be included in the definition of infrastructure, even if they are not specifically defined as such.	Accept
							FS226.4	HNZPT	Oppose	HNZPT opposes the proposed amendment to the policy suite as it could have negative effects on cultural and historic heritage.	Not Accept
OS76.1	4.2.9	Aggregate and Quarry Association	Strategic Directions	Seek Amendment	We recommend the text, policies and objectives of the Strategic Directions Chapter be amended to recognise the strategic importance of aggregate.	Not Accept					
OS76.2	4.2.9	Aggregate and Quarry Association	Strategic Directions	Seek Amendment	We recommend the text, policies and objectives of these three sections be amended to recognise the strategic importance of aggregate in each of them. It would be helpful if the chapter linked well to the rest of the plan so that these things had to be taken account of.	Not Accept					
OS84.1	4.5	Genesis Energy	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain with amendment as shown below. 3. Subdivision, use and development of land in appropriate locations which will have demonstrable social and cultural benefits to the District's community will be supported.	Not Accept	FS209.82	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Not Accept
OS84.10	4.8.2	Genesis Energy	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Seek amendment	Retain 2.6.3 Policy subject to new clause 7 shown below: 7. Recognise the benefits of offset measures and compensation and provide for their use as feasible alternatives to manage significant residual adverse effects of renewable electricity generation activities and Regionally Significant Infrastructure.	Not Accept	FS209.91	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Not Accept
OS84.2	4.5.6	Genesis Energy	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Retain provisions subject to amendments below 5. Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including development and of additional infrastructure),... 10. Manage subdivision use and development of land to ensure that it will not: a.... b. unduly conflict with existing activities on adjoining properties and the surrounding areas, c,... d. give rise to reverse sensitivity effects from existing uses	Accept in Part	FS234.4	Kainga Ora	Oppose	Kainga Ora opposes the proposed relief, arguing that the presence of infrastructure near residential areas does not necessarily create a reverse sensitivity effect that would require additional controls or management.	Accept in Part
							FS233.87	Horticulture New Zealand	Support	The submitter supports the original submitter's request that development should not conflict with existing activities in the surrounding area, and also accepts OS84.2.	Accept in Part
							FS209.83	Manawa Energy Limited	Support	Manawa Energy fully supports this submission.	Accept in Part
OS84.3	4.6.2	Genesis Energy	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Seek amendment	Climate change is one the most significant issues facing the entire planet. As noted in section 2.5 Strategic Direction 5 Significant and Local Infrastructure, the Taupo District provides up to 20% of New Zealand's electricity supply. There are more than 20 renewable electricity power stations in the	Accept in Part	FS209.84	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part

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					Taupo District, mostly located in the Rural Environment. It is therefore one of the most significant land uses in the Taupo District. Genesis consider the importance of renewable electricity generation needs to be appropriately recognised and provided for in the Taupo District Plan, particularly within this section that sets out how climate change is to be addressed within the Taupo District. In that regard, the first priority should be to support activities that will help avoid climate change occurring in the first place. High on that list is renewable electricity generation. The minor changes are therefore suggested to strengthen the overview statement leading to the objectives and policies in this section.						
OS84.4	4.6.2	Genesis Energy	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.1-2.4.2 Objective	Seek amendment	Genesis supports the proposed directions for community resilience and adaptation to the effects of climate change. However, with the serious implications of climate change being increasingly experienced across New Zealand, Genesis considers explicit references for direct actions are required in conjunction with objectives that build resilience and adaptation. Genesis considers a new objective should be included that explicitly recognises the increasing contribution renewable electricity generation in the District has on reducing greenhouse gas emissions and mitigating the potential effects of climate change.	Not Accept	FS209.85	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Not Accept
OS84.47	4.2.4	Genesis Energy	Strategic Directions	Seek Amendment	Include an Energy Chapter in the Taupo District Plan in accordance with the National Planning Standards, either as a result of Plan Change 38 or by way of a subsequent Proposed Plan Change in the near future.	Accept in Part	FS209.128	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS84.5	4.6.2	Genesis Energy	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	Retain 2.4.3 Policy subject to amendments below. 2.4.3 Policiesy 1.... 2. Recognise and provide for the use and development of the District's renewable energy resources to facilitate decarbonisation of the economy, including a reduction in greenhouse gas emissions, increased electricity generation capacity and improved security of supply including transmission. 3. Enable the upgrading and maintenance of existing and the development of new renewable electricity generation activities, including where contributing to one of the following; · adaptation required to mitigate risks from climate change · provides for more electricity output, or greater efficiency · continued safe, efficient and secure operation. 24. Land use activities which will unduly accelerate the effects of climate change will be discouraged. 35.... 46. Subdivision, use and development of land...	Not Accept	FS220.8	Federated Farmers	Oppose	The proposed amendments to the plan are not appropriate as they would give priority to renewable electricity generation over other activities, which is not an effective way of addressing climate change.	Accept
							FS209.86	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Not Accept
OS84.6	4.7.1	Genesis Energy	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	Retain 2.5 overview statement subject to amendments below. 2.5 STRATEGIC DIRECTION 5 SIGNIFICANT AND LOCAL INFRASTRUCTURE Infrastructure, ..., transport, communications, energy electricity generation, transmission and distribution networks, and any other network utilities undertaken by network utility operators. ...However, inappropriately located or designed land use activities can adversely affect the safe and effective functioning of significant and locally important infrastructure and the natural resources on which they rely on to operate. ...Taupo is home to: · ... · renewable electricity generation facilities that connect with the national grid, accounting for up to 20% of New Zealand's total electricity demand · In addition to nationally and regionally significant infrastructure, local roads and other infrastructure (including development and additional infrastructure) is vital for the ongoing functioning of the Districts District's urban and rural communities.	Accept	FS209.87	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept

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OS84.7	4.7.2	Genesis Energy	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Seek amendment	Retain 2.5.2 Objectives subject to amendments below. 2.5.2 Objectives 1. The wider benefits and strategic importance of nationally and regionally significant infrastructure to the District and wider, including the economic, cultural and social wellbeing of people and communities and for their health and safety, are recognised and protected in decision making and land use planning. 2. The local and national benefits of the sustainable development, operation, maintenance and upgrading of electricity transmission and renewable electricity generation resources and activities are recognised and encouraged achieved. 3....	Accept in Part	FS220.9	Federated Farmers	Oppose	Renewable electricity generation has positive benefits for people and communities, but it should not be given absolute protection over other activities that also contribute to social and economic well-being. It is inappropriate to prioritize one form of infrastructure over others.	Accept in Part
							FS209.88	Manawa Energy Limited	Support	Manawa Energy has expressed their support for this submission.	Accept in Part
OS84.8	4.7.2	Genesis Energy	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Retain 2.5.3 Policy subject to amendments below. Amend to read as follows: 2.5.3 Policiesy 1. Recognise and provide for the national, regional and local benefits of renewable energy electricity generation activities... 2. Recognise and provide for the functional and operational needs....	Accept in Part	FS233.93	Horticulture New Zealand	Support	This position supports the changes sought in OS84.8 and also supports the policy to recognise and provide for infrastructure.	Accept in Part
							FS209.89	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS84.9	4.8	Genesis Energy	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Support	Retain 2.6.2 Objectives with amendments below. 2.6.2 Objectives 1. Recognise the importance of the districts District's natural values and landscapes and their significance to the Taupo Districts District's communities and identity. 2.... 4. Recognition of the extent of indigenous vegetation and habitat under on Māori land tenure, and the need to provide for the important relationship of Māori and their culture and traditions with their ancestral lands and waaahi tapu....	Accept in Part	FS209.90	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS85.1	4.5	Ministry of Education	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Support	Retain as proposed.	Accept					
OS85.2	4.5	Ministry of Education	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain as proposed	Accept in Part					
OS85.3	4.5.6	Ministry of Education	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	Retain as proposed	Accept in Part					
OS89.1	4.8.6	Department of Conservation	Strategic Directions	Seek amendment	The Council should undertake a review of the NPS-IB exposure draft (or the soon to be gazetted NPS-IB document) to confirm Proposed Plan Change 38 is giving effect to this national direction. The Strategic Directions chapter should be updated to give effect to the NPS-IB where required. Any other amendments that may be necessary or appropriate to address my concerns.	Not Accept	FS236.4	Te Kotahitanga o Ngati Tuwharetoa Limited	Oppose	This position opposes the assignment of SNAs on Māori owned lands without agreement from local authorities on a fair and equitable process, and compensation for the loss of land use and contributions from Māori land owners. It highlights the disproportionate amount of land assigned as SNAs located on Māori land, and the lack of consultation with Māori land owners and their representatives.	Accept
							FS229.24	Contact Energy	Oppose	The submitter is requesting amendments to Plan Change 38 to implement the national direction under the DNPS-IB, however this is outside the scope of the Plan Change and should be rejected.	Accept
							FS215.9	Genesis Energy	Oppose	Genesis opposes the relief sought by the submitter as it is outside the scope of the Plan Change.	Accept
							FS211.8	Mercury NZ Limited	Oppose	Mercury opposes the current form of the NPS-IB and suggests any update to the Strategic Directions chapter should be subject to a public process prior to its gazettal	Accept
							FS209.215	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission, as they believe the District Council should have their own process and time-frames for implementing the NPS-IB when it comes into effect.	Accept
OS89.10	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Support	Retain as notified.	Accept	FS217.11	Pukawa D3 Trust	Support	The Director-General supports Objective 3, but suggests that Offsetting should also be recognised in this Objective.	Accept in Part
OS89.11	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Support	Retain as notified, unless iwi/hapū/whanau request specific changes.	Accept	FS229.29	Contact Energy Limited	Oppose	Oppose the relief sought by the submitter as it is inconsistent with Contact Energy's original submission, which also sought changes to the Policy 2.6.2 Objective 4.	Accept

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							FS217.12	Pukawa D3 Trust	Support	The Director-General generally supports proposed Objective 4.	Not Accept
OS89.12	4.8.5	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Seek amendment	Change the wording of Objective 5 to: 5. The protection of outstanding landscape areas from inappropriate subdivision, land use and development which may adversely affect their landscape attributes.	Accept	FS217.13	Pukawa D3 Trust	Support	The Director-General is requesting an amendment to Objective 5 of the RMA to better reflect section 6(b) and link it to "outstanding landscapes".	Accept
OS89.13	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Support	Retain as notified, unless iwi/hapū/whanau request specific changes.	Accept	FS217.14	Pukawa D3 Trust	Support	Iwi/hapū/whanau are best placed to provide specific comments in relation to the appropriateness of the content and wording of the chapter. The relationship of tāngata whenua with the natural values of their ancestral lands as an Objective to the Strategic Directions should be recognised and is in the way it is currently drafted.	Accept
OS89.14	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Support	Retain as notified.	Accept	FS217.15	Pukawa D3 Trust	Support	The original submitter supports Objective 7 which proposes that the natural character of riparian margins should be preserved. However, Māori should have the final say on how to preserve the natural character, whether that be retaining, enhancing, or developing the riparian margin.	Accept
OS89.15	4.8.5	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Seek amendment	Change the wording of Policy 1 to: 1. Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from subdivision, land use and development activities that will have more than minor effects on the ecological values and processes important to those areas.	Accept	FS217.16	Pukawa D3 Trust	Support	The original submitter requests the inclusion of 'subdivision' within proposed Policy 1, with amendments, to allow for consideration of the adverse effects that could occur on SNAs from subdivision. Māori should be given the opportunity to decide whether subdivision should take place on their land, and offsetting should be an option available to them to manage the effects of subdivision.	Accept
OS89.16	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Support	Retain as notified	Accept	FS217.17	Pukawa D3 Trust	Support	The original submitter supports proposed Policy 2, which agrees that the natural value of areas of significant indigenous vegetation can be supported.	Accept
OS89.17	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Support	Retain as notified, unless iwi/hapū/whanau request specific changes.	Accept	FS217.18	Pukawa D3 Trust	Support	The original submitter generally supports proposed Policy 3.	Accept
OS89.18	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Support	Retain as notified	Accept					
OS89.19	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Support	Retain as notified, unless iwi/hapū/whanau request specific changes.	Accept					
OS89.2	4.8.2	Department of Conservation	Strategic Directions	Seek amendment	Include an objective and/or policy in relation to biodiversity offsetting and biodiversity compensation. Include definitions for biodiversity offsetting and biodiversity compensation. This could be included within the Natural Environmental Values section of the Strategic Direction chapter. Any other amendments that may be necessary or appropriate to address my concerns.	Not Accept	FS236.5	Te Kotahitanga o Ngāti Tuwharetoa	Support	TKNT supports the inclusion of an objective and policy on compensation as a priority, with an emphasis on Māori land and Māori owned land. This would be part of the provision for SNAs.	Not Accept
							FS229.25	Contact Energy Limited	Oppose	The submitter is seeking amendments to Plan Change 38 that are beyond the scope of the Plan Change and should be rejected.	Accept
							FS217.8	Pukawa D3 Trust	Support	The Director-General has noted the need for a more coordinated shift towards an effects management hierarchy to better consider section 6(c) of the RMA. The change does not address how this applies to Māori land, and the Director-General is supportive of additional objectives and policies, provided they consider how this applies to Māori land. They have also suggested a hierarchy to the objectives.	Not Accept
							FS215.10	Genesis Energy	Support	Genesis supports the relief sought in its primary submission which includes a proposed new policy in Natural Environment Values 2.6.3 Policy to recognize the benefits of offset measures and compensation, and to provide for their use as feasible alternatives to manage significant residual adverse effects of renewable electricity generation activities and Regionally Significant Infrastructure.	Not Accept
							FS211.9	Mercury NZ Limited	Oppose	Mercury opposes any additional objectives, policies or definitions in relation to biodiversity in Plan Change 38, due to potential unintended consequences. However, they support the enhancement and regeneration of indigenous biodiversity in NZ, and believe that long-term success of biodiversity is reliant upon the reduction of greenhouse gases. Additionally, they seek to ensure that any amendments to Plan Change 38 will provide for the use, development and maintenance of infrastructure for renewable electricity generation.	Accept

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OS89.3	4.3	Department of Conservation	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Support	Retain as notified, unless iwi/hapū/whanau request specific changes. Note: There are spelling errors in this section that should be corrected prior to Plan Change 38 becoming operative e.g. "the Te Tiriti o Waitangi" should be corrected to "Te Tiriti o Waitangi"; "mautaranga" should be corrected to "matauranga".	Accept	FS236.6	Te Kotahitanga o Ngati Tuwharetoa	Support	Support the corrections to the section prior to Plan Change 38 becoming operative, such as changing "Te Tirirti o Waitangi" to "Te Tiriti o Waitangi" and "mautaranga" to "matauranga". Agree that iwi/hapū/whanau are best placed to provide specific comments on the content and wording of the chapter.	Accept
							FS217.9	Pukawa D3 Trust	Support	The Director-General supports the tangata whenua section, in accordance with Part 2 of the RMA and wider planning documents.	Accept
							FS209.213	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept
OS89.4	4.4	Department of Conservation	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Support	Retain as notified, unless iwi/hapū/whanau request specific changes.	Accept	FS236.7	Te Kotahitanga o Ngati Tuwharetoa	Support	The submitter supports iwi/hapū/whanau requests for changes consistent with Te Kaupapa Kaitiaki and wider planning documents. It is agreed that iwi/hapū/whanau are best placed to provide comments on the appropriateness of the content and wording of the cultural objectives and policies.	Accept
							FS209.214	Manawa Energy Limited	Oppose	Manawa Energy opposes the submission as it believes that it is the responsibility of the Regional Council to implement the NPS-FM 2020.	Not Accept
OS89.5	4.5.1	Department of Conservation	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	Change the wording of Objective 7 to: 7. Subdivision, use and development is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that protects or enhances the important natural values of the environment where it is located.	Accept	FS229.26	Contact Energy Limited	Oppose	We oppose the relief sought by the submitter which conflicts with Contact Energy's original submission, as it relates to Objective 2.3.2.7 of the RMA.	Not Accept
OS89.6	4.5	Department of Conservation	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	Retain as notified, unless iwi/hapū/whanau request specific changes.	Accept	FS236.8	Te Kotahitanga o Ngati Tuwharetoa	Support	This position supports iwi/hapū/whanau requests for changes to the Papakāinga policy and endorses their ability to provide specific comments on the content and wording of the policy.	Accept
							FS229.27	Contact Energy Limited	Oppose	We oppose the relief sought by the submitter, as it is inconsistent with Contact Energy's original submission. Contact Energy have requested changes to Policy 7, and the submitter is only seeking to retain it unless requested otherwise by iwi/hapū/whanau.	Not Accept
OS89.7	4.5.7	Department of Conservation	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	12. Do not support Avoid subdivision and development which will inappropriately affect heritage sites or areas of important natural and landscape values.	Not Accept	FS234.5	Kainga Ora	Oppose	Kainga Ora opposes the use of the term 'avoid' in the directive as it is contrary to the ruling in Environmental Defence Society Inc v New Zealand King Salmon Company.	Accept
							FS229.28	Contact Energy Limited	Oppose	Contact Energy opposes the submitter's request to amend 2.3.3. Policy 12 to replace 'do not support' with 'avoid', as it is inconsistent with their original submission.	Accept
							FS226.3	HNZPT	Support	HNZPT submitted to the same policy seeking clarification of the term "heritage sites" and is supportive of strong wording in policies to discourage inappropriate subdivision and development. They are in support of the submission point.	Not Accept
							FS220.10	Federated Farmers	Oppose	It is recommended to decline the relief sought as it is inconsistent with the RMA.	Accept
							FS215.11	Genesis Energy	Oppose	Genesis opposes the submitter's request for relief, as they believe that any development in areas with important natural and landscape values should be assessed on its individual merits, rather than using absolute language such as 'avoid'.	Accept
OS89.8	4.6	Department of Conservation	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Support	Retain as notified	Accept in Part					
OS89.9	4.8	Department of Conservation	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Support	Retain as notified	Accept	FS217.10	Pukawa D3 Trust	Support	Indigenous vegetation is a matter of national importance.	Accept
OS90.1	4.2.1	Angela Bell	Strategic Directions	Oppose	Provide strategic direction for general rural and rural lifestyle environments. Consider NPS-HPL and National Adaption Plan.	Accept in Part	FS220.11	Federated Farmers	Support	The submitter accepts the relief sought, as rural activities make a significant economic contribution to the Taupo district and it is important that this is recognised. Having an appropriate strategic direction framework in the District Plan is the first step to achieving this.	Accept in Part
OS9.1	4.7	New Zealand Defence Force	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Support	Retain objectives as notified.	Accept in Part	FS229.4	Contact Energy Limited	Oppose	Objectives 2.5.2 should remain as notified.	Accept in Part

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OS91.1	4.2.1	Federated Farmers of New Zealand – Rotorua / Taupō	1.1-Chapter 2 Strategic Directions	Seek Amendment	Page 2, Introduction- Federated Farmers seeks the following relief: (a) the inclusion of a new strategic or significant resource management issue in Chapter 2 Strategic Directions focused on rural sustainability and the protection of the rural economy and environment within the Taupo district; and (b) the inclusion of the following objectives for the strategic direction rural sustainability or wording with similar intent: 2.X.X Objectives 1. The district's general rural environment is managed in a way that promotes rural sustainability while protecting rural land from inappropriate subdivision, land use and development; 2. Existing, lawfully established rural land use activities are recognised and protected from incompatible activities. 3. The value of the rural economy to the district and the wider region is acknowledged and provided for. (c) the inclusion of appropriate policies which will implement the proposed objectives outlined in (b) above; and (d) any consequential amendments required as a result of the relief sought.	Accept in Part	FS233.81	Horticulture New Zealand	Support	HortNZ supports the proposed addition of a new strategic direction objective for primary production, which would help to ensure the continued success of the sector.	Accept in Part
							FS225.24	Transpower	Oppose	Transpower opposes the proposed clause 2 due to its lack of recognition of other activities in rural areas and its failure to comply with the National Policy Statement on Electricity Transmission.	Accept in Part
OS91.2	4.3	Federated Farmers of New Zealand – Rotorua / Taupō	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Support	(a) the retention of strategic direction 1 Tangata Whenua as currently written in the plan change or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.	Accept					
OS91.3	4.4.2	Federated Farmers of New Zealand – Rotorua / Taupō	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Seek amendment	(a) the amendment of strategic direction 2 Freshwater Quality / Te Mana o te Wai to achieve consistency with the requirement of the National Objectives Framework; and (b) any consequential amendments required as a result of the relief sought.	Accept in Part	FS233.84	Horticulture New Zealand	Oppose	HortNZ has rejected the submission for freshwater policies as they do not align with the council's responsibilities.	Accept in Part
							FS209.216	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission, arguing that it is the responsibility of the Regional Council to implement the NPS-FM 2020.	Accept in Part
OS91.4	4.5	Federated Farmers of New Zealand – Rotorua / Taupō	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Support	(a) the retention of strategic direction 3 Urban Form and Development as currently written in the plan change or with wording to similar effect; and (b) any consequential amendments required as a result of the relief sought.	Accept in Part					
OS91.5	4.6.1	Federated Farmers of New Zealand – Rotorua / Taupō	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Seek amendment	(a) the amendment of Policy 2.4.3 as currently written to read as below or with wording to similar effect; 2. Land use activities which will unduly overly accelerate the effects of climate change will be discouraged recognising that some land use activities will be able to continue with no significant changes to their emissions output. (b) and any consequential amendments required as a result of the relief sought.	Accept in Part	FS229.8	Contact Energy Limited	Oppose	We oppose the relief sought by the submitter as it is not in line with Contact Energy's original submission. The amendments requested by the submitter do not align with the amendments proposed by Contact Energy.	Accept in Part
							FS209.217	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS91.6	4.7.4	Federated Farmers of New Zealand – Rotorua / Taupō	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	(a) the addition to Policy 2.5.3 of a new clause to read as below or with wording to similar effect; 6. To recognise the reverse sensitivity effects infrastructure may have on existing land use activities and to avoid, remedy or mitigate these effects where possible. (b) and any consequential amendments required as a result of the relief sought.	Not Accept	FS238.68	EnviroNZ	Oppose	This submitter opposes the part of the submission which states that infrastructure should avoid, remedy or mitigate effects on existing land use activities. It suggests that the wording should be amended to recognise reverse sensitivity effects from and to different land uses.	Accept
							FS233.90	Horticulture New Zealand	Support	The submitter supports OS91.6 and acknowledges the potential impact of infrastructure on existing land uses.	Not Accept
							FS229.9	Contact Energy Limited	Oppose	Federated Farmers oppose the relief sought by the submitter which is inconsistent with the original submission by Contact Energy. They support Strategic Direction 5 as it is currently drafted, but seek an amendment to Policy 2.5.3 to recognise the reverse sensitivity effects infrastructure may have on existing land use activities and to avoid, remedy or mitigate these effects where possible, with any consequential amendments required.	Accept
							FS225.25	Transpower	Oppose	Transpower opposes the proposed clause 6 as it does not take into account other activities in rural environments and does not give effect to the National Policy Statement on Electricity Transmission.	Accept

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							FS215.1	Genesis Energy	Oppose	The proposed addition is opposed as it appears to misinterpret the concept of reverse sensitivity and does not take into account the direct adverse effect on existing land use activities. It is recommended that an assessment of the effect of new infrastructure on existing land use activities is conducted in accordance with the RMA.	Accept
							FS211.10	Mercury NZ Limited	Oppose	Mercury opposes the addition of this policy to the Strategic Direction Chapter (Plan Change 38) as reverse sensitivity effects on rural land use activities are already addressed in the General Rural and Rural Lifestyle Environments Chapter (Plan Change 42).	Accept
							FS209.218	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission.	Accept
OS91.7	4.8.4	Federated Farmers of New Zealand – Rotorua / Taupō	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	(a) the amendment of strategic direction 6 Natural Environment Values to recognise and provide for non-regulatory methods as well as the role that private landowners play in the preservation of natural environment values; and (b) any consequential amendments required as a result of the relief sought.	Not Accept	FS209.219	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Not Accept
OS93.1	4.2.4	Contact Energy Limited	Strategic Directions	Seek Amendment	Include an Energy Chapter in the Taupo District Plan in accordance with the National Planning Standards, either as a result of Plan Change 38 or by way of a subsequent Proposed Plan Change in the near future.	Accept in Part	FS209.132	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept in Part
OS93.10	4.6.2	Contact Energy Limited	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Seek amendment	2.4 STRATEGIC DIRECTION 4 CLIMATE CHANGE Climate change has been identified as an issue which is important globally and within the Taupo District. A warming environment, longer and drier droughts and increased intensity of storm events are anticipated. It is important that the District and its communities are able to adapt to the effects of climate change to be resilient and safe. For environmental management and planning purposes there are two separate, but important aspects of climate change: 1. Effects on climate change – which refers to activities that may lead to an increase in greenhouse gasses and those which may result in a reduction of greenhouse gasses from discharged to the atmosphere or help to facilitate efforts towards decarbonisation, including the electrification of home heating, transport and industry. 2.... It is important to consider both of these aspects of climate change to effectively enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Supporting positive climate change outcomes and ensuring that the effects of climate change are recognised and provided for will assist in planning for a district which helps avoid, does not contribute to, and is resilient to, climate change....	Accept in Part	FS209.141	Manawa Energy Limited	Support	Manawa Energy fully supports this submission.	Accept in Part
OS93.11	4.6.2	Contact Energy Limited	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.1-2.4.2 Objective	Seek amendment	2.4.2 Objectives 1. Subdivision, use and development of land in the Taupo District will result in positive climate change outcomes. 2. An increase in the amount of electricity generated from renewable sources within the Taupo District to assist with the decarbonisation of the economy. 2. Subdivision, use and development of land in the Taupo District will be resilient to the current and future effects of climate change on the District’s current and future communities, including any disproportionate effects on mMaori. 3. The Taupoo District is well prepared to adapt to the risks and effects from climate change, such as natural hazards.	Not Accept	FS209.142	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Not Accept
OS93.12	4.6.2	Contact Energy Limited	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	2.4.3 Policiesy 1. Land use activities which will result in positive climate change outcomes, including through reducing greenhouse gas emissions and decarbonisation, will be supported and encouraged. 2. Recognise and provide for the use and	Not Accept	FS220.12	Federated Farmers	Oppose	The proposed amendments to the plan to give priority to renewable electricity generation should be declined as it is not an appropriate way to address climate change, as it would single out one activity and elevate it over all others.	Accept

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					development of the District's renewable energy resources to facilitate decarbonization of the economy, including a reduction in greenhouse gas emissions, increased electricity generation capacity and improved security of supply including transmission. 3. Enable the upgrading and maintenance of existing and development of new renewable electricity generation activities and transmission, including where contributing to one of the following; · adaptation required to mitigate risks from climate change · provides for increased electricity output, or greater efficiency · continued safe, efficient and secure operation. 24. Land use activities which will unduly accelerate the effects of climate change will be discouraged. 35....		FS209.143	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Not Accept
OS93.13	4.7.1	Contact Energy Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	2.5 STRATEGIC DIRECTION 5 SIGNIFICANT AND LOCAL INFRASTRUCTURE Infrastructure, as defined in the Resource Management Act generally encompasses physical services and facilities which enable society to function, such as the three waters network, transport, communications, energy electricity generation... ...However, inappropriately located or designed land use activities can adversely affect the safe and effective functioning of significant and locally important infrastructure and the natural resources on which they rely on to operate. ...Its central location and natural resources means that Taupo is home to: · ... · renewable electricity generation facilities that connect with the national grid, accounting for up to 20% of New Zealand's total electricity demand ... In addition to nationally and regionally significant infrastructure, local roads and other infrastructure (including development and additional infrastructure) is vital for the ongoing functioning of the District District's urban and rural communities.	Accept in Part	FS209.144	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS93.14	4.7.2	Contact Energy Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Seek amendment	Retain the following Objectives: 2.5.2 Objectives 1. The wider benefits and strategic importance of nationally and regionally significant infrastructure to the District and wider, including the economic, cultural and social wellbeing of people and communities and for their health and safety, are recognised and protected in decision making and land use planning. 2. The local and national benefits of the sustainable development, operation, maintenance and upgrading of electricity transmission and renewable electricity generation resources and activities are recognised and encouraged achieved. 3....	Accept in Part	FS209.145	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS93.15	4.7.2	Contact Energy Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Amend to read as follows: 2.5.3 Policies 1. Recognise and provide for the national, regional and local benefits of renewable energy electricity generation activities and resources, and transmission activities, in relation to climate change, security of supply, and social, and economic wellbeing of people and communities and for their health and safety. 2. Recognise and provide for the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure. 3....	Accept in Part	FS233.94	Horticulture New Zealand	Support	This position supports the changes sought in OS93.15 and also supports the policy to recognise and provide for infrastructure.	Accept in Part
							FS209.146	Manawa Energy Limited	Support	Manawa Energy fully supports this submission.	Accept in Part
OS93.16	4.2.5	Contact Energy Limited	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Amend to read as follows: 2.6 STRATEGIC DIRECTION 6 NATURAL ENVIRONMENT VALUES The Taupo District is characterised by important landscapes and natural areas. ... As well as being an important part of the District District's identity,... The effects of human activities such as built development, vegetation clearance and land development etc. can significantly alter the character of the environment resulting in the loss of these areas and their values.... These areas are on a range of public (reserve, forest and national	Accept	FS209.147	Manawa Energy Limited	Support	Manawa Energy fully supports this submission.	Accept

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					parks) and private tenure land. There is also a high proportion of these areas on mMaori land throughout the District which can impact the ability of mMaori landowners in undertaking development on their ancestral lands.						
OS93.17	4.2.5	Contact Energy Limited	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.1-2.6.2 Objectives	Seek amendment	2.6.2 Objectives 1. Recognise the importance of the District District’s natural values and landscapes and their significance to the Taupo District District’s communities and identity. 2.... 4. Recognition of the extent of indigenous vegetation and habitat under on Māori land tenure, and the need to provide for the important relationship of Māori and their culture and traditions with their ancestral lands and waahi tapu....	Accept	FS209.148	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept
OS93.18	4.8.2	Contact Energy Limited	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values > 1.1.6.2-2.6.3 Policy	Seek amendment	Amend to read as follows: 2.6.3 Policiesy ... 7. Recognise the benefits of offset measures and compensation and provide for their use as feasible alternatives to manage significant residual adverse effects of renewable electricity generation activities and regionally significant infrastructure.	Not Accept	FS209.149	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Not Accept
OS93.19	4.4	Contact Energy Limited	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.1-2.2.2 Objective	Support	Retain the objective.	Accept	FS209.150	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept
OS93.2	4.2.5	Contact Energy Limited	1.1-Chapter 2 Strategic Directions	Seek Amendment	Amend the introduction to Chapter 2 Strategic Directions to read as follows: Chapter 2 Strategic Directions The following chapter provides an outline of the key strategic and significant resource management matters for the Taupo dDistrict. This chapter includes objectives and policiesy to guide decision making at a strategic level.... The key strategic or significant resource management matters for the district for the Taupo District are: 1. Tangata Whenua...	Accept	FS209.133	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept
OS93.20	4.4	Contact Energy Limited	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.2.3 Policy	Support	Retain the Policy.	Accept	FS209.151	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept
OS93.21	4.4	Contact Energy Limited	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.2.3 Policy	Support	Retain the Policy.	Accept	FS209.152	Manawa Energy Limited	Support	Manawa Energy has expressed their support for this submission.	Accept
OS93.3	4.2.5	Contact Energy Limited	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Seek amendment	Amend to read as follows: 2.1 STRATEGIC DIRECTION 1 TANGATA WHENUA The Council, through the District Plan, is required to take into account the Pprinciples of the te Tirirti o Waitangi. This is to be done at all levels of planning and decision making under the Plan.... The dDistrict pPlan has an important role to play in supporting mana whenua in achieving these aspirations. The Council is also required to, in partnership with mana whenua, recognise and provide for the mMaori values in resource management and decision making. These include the important relationship of mMaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and to have particular regard to kaitiakitanga. This is to happen not just through recognition and incorporation of these matters into the pPlan but also the wider decision making and plan implementation process...	Accept	FS209.134	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept
OS93.4	4.2.5	Contact Energy Limited	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.1-2.1.2 Objective	Seek amendment	Amend to read as follows: 2.1.2 Objectives 1. ... 3. Resource management planning and decision making reflects tikanga, mana whakahaere, kaitiakitanga, Manaakitanga, whakapapa, mautaranga mMaori and te whanake....	Accept	FS220.127	Federated Farmers	Oppose	The submitter opposes the relief sought for renewable electricity generation activities in the rural environment. It is argued that the infrastructure needed for this activity is physically intrusive and does not fit with the character of the rural environment.	Not Accept
							FS209.135	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept

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OS93.5	4.2.5	Contact Energy Limited	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Seek amendment	Amend to read as follows: 2.1.3 Policiesy 1.... 5. Recognise the wider constraints on the utilisation and development of mMaori land as different from land in freehold title....	Accept	FS209.136	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept
OS93.6	4.4.2	Contact Energy Limited	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Seek amendment	Amend to read as follows: 2.2 STRATEGIC DIRECTION 2 FRESHWATER QUALITY / TE MANA O TE WAI ... The Taupo District Plan has a responsibility role to assist with to the management of the adverse effects on the environment that may arise from subdivision and landuse in the District. Managing the adverse effects on waterways resulting from subdivision and land use forms part of that responsibility and there are clear benefits from doing this. The state of the Districts freshwater resources is of significant interest to the Taupo District community, and it is important that positive freshwater outcomes are achieved through the application implementation of the Plan.	Accept in Part	FS209.137	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Accept in Part
OS93.7	4.5.6	Contact Energy Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Seek amendment	2.3 STRATEGIC DIRECTION 3 URBAN FORM AND DEVELOPMENT The Taupo District District's diverse and growing population has led to increased demand for housing and demand for new commercial and industrial areas...The District Plan provides a framework for ensuring that urban development, subdivision and changes in land use occurs in a planned and efficient manner and is adequately serviced by infrastructure (including development and of additional infrastructure). ...This approach reflects the an efficient and effective urban form which will develop in a manner that is appropriately serviced by infrastructure reflects the important values and communities within the District...	Accept in Part	FS209.138	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept in Part
OS93.8	4.5.9	Contact Energy Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	2.3.2 Objectives 1... 3. Subdivision, use and development of land in appropriate locations which will have demonstrable social and cultural benefits to the District's community will be supported. 4.... 5. The Town Centre Environment is strengthened and reinforced as the primary commercial, retail, recreational, cultural and entertainment centres for Taupo District. 6. ... 8. The East Taupo Arterial will continue to act as an 'urban fence' separating urban activities to the west from industrial and rural activities to the east including renewable electricity generation activities.	Not Accept	FS238.69	EnviroNZ	Support	EnviroNZ supports the idea of separating urban activities from the regional landfill, as it will benefit both the submission point and the further objective.	Not Accept
							FS209.139	Manawa Energy Limited	Support	Manawa Energy supports this submission.	Not Accept
OS93.9	4.5.6	Contact Energy Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	Amend to read as follows: 2.3.3 Policies 1... 5. Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including development and of additional infrastructure), according to the capacity limitations of that infrastructure. 6.... 7. Provide for the development of Papakāinga on mMaori land to facilitate mMaori occupation on their ancestral lands. 8.... 9. Restrict the location and development of retail and commercial activities within non-commercial areas of the district to ensure that the town centre continues to be the district district's pre-eminent retail, commercial and mixed-use centres. 10. Manage subdivision use and development of land to ensure that it will not: a. have an adverse effect on the functioning of the environment where it is located, b. unduly conflict with existing activities on adjoining properties and the surrounding areas, ... d. give rise to reverse sensitivity effects from existing uses ...	Accept in Part	FS233.88	Horticultur e New Zealand	Support	The submitter supports the original submitter's request that development should not conflict with existing activities in the surrounding area. OS93.9 is accepted.	Accept in Part
							FS209.140	Manawa Energy Limited	Support	Manawa Energy is in support of this submission.	Accept in Part
OS95.1	4.2.3	Pukawa D3 Trust	Strategic Directions	Seek amendment	...This chapter includes objectives and policyies to guide decision making at a strategic level. The order of the Strategic Directions reflects the status and importance of each Direction and its objectives and policies. The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes for resource management	Not Accept	FS209.11	Manawa Energy Limited	Support	Manawa Energy is in favour of this submission and offers their support.	Not Accept

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					practices. They are indicative of the matters which are important to the Taupo District community and Council and reflect the intended outcomes to be achieved through the implementation of the District Plan. The strategic directions will be particularly relevant for any future changes to the Plan and any significant resource consent applications where there is a requirement to consider District Plan policy. The strategic directions must be considered in all resource consent applications and plan changes. This chapter should be read as a whole and applied across the district and all zonings unless the provisions relate to a specific zoning or part of the District....						
OS95.10	4.8.2	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Activities which will lead to the enhancement of indigenous biodiversity values will be recognised and provided for, including activities used as an environmental offset.	Accept in Part					
OS95.11	4.8.3	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Recognition of the extent of indigenous vegetation and habitat under Māori land tenure, and the need to provide for the important relationship of Māori and their culture and traditions with their ancestral lands and waahi tapu, as well as using land to provide for their communities as Māori see appropriate.	Not Accept					
OS95.12	4.8	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					
OS95.13	4.8	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					
OS95.14	4.8.2	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Protect the natural values of areas of significant indigenous vegetation and significant habitats of indigenous fauna from land use and development activities that will have more than minor adverse effects on the ecological values that cannot be offset. and processes important to those areas.	Not Accept	FS209.15	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission, arguing that renewable electricity generation needs to be located in areas on SNA in order to access the energy resource.	Accept
OS95.15	4.8	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					
OS95.16	4.8.3	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	5. Encourage the protection, enhancement and restoration of natural and landscape value areas, including by Supporting opportunities for tangata whenua to exercise their customary responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing these areas.	Accept					
OS95.2	4.3.3	Pukawa D3 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Seek amendment	The values, rights and interests of Taupo District mana whenua are listened to, recognised and protected. (moved to be objective 4)	Not Accept	FS209.12	Manawa Energy Limited	Support	Manawa Energy has expressed their support for this submission.	Not Accept
OS95.3	4.2.2	Pukawa D3 Trust	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Seek amendment	2. Mana whenua are a partner in District Plan planning and decision making. (moved to be objective 5) 3. Resource management planning and decision making reflects tikanga, mana whakahaere, Kaitiakitanga, manaakitanga, whakapapa, mautaranga maori and te whanake (moved to be objective 6). 4. Support development on Māori land that meet the needs of those landowners and respects the exercise of kaitiakitanga, self determination and the relationship of tangata whenua with their land, water, significant sites and Wahi tapu. (moved to be objective 3) 5. Māori are supported to develop their ancestral lands for their social, economic and cultural wellbeing. (moved to be objective 2)	Not Accept					
OS95.4	4.3.2	Pukawa D3 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Seek amendment	The principles of te tiriti o Waitangi are must be taken into account through District Plan planning and decision making. (moved to be objective 1)	Not Accept					
OS95.5	4.3	Pukawa D3 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Support	Retain.	Accept					

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OS95.6	4.3.4	Pukawa D3 Trust	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua	Seek amendment	Recognise that iwi management plans are higher order statutory documents in decision making, and the importance of iwi environmental management plans in providing important guidance and direction on the sustainable use and development of the environment and natural resources.	Not Accept	FS209.13	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission, arguing that Iwi settlement acts do not provide for a higher order status and that Iwi documents are only provided for in District planning.	Accept
OS95.7	4.8.1	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	...These areas are a strong part of the identity to the district and are valued by the local communities and mana whenua and some also hold importance nationally. As well as being an important part of the districts identity, these areas also have a range of important social, cultural and environmental (including intrinsic) values. The effects of human activities such as built development, vegetation clearance and land development etc. can significantly alter the character of the environment resulting in the loss of these areas and their values, if completed with little regard to the environment.... ..There is also a high proportion of these areas on maori land throughout the District which can impacts the ability of maori landowners in to undertaking development on their ancestral lands.	Accept in Part					
OS95.8	4.8	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Support	Retain.	Accept					
OS95.9	4.8.2	Pukawa D3 Trust	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	The protection of the natural values of areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of inappropriate development, including through offsetting to result in a net environmental gain.	Not Accept	FS209.14	Manawa Energy Limited	Oppose	Manawa Energy opposes the submission that requires offsetting to be a net gain, as they believe it would be detrimental to their operations.	Accept
OS96.1	4.2.6	Heritage New Zealand Pouhere Taonga	1.3-Section 32	Oppose	That the plan change is revised to provide improved protection of cultural and historic heritage.	Not Accept					
OS96.2	4.3	Heritage New Zealand Pouhere Taonga	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.1-2.1.2 Objective	Support	That 2.1 Strategy Direction 1, Tangata Whenua 2.1.2 Objective, is retained.	Accept					
OS96.3	4.3	Heritage New Zealand Pouhere Taonga	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Support	2.1 Strategy Direction 1,Tangata Whenua, 2.1.3 Policy is retained.	Accept					
OS96.4	4.5.7	Heritage New Zealand Pouhere Taonga	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	That 2.3 Strategic Direction 3, Urban Form and development 2.3.2 is retained and amended with the following addition: 8.Subdivision, use and development is designed to protect cultural and historic heritage values.	Accept in Part					
OS96.5	4.5	Heritage New Zealand Pouhere Taonga	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	That Policy 7 is retained.	Accept					
OS96.6	4.5.7	Heritage New Zealand Pouhere Taonga	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	That Policy 12 is retained, subject to clarification regarding the meaning of the words "Heritage Sites".	Accept					
OS96.7	4.7.4	Heritage New Zealand Pouhere Taonga	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Oppose	That 2.5 Strategic Direction 5 Significant and Local infrastructure, 2.5.3 Policy is retained and policy 4 is amended as follows: 4: Planning and development of infrastructure will consider the needs and wellbeing of current and future communities, including protecting cultural and historic heritage.	Not Accept	FS234.6	Kainga Ora	Oppose	Kainga Ora opposes the policy, arguing that cultural and historic heritage is already adequately protected through existing provisions such as the District Plan, Scheduled Sites and the HNZPT Act 2014, making the policy unnecessary.	Accept
OS98.1	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain	Accept					
OS98.10	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Support	Submitter seeks policies be included when the Council prepares its Residential Chapter.	Accept in Part					

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OS98.2	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Oppose	The RVA seeks the following amendments (using the terminology found in TD2050): Subdivision, use and development of land will: be consistent with TD2050 2018 to a. maximise the efficient use of zoned and serviced urban land by enabling intensification and a diversity in housing types and lifestyles, especially meeting the needs of the increasingly ageing population; and b. is co-ordinated with the provision of cost effective infrastructure.	Not Accept					
OS98.3	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	The RVA seeks the deletion of the term “demonstrable”. The RVA also considers that additional / specific reference should be made in the objective to the benefits of providing increased and diverse housing / accommodation options. In the alternative, the policies should identify the social benefits of land use development, which should include recognition of increased and diverse housing / accommodation options.	Not Accept					
OS98.4	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain	Accept					
OS98.5	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Amend, with a new objective as follows: Objective 2.3.2(8). Recognise and enable the housing and care needs of the ageing population.	Not Accept					
OS98.6	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	RVA seeks that Policy 2 be amended to provide more specific direction / guidance relating to a course of action required in order to achieve the outcome sought by Objective 1, including by enabling a range of building typologies to meet the varied needs of the community.	Not Accept					
OS98.7	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The RVA seeks that proposed Policy 3 is amended to provide clear direction or a course of action that is required in order to achieve the outcome sought by Objective 2.	Accept in Part					
OS98.8	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The RVA considers that the policy should be amended to include specific reference to the benefits of providing increased and diverse housing / accommodation options, particularly retirement and aged care accommodation. Further, recognition should be made of the benefits of a variety of accommodation types and developments, including more intensive or higher density developments of the type supported by the NPSUD and TD2050	Accept in Part					
OS98.9	4.5.3	Retirement Villages Association of New Zealand Incorporated	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Oppose	The RVA seeks the following amendments: Manage subdivision, use and development of land to ensure that it will not in a way that considers: a. have an adverse effects on the functioning of the environment where it is located, b. unduly conflict with existing activities on adjoining properties, c. compromise development consistent with the intent and planned urban built form of the environment where it is located d. give rise to reverse sensitivity effects from existing uses	Accept in Part	FS233.89	Horticulture New Zealand	Oppose	The submitter's proposal to prevent development from conflicting with existing activities in the surrounding area has been rejected.	Accept in Part
							FS229.19	Contact Energy Limited	Support	Accept the relief sought by the submitter insofar as it is consistent with the original submission by Contact Energy.	Accept in Part
							FS215.8	Genesis Energy	Oppose	Genesis opposes the proposed softening of the policy that would only require conflict on existing uses and reverse sensitivity effects to be considered, and instead seeks to retain the 2.3.3 Policy 10 as it is.	Accept in Part
OS101.1	4.4.3	LWAG	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Support	LWAG support '2.2 STRATEGIC DIRECTION 2 FRESHWATER QUALITY / TEMANA O TE WAI	Accept in Part	FS209.220	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission as it is the Regional Council's responsibility to implement the NPS-FM 2020, not the responsibility of the submission.	Accept in part

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OS101.2	4.4.3	LWAG	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Seek amendment	LWAG ask that Strategic Directions include provision for all new builds to incorporate rainwater harvesting systems designs to use water for on-site irrigation and toilet facilities (as per above).	Not Accept	FS234.7	Kainga Ora	Support	Kainga Ora supports the idea of managing the negative effects of urban development on the health and wellbeing of waterways, but believes that there should be flexibility in how this is done on a case-by-case basis.	Accept
							FS209.221	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission as it is the Regional Council's responsibility to implement the NPS-FM 2020, rather than the responsibility of the submitter.	Not Accept
OS101.3	4.6.1	LWAG	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Seek amendment	LWAG ask how this translates into the DP changes 38-43? We note for instance that, PC 40 relating to Taupo Town Centre Precincts does not include objectives or policy relating to '2.4 STRATEGIC DIRECTION 4. CLIMATE CHANGE 3. LWAG seek an objective be included to this effect. LWAG ask that clarity be provided on how reduction of greenhouse gas emissions will be measured and monitored for the planning, implementation and outcome of built development	Not Accept					
OS101.4	4.6.1	LWAG	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Support	LWAG wholly support the inclusion of Climate change as strategic Direction 4 for the Taupo District Plan	Accept					
OS104.1	4.3.1	Kainga Ora	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.1-2.1.2 Objective	Seek amendment	Submitter seek to amend 2.1.2(4) as follows: Support Papakāinga on sites within urban areas, including general title land, as well as development on Māori land that meet the needs of those landowners and respects the land, water, significant sites and Wahi tapu.	Not Accept	FS217.21	Pukawa D3 Trust	Support	The submitter is suggesting that provisions should be drafted to allow Māori to develop housing that meets their cultural norms, which is not restricted to Māori title land only. This is in accordance with policy 1(a)(ii) of the NPS-UD, and they seek to amend 2.1.2(4) to support Papakāinga on sites within urban areas, including general title land, as well as development on Māori land that meets the needs of the landowners and respects the land, water, significant sites and Wahi tapu. This would allow iwi/hapū/whanau to develop their land for Papakāinga housing, regardless of whether it is on Māori land or general land held by a Māori entity.	Not Accept
OS104.2	4.3.1	Kainga Ora	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Seek amendment	The submitter seeks to amend 2.1.3(6) as follows: Enable the development of Papakāinga in urban areas, including on general title land, as well as development of Māori Land within the provisions of the plan for the purposes of fulfilling the economic and social aspirations of those owners Māori.	Accept in Part	FS217.22	Pukawa D3 Trust	Support	The submitter is seeking to amend 2.1.3(6) to enable the development of Papakāinga in urban areas, including on general title land, and on Māori Land, for the purpose of fulfilling the economic and social aspirations of Māori owners. They suggest that Iwi/hapū/whanau should be able to develop their land for Papakāinga housing, regardless of whether it is Māori Land or general land held by a Māori entity.	Accept in part
OS104.3	4.3.1	Kainga Ora	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.1-2.2.2 Objective	Seek amendment	The submitter seeks to insert a new objective under Freshwater Quality /Te Mana o Te Wai, as follows: 2.2.2(2) The health and wellbeing of the Waikato River is restored and protected so that it may sustain abundant life and prosperous communities.	Not Accept	FS220.13	Federated Farmers	Oppose	The submitter opposes the original submission, however it is accepted that Te Ture Whaimana should be recognised in the strategic directions chapter of the Waikato and Waipa River catchments.	Accept
							FS209.222	Manawa Energy Limited	Oppose	Manawa Energy opposes the submission as they believe it is the responsibility of the Regional Council to implement the NPS-FM 2020.	Accept
OS104.4	4.5.6	Kainga Ora	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	The submitter seeks to amend 2.3.2(5) as follows: The Town Centre Environment is strengthened and reinforced as a mixed use area, which includes residential activities while also being the primary commercial, retail, recreational, cultural and entertainment centres for Taupo District.	Not Accept					
OS104.5	4.5.4	Kainga Ora	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Seek amendment	The submitter seek to amend 2.3.2(6) as follows: Subdivision, use and development will not detract from the planned urban built form and effective functioning environment where it is located. provide for a level of amenity that is reflective of the planned urban environment.	Not Accept					
OS104.6	4.5	Kainga Ora	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	Retain as notified.	Accept in Part					
OS104.7	4.5.2	Kainga Ora	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The submitter seeks to amend 2.3.3(7) as follows: Provide for the development of Papakainga. on maori land to facilitate maori occupation on their ancestral land This includes enabling Papakāinga in urban settings, including general and Māori title land.	Not Accept					
OS104.8	4.5.6	Kainga Ora	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The submitter seeks to amend 2.3.3(8) as follows: Maintain strong boundaries to the town centre to consolidate and intensify residential, retail, commercial and office activities within the city centre	Not Accept					

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					and protect planned built form of residential environments.						
OS104.9	4.5.6	Kainga Ora	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The submitter seeks to amend 2.3.3(9) as follows: Restrict the location and development of retail and commercial activities within non-commercial areas of the district to ensure that the town centre continues to be the districts pre-eminent retail, commercial and mixed use centres while also providing for high density residential activities within the town centre.	Not Accept					
OS106.1	4.5	The Lines Company Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	The submitter seeks that Objective 2.3.2(1)c is retained as currently drafted.	Accept					
OS106.10	4.7	The Lines Company Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Support	The submitter seeks that Objective 2.5.2(3) is retained as current drafted.	Accept in Part					
OS106.11	4.7	The Lines Company Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	The submitter seeks that Policy 2.5.3 is retained as current drafted.	Accept					
OS106.12	4.7	The Lines Company Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	Retain.	Accept					
OS106.13	4.7	The Lines Company Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	The submitter seeks that Policy 2.5.3(4) is retained as current drafted.	Accept					
OS106.14	4.7	The Lines Company Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	The submitter seeks that Policy 2.5.3(5) is retained as current drafted.	Accept					
OS106.2	4.5	The Lines Company Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	The submitter seeks that Objective 2.3.2(2) is retained as current drafted.	Accept in Part					
OS106.3	4.5	The Lines Company Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	The submitter seeks that 2.3.2(4) is retained as current drafted.	Accept					
OS106.4	4.5	The Lines Company Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	The submitter seeks that Policy 2.3.3(1) is retained as current drafted.	Accept					
OS106.5	4.5.3	The Lines Company Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	The submitter seeks that Policy 2.3.3(3) is retained as current drafted.	Accept in Part					
OS106.6	4.5	The Lines Company Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	The submitter seeks that Policy 2.3.3(4) is retained as current drafted.	Accept in Part					
OS106.7	4.5.8	The Lines Company Limited	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	The submitter seeks that Policy 2.3.3(5) is retained; however, the following amendment to the sub-clause as follows: 5. Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including development and additional infrastructure), according to the capacity limitations of that infrastructure.	Not Accept	FS218.1	Ministry for Education	Oppose	The Ministry opposes amendment of Strategic Directions policy 2.3.3 proposed by The Lines Company Limited in submission OS106.7. The Ministry has supported Plan Change 38- Strategic Directions > 2.3.3 Policy in their submission as the wording in the proposed provision is in line with the Ministry's feedback provided in June 2022. The policy sub clause references development and additional infrastructure to recognise the requirement of the NPS-UD and to provide consideration for the school network capacity.	Accept
OS106.8	4.7	The Lines Company Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Support	The submitter seeks that the preamble wording in section 2.5 of PC38 is retained as current drafted.	Accept in Part					
OS106.9	4.7	The Lines Company Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Support	The submitter seeks that Objective 2.5.2(1) is retained as current drafted.	Accept in Part					

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OS110.1	4.7.1	Transpower New Zealand Limited	Strategic Directions	Seek amendment	Add the following definition: NATIONAL GRID has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008.	Accept					
OS110.2	4.7.1	Transpower New Zealand Limited	Strategic Directions	Seek amendment	Add new definition for 'regionally significant infrastructure' and include the 'National Grid' within this definition.	Accept					
OS110.3	4.7.1	Transpower New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	Add new definition for 'nationally significant infrastructure', and include 'National Grid' within this definition. Amend the introductory text to accurately reflect each of the definitions.	Accept	FS237.3	New Zealand Defence Force	Support	This position supports the inclusion of a definition of nationally significant infrastructure in the District Plan and these plan changes. It is noted that defence facilities are critical for New Zealand's security and that the need for future defence infrastructure in the district should not be precluded.	Accept
							FS215.3	Genesis Energy	Support	Genesis supports the inclusion of a definition for 'nationally significant infrastructure' which includes existing power station sites, and their associated infrastructure and ancillary activities, in order to accept the relief sought by the submitter.	Accept
OS110.4	4.7.1	Transpower New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Seek amendment	Add a new objective in 2.5.2 Objectives as follows:5 The national significance of the National Grid and sustainable, secure and efficient electricity transmission is recognised and provided through and within the District.	Not Accept	FS233.91	Horticulture New Zealand	Support	The submitter supports the new objective which clarifies the status of the National Grid and is consistent with the National Policy Statement on Energy and Transitions (NPSET).	Accept
OS110.5	4.7	Transpower New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	Retain this policy	Accept					
OS110.6	4.7.1	Transpower New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Retain this policy. Provide a definition for 'nationally significant infrastructure' and 'regionally significant infrastructure', and include the National Grid in both definitions.	Accept in Part	FS233.95	Horticulture New Zealand	Oppose	The submitter opposes the original submission and suggests that it should be rejected.	Accept in Part
							FS229.15	Contact Energy Limited	Support	The relief should be accepted and the definitions should include existing power station sites, associated infrastructure and ancillary activities.	Accept in Part
							FS215.4	Genesis Energy	Support	Genesis supports the relief sought by the submitter, which includes the definition of 'nationally significant infrastructure' and 'regionally significant infrastructure' that includes existing power station sites, and their associated infrastructure and ancillary activities.	Accept in Part
							FS209.223	Manawa Energy Limited	Support	Manawa Energy supports this submission and believes that clarification for the terms would be beneficial due to the large amount of infrastructure in the region that is both nationally and regionally significant.	Accept in Part
OS110.7	4.7.4	Transpower New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	Amend 2.5.3 Policy as follows: 3. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) or compromise the effective and safe functioning of infrastructure.	Not Accept	FS233.9	Horticulture New Zealand	Oppose	The submitter opposes the changes proposed by the original submitter, which include deleting reference to reverse sensitivity effects and adding 'not compromise infrastructure'. It should be noted that any changes should be made to the extent reasonably possible.	Accept
							FS229.16	Contact Energy Limited	Oppose	The submitter opposes the relief sought by the submitter as it is inconsistent with the original submission by Contact Energy, which sought to retain the existing wording in Policy 3.	Accept
							FS220.14	Federated Farmers	Oppose	The submitter opposes the relief sought by the submitter, as their infrastructure is largely located on privately owned property and the proposed amendments have the potential to further restrict what private landowners can do on their land. It is necessary to recognise the impacts the infrastructure has on private landowners.	Accept
							FS215.5	Genesis Energy	Support	Genesis supports the proposed relief to include a reference to not compromising the effective and safe functioning of infrastructure, but believes it is important to also retain the reference to reverse sensitivity effects.	Not Accept
							FS209.224	Manawa Energy Limited	Support	Manawa Energy supports this submission and is in favour of the position.	Not Accept
OS112.1	4.7.1	Radio New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	RNZ suggest that such a definition could reflect "regionally significant infrastructure" as contained in the Waikato Regional Policy Statement. RNZ also seeks explicit recognition of its transmission facilities in the introductory text: The Taupo District is also home to Regionally Significant Infrastructure including municipal waste water systems, the	Accept	FS233.97	Horticulture New Zealand	Oppose	The submitter is against the submission as they have not provided specific wording for the definitions of nationally and regionally significant infrastructure.	Not Accept
							FS229.17	Contact Energy Limited	Support	Contact Energy supports the submitter's request for amendments to the 2.5 Strategic Directions 5 Significant and Local Infrastructure, including the addition of definitions for 'nationally significant' and 'regional significant' infrastructure, which should include existing power station sites, associated infrastructure and ancillary activities.	Accept

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					telecommunications and radiocommunications networks and electricity networks.		FS215.6	Genesis Energy	Support	Genesis supports the inclusion of the definition for 'regionally significant infrastructure' in the Waikato RPS and agrees to the relief sought.	Accept
OS112.2	4.7	Radio New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Support	Subject to RNZ's requested relief on the introductory text and suggested definition for "regionally significant infrastructure", RNZ support this objective and seek that it is retained as notified	Accept in Part					
OS112.3	4.7	Radio New Zealand Limited	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	Subject to RNZ's requested relief on the introductory text and suggested definition for "regionally significant infrastructure", RNZ support this objective and seek that it is retained as notified.	Accept					
OS113.1	4.5.10	Waka Kotahi NZ Transport Agency	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	The submitter seeks amendments as follows: 1. The district develops in a cohesive, compact and structured way that: [...] e): reduces vehicle kilometres travelled (VKT) through well connected, compact urban form and mixed land use.	Accept in Part					
OS113.1 5	4.6	Waka Kotahi NZ Transport Agency	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.1-2.4.2 Objective	Support	Submitter seeks Objective is retain as notified.	Accept					
OS113.1 6	4.7	Waka Kotahi NZ Transport Agency	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Support	Submitter seeks objective is retained as notified	Accept					
OS113.1 7	4.7	Waka Kotahi NZ Transport Agency	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Support	Submitter seeks policy retained as notified	Accept					
OS113.2	4.5	Waka Kotahi NZ Transport Agency	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Support	The submitter seeks the amendment as follows: 2. Planning and development in urban environments will positively contribute to well-functioning urban environments including through providing a mix of land uses and multi modal transport choice with a focus on active and public transport.	Not Accept					
OS113.3	4.6.3	Waka Kotahi NZ Transport Agency	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Support	The submitter seeks the following amendments: 3. Urban and built development must be designed in a manner which considers the need to reduce both vehicle kilometres travelled (VKT) and greenhouse gas emissions associated with that development and resulting land use.	Accept in Part					
OS114.1	4.6.5	Taupō Climate Action Group	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.1-2.4.2 Objective	Seek amendment	Submitter seeks objective to state "Subdivision, use and development of land in the Taupo District will minimise greenhouse gas emissions and result in positive climate change outcomes."	Accept in Part	FS211.11	Mercury NZ Limited	Support	Mercury supports the inclusion of climate change as a strategic direction and requests an objective to reduce greenhouse gases by increasing the amount of electricity generated from renewable sources within the Taupo District to assist with decarbonisation of the economy.	Accept in Part
OS114.1 8	4.6.5	Taupō Climate Action Group	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change	Seek amendment	Submitter seeks that the wording in the climate change strategic direction 4 be consistent with new legislation, including the NPSUD and Natural and Built Environment Bill which have stronger statements including, supporting reduction in greenhouse gas emissions and are resilient to current and future effects of climate change and the reduction in risks arising from, and better resilience.	Accept in Part	FS229.14	Contact Energy Limited	Support	Amendments to support a reduction in greenhouse gas emissions are supported insofar as any amendments recognise the significance of renewable electricity generation within the District, and is consistent with the original submission by Contact Energy.	Accept in Part
							FS215.2	Genesis Energy	Support	The submitter supports the relief sought as long as it acknowledges the role of renewable electricity generation in the district and is in line with Genesis' original submission. It also supports amendments to reduce greenhouse gas emissions as long as they recognise the importance of renewable electricity generation and are consistent with Genesis' original submission.	Accept in Part
OS114.2	4.6.1	Taupō Climate Action Group	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	Regarding Policy 2.4.3 (2) – land use activities which unduly accelerate effects of climate change will be discouraged. Submitter seeks to understand how this will be discouraged through the District Plan and whether any additional rules or other methods are proposed in order to discourage this?	Not Accept					
OS114.3	4.6.1	Taupō Climate Action Group	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	Submitter seeks clarification regarding Policy 2.4.3 (3) – subdivision, use and development must demonstrate resilience to the effects of climate change over time and what rules or methods will be used to require this to be demonstrated by subdivision proposals and development. There are no objectives, policies, rules or other methods relating to these climate change matters in the District Plan at	Not Accept					

Original Sub No	Report Section	Submitter	Provision	Position	Decision Sought	Officers Recommendation	Further Sub ID	Further Submitter	Position	Further Sub Reason	F Sub Officers Recommendation
					present. Objectives, policies, rules and methods may need to be added to other chapters of the District Plan in order for this strategic direction to be effective and to provide clarity on what is actually required.						
OS114.4	4.6.1	Taupō Climate Action Group	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.2-2.4.3 Policy	Seek amendment	Submitter seeks that the Strategic Directions clarify how an energy audit and/or emission budget will be required for a change of land use or for new developments in the urban area and Taupo Town Centre, are more specific as to how developments include and demonstrate measures to reduce carbon and Strategic Direction 4 provides more clarity regarding methods for reducing emissions in line with TDC’s Emissions Reduction Targets & Directives.	Not Accept					
OS114.5	4.5.7	Taupō Climate Action Group	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development	Seek amendment	Submitter seeks objectives and policy to be included relating to preserving and enhancing biodiversity in the urban zones (this also relates to climate change objectives above & '2.3.3 5. Support subdivision, use and development of land that will lead to beneficial social and cultural outcomes for the District’s community.)	Accept in Part					
OS114.6	4.8.1	Taupō Climate Action Group	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Submitter seeks that specific recognition of significant geothermal features in the preamble to the strategic direction.	Not Accept	FS229.12	Contact Energy Limited	Support	This amendment would acknowledge the significant geothermal features located within the District.	Accept
							FS211.31	Mercury NZ Limited	Support	Mercury supports the Strategic Directions’ recognition of significant geothermal features.	Accept
OS114.7	4.8.1	Taupō Climate Action Group	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	Submitter seeks an additional objective is provided, being "The protection of significant geothermal features from inappropriate land use and development which may adversely affect these unique ecosystems."	Not Accept	FS229.13	Contact Energy Limited	Oppose	The submitter opposes the relief sought by the original submitter to add a new objective to the Natural Environment Values to protect significant geothermal features from inappropriate land use and development. This is because it is inconsistent with the Regional Policy Statement and Waikato Regional Plan management regime relating to Significant Geothermal Features.	Accept
							FS211.32	Mercury NZ Limited	Oppose	Mercury opposes the submission point due to the duplication of the summary of the submission point in the Strategic Directions.	Accept
OS115.1	4.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.1-2.1.2 Objective	Support	Retain.	Accept	FS217.23	Pukawa D3 Trust	Support	TKNT generally agree with the content of Objective 2.1.2 and support it.	Accept
OS115.10	4.7.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure	Seek amendment	That additional statements, objectives and policies be included in Section 2.5 to reflect the following: 1. A statement that acknowledges the profound adverse, direct and indirect, social, cultural, economic and spiritual impact that infrastructure (three waters networks and services, transport, communications, energy generation, transmission and distribution networks, and any other network utilities undertaken by network utility operators), has on Ngati Tuwharetoa hapū and whanau and other iwi within the Taupo District 2. A statement that acknowledges the profound adverse impact that infrastructure has on the taiao, taonga tuku iho and the resultant significant effects that this impact has on the environmental and the social, cultural, spiritual and economic well-being of iwi/hapū/whanau and the community.	Accept in Part	FS225.22	Transpower	Oppose	Transpower opposes the relief sought as they believe it is already addressed by the Tangata Whenua Strategic Direction objectives and policies.	Accept in Part
OS115.11	4.7.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.1-2.5.2 Objectives	Seek amendment	That the proposed Objectives 2.5.2, 1. and 4. be modified as follows: 1. The wider benefits and strategic importance of nationally and regionally significant infrastructure to the District and wider, including the economic, cultural and social wellbeing of people and communities and for their health and safety, are recognised in decision making and land use planning. (Note that the reference to benefits is already contained in Objective 2). 4. Local and national transport infrastructure located in the Taupo District protects the health and well-being of te taiao, taonga tuku iho, tangata whenua and the community and operates in a safe and effective manner.	Not Accept	FS229.21	Contact Energy Limited	Support	Accept the relief sought by the submitter insofar as it is consistent with the original submission by Contact Energy.	Accept
							FS209.228	Manawa Energy Limited	Support	The submitter supports the idea of protecting the Taupo community, but suggests that it could be beneficial to involve the wider community to ensure that all members of the Taupo community are being protected.	Accept

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OS115.1 2	4.7.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	That a separate policy be provided acknowledge the risks that infrastructure development and operation has on te oranga o te taiao, te oranga o nga taonga tuku iho, te oranga o te tangata and to enable their protection.	Not Accept	FS225.23	Transpower	Oppose	Transpower opposes the relief sought as they believe the matters are already addressed within their Tangata Whenua Strategic Direction objectives and policies.	Accept
							FS209.229	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission due to a lack of clarity regarding the practical meaning of Council's definitions of te oranga o te taiao, te oranga o nga taonga tuku iho, and te oranga o te tangata.	Accept
OS115.1 3	4.8.1	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.6-2.6 Strategic Direction 6 Natural Environment Values	Seek amendment	5. TKNT recommend that a Prohibition (or RAHUI) be declared over Māori owned lands to prevent them from being assigned as SNAs without the express consent of the landowners or their mandated representatives, obtained at a properly notified and constituted meeting of the owners. 6. TKNT recommend that TDC, the Crown and appropriate regional authorities confirm acceptance of a Moratorium on SNAs as explained above and invite Māori landowners and Hapu to discuss and agree a fair and equitable process and agenda to re-engage in discussions on Natural Environmental Values. 7. TKNT recommend that these ecosystem services produced by Māori land owners are fully evaluated and a system of rewards is developed to recognise the contribution of the landowners who deliver these services.	Accept in Part	FS217.26	Pukawa D3 Trust	Support	The submitter supports this original submission in part. Comments 1 to 4 are acknowledged and agreed with. Recommendation 5 is supported to the extent that SNA status over Māori land should be the outcome, only, of a properly mandated and robust consultation process. Recommendations 6 and 7 are agreed with.	Accept in Part
OS115.1 5	4.3.3	Te Kotahitanga o Ngati Tuwharetoa	Strategic Directions	Seek Amendment	Make amendments to ensure PC38 recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki.	Accept	FS217.27	Pukawa D3 Trust	Support	The proposed changes to Plan Changes 38 to 43 should ensure that the objectives and policies of the strategic directions and Plan Changes recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki as set out within Section 181 of the Settlement Act. Amendments should be made to ensure that these changes reflect the legislation.	Accept
							FS211.13	Mercury NZ Limited	Support	Mercury is seeking recognition of Te Kaupapa Kaitiaki and that it should be used to provide for the Taupo catchment.	Accept
OS115.2 1	4.3.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.2-2.1.3 Policy	Seek amendment	Recognise and provide for the relationship of Māori/iwi/hapū and their culture and traditions with their ancestral lands, water, sites, wahi tapu (sacred sites), and other taonga (treasures). 1. Provide for development on Māori land that enables tangata whenua: a. to exercise their mana whakahaere and kaitiakitanga act in a way that is consistent with their kawa, tikanga and matauranga culture and traditions b. to fulfil their cultural, economic and social aspirations, rights and interests of those owners as mana whenua c. enhance their ability to exercise kaitiakitanga 1. strengthens to enhance their relationships with land, water, significant sites, and wahi tapu and taonga tuku iho 2. Recognise and provide for the importance of matauranga Māori, kaitiakitanga and tikanga Māori... 4. Recognise and provide for the unique role of mana whenua hapū as Kaitiaki at place of nga taonga tuku iho. 5. Recognise that the wider constraints on the utilisation and development of Māori land has been subjected to inequitable historical constraints that unfairly limit the owners options for the utilisation and development of their lands. 6. Promote and enable the development of Māori Land consistent with the vision, objectives, values and desired outcomes within Te Kaupapa Kaitiaki and within the provisions of the plan for the purposes of fulfilling the economic and social aspirations of those Māori land owners... 8. Recognise, in decision making, the importance of iwi and/or hapū environmental management plans... 9. Recognise and support kawa and the incorporation of tikanga and matauranga Māori principles into the planning,...	Accept in Part	FS217.24	Pukawa D3 Trust	Support	TKNT have recommended changes to the wording of certain policies to make them more clear and directive in their support of mana whenua.	Accept in Part
OS115.2 1	4.2.2	Te Kotahitanga o Ngati Tuwharetoa	Strategic Directions	Seek Amendment	Amend PC 38 to respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Accept in Part	FS217.28	Pukawa D3 Trust	Support	The submitter is in support of Plan Changes 38-43, which should reflect the principles of Te Tiriti/The Treaty of Waitangi.	Accept in Part
OS115.2 7	4.2.8	Te Kotahitanga o Ngati Tuwharetoa	Strategic Directions	Seek Amendment	Amend the objectives and policies of Plan Change 38 to reflect the new wording of the NBE and SP Acts	Accept in Part					

Original Sub No	Report Section	Submitter	Provision	Position	Decision Sought	Officers Recommendation	Further Sub ID	Further Submitter	Position	Further Sub Reason	F Sub Officers Recommendation
					once these are ratified by the appropriate regional authorities.						
OS115.3	4.3.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.1-2.1 Strategic Direction 1 Tangata Whenua > 1.1.1.1-2.1.2 Objective	Seek amendment	That TDC agree to include additional objectives in accordance with the requirements of Te Kaupapa Kaitiaki.	Accept in Part	FS217.25	Pukawa D3 Trust	Support	TDC should agree to include additional objectives in accordance with Te Kaupapa Kaitiaki, as it is a relevant catchment plan.	Accept in Part
OS115.3 3	4.7.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	That policy 2.5.3- 1. be modified as follows to reflect the concerns in the statement and the recommended objectives: 1. Recognise and provide for the national, regional and local benefits of renewable energy generation activities and resources, and transmission activities, in relation to climate change and security of supply., and social, and economic wellbeing of people and communities and for their health and safety.	Accept	FS229.22	Contact Energy Limited	Oppose	Reject the relief sought by the submitter insofar as it is inconsistent with the original submission by Contact Energy.	Not Accept
							FS215.16	Genesis Energy	Oppose	Genesis opposes the relief sought and wants to keep 2.5.3 Policy 1, but with the relief sought by Genesis in its primary submission. Genesis believes that the wider benefits of renewable electricity generation should be acknowledged in the policy.	Not Accept
							FS209.230	Manawa Energy Limited	Oppose	Manawa Energy opposes the proposed wording as it does not align with the National Policy Statement on Renewable Electricity Generation, which states that renewable energy has benefits for the social and economic wellbeing of people and communities.	Not Accept
OS115.3 4	4.7.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	That policy 2.5.3 – 4. be deleted and replaced by the following. 4. That Local and national transport infrastructure located in the Taupo District is planned and constructed in a manner that protects the health and well-being of te taiao, taonga tuku iho, tangata whenua, the community, and operates in a safe and effective manner.	Not Accept	FS229.23	Contact Energy Limited	Oppose	Contact Energy opposes the relief sought by the submitter, which would delete Policies 3 and 4 and replace them with a new policy, as it is inconsistent with the relief sought in the original submission by Contact Energy.	Not Accept
OS115.3 5	4.7.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	That an additional policy statement be included to ensure that appropriate long-term planning and funding capacity is invoked when infrastructure services are being proposed and that local authorities demonstrate that they have considered all alternative options before proposing that Māori land be used as the most suitable option or location for the construction and support of infrastructure services.	Not Accept					
OS115.3 6	4.7.3	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.5-2.5 Strategic Direction 5 Significant and Local Infrastructure > 1.1.5.2-2.5.3 Policy	Seek amendment	That local authorities ensure that Māori land is not utilised for infrastructure or related services without the consent of the landowners or their mandated representative(s).	Not Accept					
OS115.4	4.4.2	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai	Seek amendment	That Objective 2.2.2 contain an explicit primary objective reference as provided below. That freshwater and water bodies be managed in accordance with the hierarchy and principles of Te Mana o te Wai: 1. To protect its mauri and values so that the water is safe for use for traditional medicinal purposes, for drinking, for taking kai and for swimming. 2. To protect freshwater ecosystems, indigenous species, and trout fisheries. 3. To reflect the vision and objectives of nga hapū o Tuwharetoa as contained within Te Kaupapa Kaitiaki 4. ...	Accept in Part	FS220.15	Federated Farmers	Support	This position supports the relief sought and acknowledges the importance of Te Mana o te Wai for freshwater management. It is suggested that context be provided to explain why it is so relevant.	Accept in Part
							FS209.225	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission as it is the Regional Council's responsibility to implement the NPS-FM 2020, not the responsibility of the submitter.	Accept in Part
OS115.5	4.4.2	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.2-2.2 Strategic Direction 2 Freshwater Quality / Te Mana O Te Wai > 1.1.2.2-2.2.3 Policy	Seek amendment	1. Manage waterbodies in a manner that enhances the health and well-being of tangata whenua, and the wider community and future generations. 2. Decisions, policy and planning reflect an integrated land management or ki uta ki tai approach to water resource management and land use planning. 3. Recognise and provide for the vision, objectives, and outcomes in Te Ara Whanui o Rangitaiki (Pathways of the Rangitaiki) and Te Kaupapa Kaitiaki documents and to give effect to Te Ture Whaimana o Te Awa o Waikato- the Vision and Strategy for the Waikato River.... 5. Manage subdivision, use and development of land in a manner that restores, protects and enhances the mana, mauri, health and wellbeing of the District’s lakes, rivers, springs, wetlands and all other waterways. 6. Recognise and provide for the relationship of tangata whenua as mana whakahaere, kaitiaki and traditional users of waterbodies is respected, enhanced and supported. 7. Manage freshwater ecosystems to ensure protection of indigenous biodiversity and trout. 8. Recognise that freshwater bodies provide for traditional rituals and	Accept in Part	FS209.226	Manawa Energy Limited	Oppose	Manawa Energy opposes the submission as it believes that it is the responsibility of the Regional Council to implement the NPS-FM 2020.	Accept in Part

Original Sub No	Report Section	Submitter	Provision	Position	Decision Sought	Officers Recommendation	Further Sub ID	Further Submitter	Position	Further Sub Reason	F Sub Officers Recommendation
					spiritual, physical and psychological well-being and sustenance.						
OS115.6	4.5	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.1-2.3.2 Objectives	Support	Retain.	Accept in Part					
OS115.7	4.5.2	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Oppose	In view of the reasons outlined above, TKNT does not support Policy 2.3.3 (3), particularly in the statement that, “Subdivision, use and development of land will be consistent with TD2050 to maximise the efficient use of zoned and serviced urban land”...	Not Accept					
OS115.8	4.5.2	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.3-2.3 Strategic Direction 3 Urban Form and Development > 1.1.3.2-2.3.3 Policy	Seek amendment	4. That the concept ‘fragmented development’ not be used to characterise developments on Māori land or to prohibit or constrain the customary rights of mana whenua in utilising their lands. 5. That ‘limiting criteria’ include explicit criteria sets that provide for adequate protection of freshwater bodies consistent with the requirements under Te Mana o te Wai and Te Kaupapa Kaitiaki. 6. That in addition to the requirement to demonstrate beneficial social and cultural outcomes, explicit consideration be provided for the desired outcomes and values within Te Kaupapa Kaitiaki. 7. That TKNT support this policy and recommend further that TDC express that the provision of Papakainga for the occupation by mana whenua on their ancestral lands is a fundamental human right. 10. That TKNT generally support Policy 2.3.3 (10) and recommend the addition of specified limits be introduced to prevent the adverse effects of urban development on the health and well-being of te taiao, its ecosystems and to communities including iwi/hapū/whanau within the district and beyond.	Accept in Part	FS209.227	Manawa Energy Limited	Oppose	Manawa Energy opposes this submission as it is the Regional Council's responsibility to implement the NPS-FM 2020, not the responsibility of the submitter.	Accept in Part
OS115.9	4.6.4	Te Kotahitanga o Ngati Tuwharetoa	1.1-Chapter 2 1.1.4-2.4 Strategic Direction 4 Climate Change > 1.1.4.1-2.4.2 Objective	Seek Amendment	TKNT recommend, that climate change domains and objectives be expanded to include protection and mitigation of the following from climate-induced changes/risks: (Note the reference below to the concepts highlighted in 1, 2, 3 and 4.) 1. He Kura Taiao – Living Treasures: Freshwater bodies, ecosystems, natural habitats, indigenous biodiversity 2. Whakatipu Rawa- Māori Enterprise: Includes all rural enterprises (forestry, agriculture, horticulture) and Māori land developments and actual and potential fishing related ventures 3. He Oranga Tangata- Healthy People: As noted by TDC, 4. Ahurea Māori, Tikanga Māori- Māori culture and practices. There will be direct impact on the following: a. Marae b. Kainga c. Access to Mahinga Kai and availability of species d. Access to and significant landscapes	Not Accept					

APPENDIX 4 – Recommended amendments to Plan Change 38 – Accepted Version**Plan Change 38 to the Taupō District Plan****Strategic Directions - As Recommended to be Changed by Panel - February 2024**

The following is PC38 as recommended (by the Panel) to the notified version:

- Text which is recommended to be added to PC38 is shown using underlined text.
- Text which is recommended to be removed from PC38 is shown using ~~struck through text~~.
- **Highlighted text** are those changes recommended to be made by the panel in addition or instead of the 42a and reply statement recommendations shown in underline and ~~struck through~~.

APPENDIX 4 – Recommended amendments to Plan Change 38 – Accepted Version

Chapter 2 Strategic Directions

The following chapter provides an outline of the key strategic and significant resource management matters for the Taupō District. This chapter includes objectives and policies to guide decision making at a strategic level.

The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes. They are indicative of the matters which are important to the Taupō District community and reflect the intended outcomes to be achieved through the implementation of the District Plan.

~~The strategic directions will be particularly relevant for any future changes to the Plan and any significant resource consent applications where there is a requirement to consider District Plan policy.~~

~~This chapter should be read as a whole and applied across the district and all zonings unless the provisions relate to a specific zoning or part of the District.~~

~~This chapter does not include rules. Relevant rules can instead be found in the chapters under the District Wide and Area Specific headings of the Plan.~~

For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other parts of this Plan are to be read and achieved in a manner consistent with the objectives and policies that form these strategic directions.

The policies contained within this chapter have a dual purpose. The policies must deliver the Strategic Objectives and can also are able to be applied directly in the consideration of resource consent applications where there is a requirement to consider District Plan policy.

The key strategic or significant resource management matters ~~for the district~~, for the Taupō District are:

1. Tangata Whenua
2. Fresh Water Quality
3. Urban Form and Development
4. Climate Change
5. Nationally and Regionally Significant Strategic Infrastructure
6. Natural Values and Landscapes

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2.1 STRATEGIC DIRECTION 1 TANGATA WHENUA

The Council, through the District Plan, is required to take into account the Principles of the Te Tiriti o Waitangi. This is to be done at all levels of planning and decision making under the Plan.

A comparatively high proportion of the district is Māori freehold or multiple-owned land. There is a strong desire for Māori to return to their ancestral land, with a range of aspirations for changed land use, land development and settlement, whilst exercising kaitiakitanga and protecting sites of cultural significance. The District Plan has an important role to play in supporting mana whenua in achieving these aspirations.

The Council is also required to, in partnership with mana whenua, recognise and provide for the Māori values in resource management and decision making. These include the important relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga and to have particular regard to kaitiakitanga.

This is to happen not just through recognition and incorporation of these matters into the plan but also the wider decision making and plan implementation process. These values should not be considered as a separate matter to the wider Plan but are expected to be applied throughout all aspects of planning and decision making within the Taupō District.

2.1.2 Objectives

1. The values, rights and interests of Taupō District mana whenua are recognised and protected.
2. Mana whenua are a partner in District Plan planning and decision making.
3. Resource management planning and decision making reflects tikanga, mana whakahaere, kaitiakitanga, manaakitanga, whakapapa, mātauranga Māori and te whanake.
4. Support development on Māori land that meet the needs of those landowners and respects the exercise of kaitiakitanga, self-determination and the relationship of tangata whenua with their land, water, significant sites and wāhi tapu.
5. Māori are supported to develop their ancestral lands for their social, economic and cultural wellbeing.
6. The principles of te Tiriti o Waitangi are taken into account through District Plan planning and decision making.

2.1.3 Policies

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

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- a. The relationship of Māori/iwi/hapū and their culture and traditions with their ancestral lands, water, sites, wāhi tapu (sacred sites), and other taonga (treasures).
 - b. mātauranga Māori, kaitiakitanga and tikanga Māori.
 - c. The unique role of mana whenua hapū as kaitiaki at place of nga taonga tuku iho.
 - d. The vision, objectives, values and desired outcomes in Te Kaupapa Kaitiaki.
2. Provide for development on Māori land that enables tāngata whenua:
- a. to exercise their mana whakahaere and kaitiakitanga act in a way that is consistent with their kawa, tikanga and mātauranga culture and traditions.
 - b. to fulfil cultural, economic and social aspirations, rights and interests of those owners.
 - ~~c. enhance their ability to exercise kaitiakitanga.~~
 - d. strengthens their relationships with land, water, significant sites and wāhi tapu.
- ~~3. Recognise and provide for the importance of mātauranga Māori, kaitiakitanga and tikanga Māori in land use planning and decision making.~~
- ~~3.4.~~ Recognise and support opportunities for tangata whenua to exercise their customary responsibilities as mana whenua.
- ~~4. Recognise and provide for the unique role of mana whenua hapū as kaitiaki at place of nga taonga tuku iho.~~
- ~~4.5~~ Recognise the wider existing and historical constraints on the utilisation and development of Māori land. as different from land in freehold title.
- ~~5.6. Enable development of Māori Land within the provisions of the plan for the purposes of fulfilling the economic and social aspirations of those owners.~~
- ~~6.7.~~ Provide opportunities for Māori involvement in decision-making and monitoring of the District Plan, resource consents, designations and heritage orders including in relation to sites of significance to Māori and issues of cultural significance.
- ~~7.8.~~ Recognise, in decision making, the importance of iwi and or hapū environmental management plans in providing important guidance and direction on the sustainable use and development of the environment and natural resources.
- ~~8.9.~~ Recognise and support kawa and the incorporation of tikanga and mātauranga Māori principles into the planning, design, development and/or operation of land use activities.

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2.2 STRATEGIC DIRECTION 2 FRESHWATER QUALITY / TE MANA O TE WAI

The health and wellbeing of the lakes and rivers in the district have been degraded both directly and indirectly over recent decades. This degradation includes declining water quality, loss of indigenous biodiversity, loss of access and declining water availability and is the result of activities both on land and in the water bodies themselves. Waterways continue to face increasing demands for use, such as takes for irrigation and drinking water, hydro power generation, and assimilation of discharges from towns, agriculture and other industry; as well as pressures arising from land management practices, land use change and intensification. Protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Holistic and integrated management of land and water resources is critical to reversing declining trends.

The Taupō District Plan has a responsibility under the Resource Management Act and the National Policy for Freshwater Management to manage ~~assist with the management of the~~ adverse effects on the environment that may arise from subdivision and land use in the District. Managing the adverse effects on waterways resulting from subdivision and land use forms part of that responsibility and there are clear benefits from doing this. The state of the Districts freshwater resources is of significant interest to the Taupō District community, and it is important that positive freshwater outcomes are achieved through the implementation ~~application~~ of the Plan.

2.2.2 Objective

1. Subdivision and land use is managed in a way that promotes the positive effects, while avoiding, remedying, or mitigating adverse effects (including cumulative effects) of that development, on the mauri, health and well-being of water bodies, to benefit freshwater ecosystems, ~~and receiving the wider environments, and the community. within the Taupō District~~

2.2.3 Policies

1. Recognise the importance of waterbodies to tangata whenua and the wider community.
2. Decisions, policy and planning reflect an integrated land management or ki uta ki tai approach to resource management ~~and~~ landuse planning.
3. Recognise and provide for the vision, objectives, ~~and~~ outcomes and values in Te Ara Whanui o Rangitāiki (Pathways of the Rangitāiki) and Te Kaupapa Kaitiaki ~~documents~~ and

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to give effect to Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River.

4. Recognise the benefits of subdivision, land use and development activities which will directly contribute to the enhancement of the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments ~~fresh water quality~~.
5. Manage subdivision, use and development of land in a manner consistent with Te Mana o te Wai, that restores, protects and enhances the mana, mauri, health and wellbeing of the District's ~~lakes, rivers and all other waterways~~ waterbodies, freshwater ecosystems and receiving environments.
6. Recognise and provide for ~~the~~ the relationship of tangata whenua as kaitiaki with waterbodies. ~~is respected, enhanced and supported.~~

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2.3 STRATEGIC DIRECTION 3 URBAN FORM AND DEVELOPMENT

The Taupō District's diverse and growing population has led to increased demand for housing and demand for new commercial and industrial areas. Urban development also generates further demand for infrastructure services, particularly development infrastructure such as three waters and transportation services. The District Plan provides a framework for ensuring that urban development, subdivision and changes in land use occurs in a planned and efficient manner and is adequately serviced by infrastructure (including Development Infrastructure and Additional Infrastructure).

The strategic directions for urban form and development establish the approach ~~for urban form and development~~ within the Plan District as identified through the ~~has been informed by many higher order strategies, including the~~ 2018 District wide growth management strategy, Taupō District 2050. However, this strategy will be refreshed several times within the lifetime of this plan as the changing needs of the district are reflected over time in further iterations.

This approach reflects an efficient and effective urban form which will develop in a manner that is appropriately serviced by infrastructure and reflects the important values and communities within the District.

As well as green field development, the plan provides important guidance about the protection of existing rural and urban areas, including Town Centres, to enable them to continue to function effectively in a manner that best serves the wider District.

2.3.2 Objectives

1. The district develops in a cohesive, compact and structured way that:
 - a. contributes to well-functioning and compact urban ~~forms~~ environments that provide for connected liveable communities;
 - b. enables greater social and cultural vitality and wellbeing, including through recognising the relationship of tāngata whenua with their culture, traditions, and taonga;
 - c. ensures infrastructure is efficiently and effectively integrated with land use; ~~and~~
 - d. supports emissions reduction through well planned urban form, design and location; and
 - e. ~~and~~ meets the community's short, medium and long-term housing and business needs;
 - f. protects the productive capacity of rural land.
2. Subdivision, use and development of land will be consistent with TD2050 2018 to protect the effective functioning of the Rural Environment, maximise the efficient use

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of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure.

3. Subdivision, use and development of land in appropriate locations which can demonstrate ~~will have demonstrable~~ social and/or cultural benefits to the District's community is recognised and provided for ~~will be supported~~.
4. Development is serviced by an appropriate level of infrastructure that effectively meets the needs of that development.
5. The Town Centre Environment is strengthened and reinforced as the primary commercial, retail, recreational, cultural and entertainment centres for Taupō District.
6. Subdivision, use and development will not detract from the planned urban built form and effective functioning of the environment which it is located.
7. Subdivision, use and development is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that protects or enhances the important natural, cultural and historic values of the environment where it is located.
8. The East Taupō Arterial will continue to act as an 'urban fence' generally separating urban activities from industrial, rural and renewable electricity generation activities.

2.3.3 Policies

1. Identify and zone appropriate areas of land for urban purposes to guide the future provision of infrastructure within the Taupō District.
2. Planning and development in urban environments will positively contribute to well-functioning urban environments.
3. Avoid the subdivision, use and development of land that is does not be consistent with TD2050 to maximise the efficient use of zoned and serviced urban land and and? is is not co-ordinated with the provision of effective infrastructure.
4. Avoid fragmented urban development that results in inefficiencies:
 - a. use of land in,
 - b. ~~the~~ provision and functioning of infrastructure, and
 - c. ~~land use~~ functioning of the Rural Environment
5. Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including ~~D~~development Infrastructure and ~~A~~additional Infrastructure), according to the capacity limitations of that infrastructure.
6. Support and encourage ~~Provide for~~ subdivision, use and development of land that can demonstrate ~~will lead to demonstrable positive beneficial~~ social and/or cultural outcomes for the District's community.

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7. Provide for the development of Papakāinga on Māori land to facilitate Māori occupation on their ancestral lands.
8. Maintain strong boundaries to ~~the Town Centres~~ to consolidate and intensify retail, commercial and office activities within ~~the city Town Centres~~ and to protect the planned urban built form and use of the residential environment neighbourhoods.
9. Restrict the location and development of retail and commercial activities within non-commercial areas of the district to ensure that ~~Town Centres~~ continue to be the district's pre-eminent retail, commercial and mixed-use centres.
10. Manage subdivision use and development of land to ensure that it will not:
 - a. have an adverse effect on the functioning of the environment where it is located,
 - b. unduly conflict with existing activities on adjoining properties and the surrounding area,
 - c. compromise development consistent with the intent and planned urban built form of the environment where it is located, and
 - d. give rise to reverse sensitivity effects from existing uses
11. Require the design and location of activities to avoid or mitigate natural hazards to an acceptable level of current and future risk to life, property and the environment.
12. Do not support subdivision and development which will inappropriately affect ~~heritage~~ sites of Historic Value or areas of important natural and landscape values.
13. Ensure that new urban subdivision and land development is designed in a manner that enables effective and logical multi modal transportation links to the surrounding, including planned, urban areas.

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2.4 STRATEGIC DIRECTION 4 CLIMATE CHANGE

Climate change has been identified as an issue which is important globally and within the Taupō District. A warming environment, longer and drier droughts and increased intensity of storm events are anticipated. It is important that the District and its communities ~~are able to~~ adapt to the effects of climate change to be resilient and safe.

For environmental management and planning purposes there are two separate, but important aspects of climate change:

1. Effects on climate change – which refers to activities that may lead to an increase in greenhouse gasses and those which may result in a reduction of greenhouse gasses ~~from discharged to~~ the atmosphere or help to facilitate efforts towards decarbonisation.
2. Effects of climate change – which are the effects caused by climate change such as more frequent flooding, droughts or intensive weather events which can endanger communities, assets and infrastructure.

It is important to consider both of these aspects of climate change to effectively enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Supporting positive climate change outcomes and ensuring that the effects of climate change are recognised and provided for will assist in planning for a district which helps avoid, does not contribute to, and is resilient to, climate change. The Strategic Directions for climate change are consistent with the Government’s obligations to achieve net zero carbon emissions by 2050, and accords with the target for 100% renewable electricity generation by 2030.

2.4.2 Objectives

1. Subdivision, use and development of land in the Taupō District will result in positive climate change outcomes.
2. Subdivision, use and development of land in the Taupō District will be resilient to the current and future effects of climate change on the District’s current and future communities, including any disproportionate effects on Māori.
3. The Taupō District is well prepared to adapt to the risks and effects from climate change, such as natural hazards.

2.4.3 Policies

1. Land use activities which will result in positive climate change outcomes, including through reducing greenhouse gas emissions and decarbonisation, will be supported and encouraged.
2. Land use activities which will unduly accelerate the effects of climate change will be discouraged.

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3. Urban and built development must be designed in a manner which considers the need to reduce greenhouse gas emissions associated with that development, ~~the~~ and resulting land use and the infrastructure required to service that development.
4. Subdivision use and development of land must demonstrate resilience to the effects of climate change over time.
5. Recognise and provide for renewable electricity generation activities to facilitate decarbonisation of the economy and reduce greenhouse gas emissions.

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2.5 STRATEGIC DIRECTION 5 NATIONALLY AND REGIONALLY SIGNIFICANT AND LOCAL INFRASTRUCTURE

Infrastructure, as defined in the Resource Management Act generally encompasses physical services and facilities which enable society to function, such as the three waters network, transport, communications, ~~energy~~ electricity generation, transmission and distribution networks, and any other network utilities undertaken by network utility operators.

Infrastructure is critical to the social and economic wellbeing of people and communities, ~~including providing for their health and safety~~, and has national, regional and local benefits, including the economic, cultural and social wellbeing of people and communities and for their health and safety. However, inappropriately located or designed land use activities can adversely affect the safe and effective functioning of significant and locally important infrastructure and the natural resources on which they rely on to operate.

The Taupō District plays an important role in the location and provision of ~~a~~ Nationally Significant Infrastructure. Its central location and natural resources means that Taupō is home to:

- State highways (1, 5, 30, 32, 41, 46 and 47).
- The National Grid electricity transmission network.
- Renewable electricity generation facilities that connect with the National Grid, accounting for up to 27~~29~~% of New Zealand's total electricity demand.
- Airports used for regular air transport services by aeroplanes.

The Taupō District is also home to Regionally Significant Infrastructure including municipal waste water systems, the telecommunications, radiocommunications and electricity networks.

In addition to nationally and regionally significant infrastructure, local roads and other infrastructure (including development and additional infrastructure) is vital for the ongoing functioning of the Districts urban and rural communities.

2.5.2 Objectives

1. The wider benefits and strategic importance of ~~a~~ Nationally and ~~r~~ Regionally ~~s~~ Significant Infrastructure to the District and wider, ~~including the economic, cultural and social wellbeing of people and communities and for their health and safety~~, are recognised in decision making and land use planning.
2. The local and national benefits of the sustainable development, operation, maintenance and upgrading of electricity transmission and renewable electricity generation resources and activities are recognised and ~~encouraged~~ provided for.

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3. Land use in the District will not adversely affect the capacity and the safe and effective functioning of ~~an~~Nationally and ~~a~~Regionally ~~s~~Significant Infrastructure ~~and local infrastructure~~ required to service existing and future communities.
4. ~~Local and Na~~tional transport infrastructure located in the Taupō District operates in a safe and effective manner.

2.5.3 Policies

1. Recognise and provide for the national, regional and local benefits of renewable ~~energy~~ electricity generation activities and resources, and transmission activities, in relation to climate change, security of supply, and social, and economic wellbeing of people and communities and for their health and safety.
2. Recognise ~~and provide for~~ the functional and operational needs associated with the ~~use-~~ ~~and~~ development, operation, maintenance and upgrading of ~~an~~Nationally and ~~a~~Regionally ~~s~~Significant ~~i~~nfrastucture, including where contributing to ~~adaption required to mitigate risks from climate change.~~
3. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of national and regional infrastructure.
4. Planning and development of national and regional infrastructure will consider the needs and the wellbeing of current and future communities.
5. Recognise that national and regional infrastructure can have important environmental, economic, cultural and social effects.

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2.6 STRATEGIC DIRECTION 6 NATURAL ENVIRONMENT VALUES

The Taupō District is characterised by important landscapes and natural areas. These areas are a strong part of the identity to the district and are valued by landowners, the local communities, including mana whenua, ~~and~~ Some of these areas also hold importance at a national level. As well as being an important part of the District's identity these areas also have a range of important social, cultural and environmental (including intrinsic) values.

The effects of human activities such as built development, vegetation clearance and land development can significantly alter the character of the environment resulting in the loss of these areas and their values. While parts of the District have been significantly modified by human activity, vast areas of the natural landscape remain.

These areas are on a range of public (reserve, forest and national parks) and private land tenure. There is also a high proportion of these areas on Māori land throughout the District which can impact the ability of Māori landowners in undertaking development on their ancestral lands.

2.6.2 Objectives

1. Recognise the importance of the District's natural values and landscapes and their significance to the Taupō District's communities and identity.
2. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of inappropriate development.
3. Activities which will lead to the enhancement of indigenous biodiversity values will be recognised and provided for.
4. Recognition of the extent of indigenous vegetation and habitat under on Māori land tenure, and the need to provide for the important relationship of Māori and their culture and traditions with their ancestral lands and wāhi tapu.
5. The protection of outstanding landscape areas from inappropriate subdivision, land use and development which may adversely affect their landscape attributes.
6. Recognition of the relationship of tangata whenua with the natural values of their ancestral lands, waterbodies, sites, cultural landscapes, and other natural taonga of significance.
7. The natural character of riparian margins are preserved, and enhanced where appropriate, and protected from inappropriate subdivision, use and development.

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2.6.3 Policies

1. Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from subdivision, land use and development activities that will have more than minor effects on the ecological values and processes important to those areas.
2. Support and facilitate those activities which will lead to the long term protection and or enhancement of indigenous biodiversity values in both urban and non-urban areas.
3. Recognise and provide for tangata whenua in their role as kaitiaki of the natural values on their lands and the wider district.
4. Activities must recognise and maintain the attributes of identified outstanding natural features and landscapes and not have any more than minor adverse effects on them.
5. Encourage the protection, enhancement and restoration of natural and landscape value areas, including by supporting opportunities for tangata whenua to exercise their customary responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing these areas.
6. Recognise the contribution made by landowners to the protection and enhancement of areas of natural values and landscapes.

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10 Definitions

Additional Infrastructure - has the same meaning as in the National Policy Statement on Urban Development 2020

Development Infrastructure - has the same meaning as in the National Policy Statement on Urban Development 2020

Nationally Significant Infrastructure - has the same meaning as in the National Policy Statement on Urban Development 2020

Regionally Significant Infrastructure - infrastructure of regional and/or national significance and includes:

- a. pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- b. infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;
- c. radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
- d. the national electricity grid, as defined by the Electricity Industry Act 2010;
- e. a network (as defined in the Electricity Industry Act 2010);
- f. infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
- g. the regional strategic transport network as defined in a Regional Land Transport Plan or State Highways as defined in the National State Highway Classification System;
- h. lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;
- i. Local authority water supply network and water treatment plants;
- j. Local authority wastewater and stormwater networks, systems and wastewater treatment plants;
- k. Flood and drainage infrastructure managed by the Regional Council;
- l. Taupō Airport
- m. Taupō Public Hospital

National Grid - has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008.

Deletion of Current Chapter 2 of Operative District Plan

~~2- SIGNIFICANT RESOURCE MANAGEMENT ISSUES~~

APPENDIX 4 – Recommended amendments to Plan Change 38 – Accepted Version**2.1 Taupō District**

The Taupō District is located at the centre of the North Island. The District has a total area of 6,970km², comprising 6,354km² of land area and the remainder in waterbodies. The District makes up a significant part of the Taupō Volcanic zone and straddles the Taupō Fault Zone. Lake Taupō was formed in the crater of a volcanic caldera. The geomorphology of the District means that it will at times experience earthquakes and volcanic activity. There is an estimated District population of 31,521 (Census 2001).

Natural features and land ownership determine the areas that are available and potentially viable in terms of future development. Settlement within the District is characterised by the two principal towns of Taupō and Turangi, which provide functions and services typical of provincial New Zealand towns. Taupō, the largest town in the District, has an approximate population of 21,500 and is located on the northern shores of Lake Taupō; Turangi is situated on the southern shores of the lake. Mangakino is another relatively large settlement on the shores of Lake Maraetai at the northern aspect of the District. A number of smaller lakeshore or rural settlements within the District have evolved from either Maori settlements, recreational use of the waterbodies such as fishing baches, or are a legacy of hydro-electric power schemes. Today these settlements provide both permanent living and holiday accommodation. In more recent years there has been an increase in the number of rural lifestyle blocks close to Taupō town.

One of the most distinguishing features of the District is Lake Taupō, a resource of national significance. The lake's waters and foreshores, spanning an area of 616km², are controlled by the Department of Internal Affairs, which is responsible for its management and general development. The lake is the largest body of fresh water in New Zealand, and is an integral part of major power-generating schemes. It offers some of the best trout fishing in the world, and provides for a wide range of other active and passive recreational activities. The two main rivers connecting to the lake are the Waikato River to the north, and the Tongariro River to the south. These rivers contribute significantly to the natural value, recreational, tourism and economic aspects of the District.

The District is rich with other natural resources, including waterbodies, indigenous vegetation, habitat of indigenous species, geothermal resources, and riparian margins. These all contribute to the varied and scenic landscape with many economic and recreational opportunities. The Tongariro National Park is another outstanding natural landscape feature of World Heritage Status, administered by the Department of Conservation. The Kaimanawa Ranges mark the District's boundary to the south and southwest and, like the Tongariro National Park, are protected through the administering body of the Department of Conservation. Geothermal resources significantly characterise the District, with features including mud pools, hot mineral springs, steam and sulphur and various geothermal fields such as Mokai, Ohaaki, Rotokawa, Tauhara, Tokaanu and Wairakei. A number of power stations, supported by these fields, add significantly to the local economy.

The District has experienced significant growth since the 1950's, with the majority of this growth a consequence of the District's natural resources and improved communication and transport links. Afforestation has taken place extensively around the District, particularly to the east, and continues to

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develop with further planting and milling of mature trees. Plantation forestry has been established in the Taupō District for many years and makes a significant contribution to the economic, cultural, social and environmental wellbeing of the District. Hydro power operations along the Waikato and Tongariro Rivers have also played a significant role in the development pattern of the District, expanding employment opportunities and increasing access to remote areas of the District. Discovery of a cobalt mineral deficiency in the volcanic soils around Lake Taupō and the subsequent remedy of this, opened up land in the north and west for sheep and beef cattle farming. In more recent years there has been an increase in dairy farming.

The combined resources of the recreational and scenic appeal of the lakes and rivers, unique thermal areas, proximity to the ski fields and tramping grounds of the Tongariro National park and improved road and air links, account for the strong economic base in tourism as a major contributor to the local economy. Nearly 700,000 people visit the District each year, including 128,000 international visitors. This strong emphasis on tourism is reflected in the relatively large numbers of motels and holiday accommodation within the District and the vast selection of both passive and active recreational pursuits and business operations.

Constraints for development within the District include the presence of steep hill country and mountains, thermal areas, the Waikato River (in terms of crossings) and large areas of Crown and Maori owned land. The greatest development pressure within the District is around Taupō town, with growth of the town forecast to continue at a steady rate.

2.2 Tangata Whenua of the Taupō District

‘Ko Tongariro te maunga

Ko Taupō nui a Tia te moana

Ko Tuwharetoa te Iwi

Ko Te Heuheu te Tangata’

‘Tongariro is the mountain

Taupō nui a Tia is the inland sea

Tuwharetoa are the people

Te Heuheu is the Man’

The above proverb identifies the tribe of Ngati Tuwharetoa who live on the shores of Lake Taupō and in other outlying areas. It was first spoken by Potatau Te Wherowhere, the first Maori King, who came from within the boundaries of the Waikato people.

The Ngati Tuwharetoa Iwi and its Hapu are the kaitiaki or guardians of what is now known as the Taupō District, encompassing Lake Taupō nui a Tia, the Waikato River and the Mountains of the central North Island – Ruapehu, Tongariro, Ngauruhoe, Pihanga and Tauhara.

In 1887 the Paramount Chief of Ngati Tuwharetoa, Horonuku Te Heuheu Tukino, gifted the peaks of

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~~Ruapehu, Tongariro and Ngauruhoe, to form New Zealand's first National Park.~~

~~In 1999 there were some 28,000 Tuwharetoa tribal members spread throughout New Zealand and the world. Of this number, approximately 8,000 members remain in the Taupō District. The section in the Plan on Significant Resource Management Issues, related to Issue 3 – Tangata Whenua Relationships, will be expanded as Cultural Values studies are undertaken.~~

2.3 Significant Resource Management Issues

~~The significant resource management issues of the District have been identified and discussed in the following, forming the basis of the Plan. They are addressed through a number of objectives and policies, tying the Plan to the community's desired outcomes.~~

~~ISSUE 1 – AMENITY AND CHARACTER~~

~~What is Amenity?~~

~~The Resource Management Act 1991 defines amenity as:~~

~~“...those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”~~

~~The Environment Court has expanded on the Act's definition of amenity in the Phantom Outdoor Advertising Ltd v Christchurch CC case (EnvC C90/2001) by stating:~~

~~“...pleasantness, aesthetic coherence, and cultural and recreational attributes were not some combined absolute value which members of the public appreciated to a greater or lesser extent. Rather, the definition of amenity embraces a wide range of elements and experiences, and appreciation of amenity values may change depending on the audience.”~~

~~Amenity values almost defy a specific definition. Amenity values are subjective to each individual person, and may be influenced by their particular circumstances and traits. These observations signal the importance of consultation to find out those features or values that are important in respect to each proposal.~~

~~What is Character?~~

~~While the Act does not define “character”, the Oxford Dictionary defines it as:~~

~~“Collective qualities or peculiarities that distinguish an individual or group...”~~

~~Although there is also a subjective component to ‘character’, it can be more readily described than amenity. Hence in case law it is not uncommon for participants or even for the Environment Court to identify particular qualities or peculiarities that comprise the character of an area. For example, in the context of the Rural Environment such components may include, (but are not limited to): open space; a lower incidence of built structures (as compared to other environments); fewer people; more flora (both indigenous and exotic / commercial), and fauna; open vistas; a lower level of background noise; less “hustle and bustle”; and a higher incidence of organic odours (compared with a higher incidence of inorganic odours in other environments).~~

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~~However, there will be significant diversity in character of each Environment identified within the Plan, as each Environment itself is generally quite large in area and hosts many different activities.~~

~~Over time, distinct Environments have been created within the District. The nature of each Environment has been largely determined by the type of predominant activity taking place, and often the resulting community perception of the associated level of amenity. One of the Council's roles is to define, develop and maintain, and enhance the community's amenity and character within these identified environments. This is achieved through the performance standards of the Plan and through the allocation of resources in the Annual and Strategic Plans.~~

~~Within the Plan, the Environments of the District have been identified as being Residential, Rural, Town Centre and Industrial. The Plan contributes directly to the amenity of these Environments through the establishment of performance standards, such as building setbacks, noise standards and maximum height. Natural Value and Landscapes contribute to the amenity and character of the District, particularly in the Rural Environment, and are provided for through the implementation of policy. In addition to these environmental standards, the community develops itself, creating an environment to reflect its own individual character. Therefore, it is essential to recognise that development of this community amenity and character is not static, but instead is part of a dynamic and continuous process in which the District Plan is involved.~~

~~The role of the Plan, therefore, is to ensure the maintenance and promote the enhancement of the identified character, amenity and utility of these Environments. This is through ensuring that any adverse effect of an activity on the identified character, amenity and utility of the particular Environment is avoided, remedied or mitigated. Adverse effects can arise through the location of activities within an inappropriate Environment, or through conflict at the interface of Environments with different levels of accepted effects. Some Environments can be sensitive, with other Environments perceived to be more robust – absorbing potential effects more readily. These issues are reflected within each of the Environments and within the relevant performance standards.~~

~~**Implemented through:** Residential Environment, Rural Environment, Industrial Environment, Town Centre Environment.~~

ISSUE 2 – TANGATA WHENUA RELATIONSHIPS

~~Resources of cultural and spiritual significance to Tangata Whenua can be lost or damaged if development and activities are undertaken without consideration for the value or significance of the site. The Plan recognises and provides for the special relationship of Tangata Whenua, their culture and traditions with their ancestral land, water and other taonga.~~

~~Section 6 requires that the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga be recognised and provided for as a matter of national importance. In addition, Section 7 states when managing the use, development and protection of natural and physical resources, particular regard needs to be given to Kaitiakitanga. The Council has a duty under Section 8 of the Act to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).~~

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~~The recognition and acceptance that there are different understandings of resource issues between Tangata Whenua and the Council is an important issue involved within resource management. Consultation between parties will provide the basis for achieving a greater understanding between Tangata Whenua and the Council.~~

~~*Implemented through: Tangata Whenua Cultural Values Section.*~~

ISSUE 3 – HERITAGE

~~Heritage is an important part of any District, helping to define the community and giving it a sense of place. Heritage within the District includes natural resources such as lakes, rivers, geothermal resources, landforms, and indigenous ecosystems including native bush, scrub and wetlands. Heritage also includes places, structures, landscapes and resources of historical, archaeological, cultural, territorial, and ancestral significance including sites of waahi tapu. Accordingly, heritage can be divided into two broad categories, natural relating to the land's natural features and characteristics, and cultural, being the image of the culture that has been left on the land, or facets of our past and present that have special significance. Responsibility under the Act includes ecological values, Maori values, historic values, landscape values, community values. The Heritage Issue and associated sections will be amended to reflect the outcomes and ongoing studies.~~

~~*Implemented through: Tangata Whenua Cultural Values, Landscape Values, Natural Values, Historic Values.*~~

ISSUE 4 – THE NATURAL ENVIRONMENT

~~Within the Taupō District there are a number of outstanding natural areas, features and landscapes that are of significance. Often natural features are subject to a range of conflicting development pressures. Balance is required between the competing demands of protecting those areas, the community's desire to use and enjoy those areas, and the landowners' right to use those areas.~~

~~Of special importance within the District are waterbodies, being some of the District's greatest natural assets. Many values are associated with these waterbodies, including resource use, recreation, natural, cultural and historic values that all need to be appropriately incorporated in to their management. Of concern is the potential for activities on the surface of the water to have adverse effects on the amenity values of particular waterbodies, causing conflict and limiting the waterbodies' capacity to cope with use.~~

~~In particular, Lake Taupō, considered by many to be the central natural feature and taonga of the District, is a significant natural feature. Only a long term and integrated approach to resource management in the Lake Taupō catchment will be effective in dealing with the complex and often inter-related resource management issues facing this waterbody. Of importance is water quality, with nutrient inputs from sources such as run-off from pastoral agriculture activities, poorly managed on-site effluent treatment, and stormwater from roads and development, thereby deteriorating the existing quality of water.~~

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~~The protection and enhancement of the District's natural environment is an important issue locally, nationally and internationally. The identification and protection of our natural areas is important with the District Plan providing a range of opportunities to achieve this.~~

~~The Plan includes the results of research undertaken by the Council in the identification of the District's valued landscapes and natural environment. Proposed development or activities will be required to demonstrate an understanding of the pressures and the threats and the community values associated with these natural areas in order to avoid, remedy or mitigate any adverse effects on the environment.~~

~~**Implemented through:** *Landscape Values, Natural Values, Activities on the Surface of the Water.*~~

~~ISSUE 5 – THE AVOIDANCE OF HAZARDS~~

~~The District Plan has a role in protecting both the community and the environment from hazards. Hazards can come in the form of technological hazards associated with activities carried out within the District, and also natural processes present within the natural environment.~~

~~The community and individuals of the District can be adversely affected when activities and development are located in areas subject to the effects of natural hazards or land instability. The risks of natural hazards on the environment can also be increased or altered. In addition the storage, handling or transportation of hazardous substances in an irresponsible or inappropriate manner can adversely affect the health and wellbeing of the community and the environment.~~

~~Appropriate levels of protection for communities needs to be established along with ensuring activities and developments do not increase the level of threat, or increase the potential for hazards to occur. The identification of natural hazards and subsequent protection of at risk communities is required, as well as the development of hazard reduction from a variety of pollutants such as noise, sprays and odour. Odour will seek to protect people and communities from the dynamic qualities of geothermal activity by managing the location of urban growth and related infrastructure, in particular in areas of current and/or historic hot ground.~~

~~**Implemented through:** *Natural Hazards and Unstable Ground, Hazardous Substances, and Hot Ground Hazard Areas.*~~

~~ISSUE 6 – GROWTH MANAGEMENT~~

~~Parts of the district are currently experiencing population growth resulting in the need for residential and urban expansion, which increases the pressure on existing infrastructure. This requires the construction of new infrastructure for roads, water, wastewater, stormwater and reserves networks that collectively create a sustainable urban form. The district is also experiencing increased recreational and tourism development which places pressure on the natural and physical resources of the district such as lakes, rivers and natural areas and reserves. The issue of growth management also directly deals with the avoidance, remedying and mitigation of adverse effects on the natural environment.~~

~~The provision of infrastructure, land ownership issues, the presence of natural resources and existing development can all influence how and where new development takes place. In terms of geothermal~~

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resources, Council has measures to address the issue of reverse sensitivity of urban expansion and development in the immediate proximity of power stations. In addition, as people's expectations and desires change over time so do their aspirations towards where and how they want to live. Structure plans prepared either by Council or privately, indicate the nature of any urban growth options to guide urban expansion in a coherent way.

~~Implemented through: All sections of the Plan.~~

ISSUE 7 – BUSINESS ACTIVITY

The Taupō economy has a strong record of commercial and industrial growth over the last 20 years. Commercial and industrial activity utilises major resources of the City in terms of land and buildings. And these resources have significant value to the District as a whole.

The Taupō economy is a diverse one. The district contains over 33,000 people, with Taupō township being the dominant venue of employment and business activity. Only modest growth is anticipated over the next 20 years with a population by 2031 edging closer to 40,000.

There are two dominant factors within the Taupō economy these include a proportionally considerable manufacturing sector, which operates to a significant extent in servicing the farming, forestry and energy activities within the district. The second is the role of Tourism in both growing and sustaining commercial activity and employment. Accordingly, there has historically been the distinction and separate grouping of Industrial activities within Industrial Environments, and more commercial, tourism and public sector activities within Town Centre Environments.

Business development, including new land use and subdivision, results in changes in the places we work, and associate with. Change can be positive or negative, depending on where, when and how it occurs. Economic development can better enable people and communities to provide for their economic well-being, and where appropriately managed can also promote positive changes to the environment.

The strategic integration of land use with regionally significant infrastructure, including the State Highway and Arterial Road network is important for the functioning of communities at the district and local scale. Without effective regionally significant infrastructure the benefits of business development will decline or business development will result in unacceptable adverse effects on the environment.

Once business development is established it is likely to exist for a number of generations. Changing the form and structure of established urban and rural areas can be difficult and expensive. Therefore, it is important to achieve a robust form of development that is responsive in the long term to the changing needs of Taupō District's many communities.

Unless the design, location and function of business development is not carefully managed, it will not necessarily be able to:

- (1) respond to changes in the demographic structure of the population.
- (2) enable socially cohesive and resilient communities.

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~~(3) reduce the intensity of energy use;~~

~~(4) reduce vehicle trip frequency, trip generation and distance, and improve modal choice;~~

~~(5) make efficient use of physical resources within communities, especially those associated with Town Centre Environments;~~

~~(6) efficiently and effectively provide public infrastructure such as roads, sewerage, stormwater and potable water;~~

~~(7) agglomerate in defined locations so as to better internalise and manage adverse environmental effects;~~

~~(8) agglomerate commercial activities within Town Centre Environments so as to provide for the more efficient provision of activities and services provided, and enhance certainty in public and private sector confidence in physical infrastructure in these locations;~~

~~(9) recognise and avoid reverse sensitivity effects;~~

~~ISSUE 7A – CHARACTER~~

~~Existing Town Centre Environments, in particular the Taupō Town Centre Environment, represent an agglomeration of significant resources, play an important role in providing for the economic and social well being of the district, and have an associated value and range of benefits to the community; reinforcing the distinct character that define these Town Centres presents challenges for the identification of appropriate mechanisms to ensure that such resources are sustainably managed for existing and future communities;~~

~~ISSUE 7B – LAND USE~~

~~The Taupō Town Centre Environment, as a diverse urban environment provides the greatest scale and intensity of business activities. The Taupō Town Centre Environment may struggle to maintain this role if there is significant dispersal of retail/commercial activity through the Taupō urban area.~~

~~Likewise the Industrial Environments provide for the agglomeration of activities with effects that may impact on more sensitive land uses, such as Residential Environments. There is a need to ensure the provision of suitable capacity and locations for such Industrial activities to further the economic growth of the district, and to provide mechanisms to internalise and manage the adverse effects of these activities.~~

~~ISSUE 7C – BUILT FORM~~

~~Any change in the pattern of distribution of business activities can result in particular adverse effects or require consideration of linkages with other aspects of urban form, including the following:~~

- ~~● relationship to Residential Environments, transport routes and community facilities;~~
- ~~● efficiency of use of existing resources including public infrastructure and the ability to access goods and services;~~
- ~~● impacts upon Town Centre Environments, the significance of the impact, and whether there is a likely reduction in social and economic function and amenity of those centres;~~

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- the ability to adequately integrate and provide for community infrastructure, including roading, sewer and water supply;
- the ability to integrate with, and maintain the function and efficiency of the wider road network;
- for some activities such as retailing and residential activity, the potential to restrict the opportunities for industrial activity to operate and expand within Industrial Environments, which may unnecessarily put pressure upon those industrial activities to reduce the nature of their operations or relocate;
- The need to separate incompatible activities including reinforcing the East Taupō Arterial as an 'urban fence'.

ISSUE 7D – CIRCULATION

The integration of land use and the transport network provides challenges for ensuring that the growth and development of business activities can be accommodated within the road network, but not at the expense of degrading the amenity, safety and functioning of that network.

ISSUE 7E – HERITAGE, PUBLIC SPACE AND CULTURE

Providing for the economic growth and development of business activities within the district provides challenges for ensuring that Taupō's unique heritage and culture is acknowledged and celebrated.

ISSUE 7F – ECONOMIC GROWTH

There is need to ensure that there is a diverse range of opportunities to develop economic and employment growth within the district, so as to retain and attract a diversity of people and business interests. This presents challenges in terms of identifying appropriate locations and servicing requirements to foster such growth.

ISSUE 7G – SUSTAINABILITY

Business buildings and activities can, if not appropriately managed, give rise to adverse effects on the visual and other amenities within and adjoining areas of business activity, including effects of building height, form and design, and effects of an activity's noise production, hours of operation and traffic generation. Some new industrial areas also pose difficulties in relation to their servicing requirements for future development.

Implemented through: *Taupō and Centennial Industrial, Taupō Town Centre, Residential and High-Density Residential, Spa Road Mixed-Use Zone and Business Development Chapter*

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Plan Change 38 to the Taupō District Plan

**Strategic Directions - As Recommended to be Changed by
Panel - February 2024, accepted version.**

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Chapter 2 Strategic Directions

The following chapter provides an outline of the key strategic and significant resource management matters for the Taupō District. This chapter includes objectives and policies to guide decision making at a strategic level.

The strategic objectives set the direction for the District Plan and help to implement the Council's community outcomes. They are indicative of the matters which are important to the Taupō District community and reflect the intended outcomes to be achieved through the implementation of the District Plan.

For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other parts of this Plan are to be read and achieved in a manner consistent with the objectives and policies that form these strategic directions.

The policies contained within this chapter have a dual purpose. The policies must deliver the Strategic Objectives and can also be applied directly in the consideration of resource consent applications where there is a requirement to consider District Plan policy.

The key strategic or significant resource management matters for the Taupō District are:

1. Tangata Whenua
2. Fresh Water Quality
3. Urban Form and Development
4. Climate Change
5. Nationally and Regionally Significant Infrastructure
6. Natural Values and Landscapes

APPENDIX 4 – Recommended amendments to Plan Change 38 – Accepted Version**2.1 STRATEGIC DIRECTION 1 TANGATA WHENUA**

The Council, through the District Plan, is required to take into account the Principles of te Tiriti o Waitangi. This is to be done at all levels of planning and decision making under the Plan.

A comparatively high proportion of the district is Māori freehold or multiple-owned land. There is a strong desire for Māori to return to their ancestral land, with a range of aspirations for changed land use, land development and settlement, whilst exercising kaitiakitanga and protecting sites of cultural significance. The District Plan has an important role to play in supporting mana whenua in achieving these aspirations.

The Council is also required to, in partnership with mana whenua, recognise and provide for the Māori values in resource management and decision making. These include the important relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga and to have particular regard to kaitiakitanga.

This is to happen not just through recognition and incorporation of these matters into the plan but also the wider decision making and plan implementation process. These values should not be considered as a separate matter to the wider Plan but are expected to be applied throughout all aspects of planning and decision making within the Taupō District.

2.1.2 Objectives

1. The values, rights and interests of Taupō District mana whenua are recognised and protected.
2. Mana whenua are a partner in District Plan planning and decision making.
3. Resource management planning and decision making reflects tikanga, mana whakahaere, kaitiakitanga, manaakitanga, whakapapa, mātauranga Māori and te whanake.
4. Support development on Māori land that meet the needs of those landowners and respects the exercise of kaitiakitanga, self-determination and the relationship of tangata whenua with their land, water, significant sites and wāhi tapu.
5. Māori are supported to develop their ancestral lands for their social, economic and cultural wellbeing.
6. The principles of te Tiriti o Waitangi are taken into account through District Plan planning and decision making.

2.1.3 Policies

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

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- a. The relationship of Māori/iwi/hapū and their culture and traditions with their ancestral lands, water, sites, wāhi tapu (sacred sites), and other taonga (treasures).
 - b. mātauranga Māori, kaitiakitanga and tikanga Māori.
 - c. The unique role of mana whenua hapū as kaitiaki at place of nga taonga tuku iho.
 - d. The vision, objectives, values and desired outcomes in Te Kaupapa Kaitiaki.
2. Provide for development on Māori land that enables tangata whenua:
 - a. to exercise their mana whakahaere and kaitiakitanga consistent with their kawa, tikanga and mātauranga.
 - b. to fulfil cultural, economic and social aspirations, rights and interests of those owners.
 - c. strengthens their relationships with land, water, significant sites and wāhi tapu.
 3. Recognise and support opportunities for tangata whenua to exercise their customary responsibilities as mana whenua.
 4. Recognise the wider existing and historical constraints on the utilisation and development of Māori land.
 5. Provide opportunities for Māori involvement in decision-making and monitoring of the District Plan, resource consents, designations and heritage orders including in relation to sites of significance to Māori and issues of cultural significance.
 6. Recognise, in decision making, the importance of iwi and or hapū environmental management plans in providing important guidance and direction on the sustainable use and development of the environment and natural resources.
 7. Recognise and support kawa and the incorporation of tikanga and mātauranga Māori into the planning, design, development and/or operation of land use activities.

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2.2 STRATEGIC DIRECTION 2 FRESHWATER QUALITY / TE MANA O TE WAI

The health and wellbeing of the lakes and rivers in the district have been degraded both directly and indirectly over recent decades. This degradation includes declining water quality, loss of indigenous biodiversity, loss of access and declining water availability and is the result of activities both on land and in the water bodies themselves. Waterways continue to face increasing demands for use, such as takes for irrigation and drinking water, hydro power generation, and assimilation of discharges from towns, agriculture and other industry; as well as pressures arising from land management practices, land use change and intensification. Protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Holistic and integrated management of land and water resources is critical to reversing declining trends.

The Taupō District Plan has a responsibility under the Resource Management Act and the National Policy for Freshwater Management to assist with the management of adverse effects on the environment that may arise from subdivision and land use in the District. Managing the adverse effects on waterways resulting from subdivision and land use forms part of that responsibility and there are clear benefits from doing this. The state of the Districts freshwater resources is of significant interest to the Taupō District community, and it is important that positive freshwater outcomes are achieved through the implementation of the Plan.

2.2.2 Objective

1. Subdivision and land use is managed in a way that promotes the positive effects, while avoiding, remedying, or mitigating adverse effects (including cumulative effects) of that development, on the mauri, health and well-being of water bodies, to benefit freshwater ecosystems, the wider environment, and the community.

2.2.3 Policies

1. Recognise the importance of waterbodies to tangata whenua and the wider community.
2. Decisions, policy and planning reflect an integrated land management or ki uta ki tai approach to resource management and landuse planning.
3. Recognise and provide for the vision, objectives, outcomes and values in Te Ara Whanui o Rangitāiki (Pathways of the Rangitāiki) and Te Kaupapa Kaitiaki and to give effect to Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River.

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4. Recognise the benefits of subdivision, land use and development activities which will directly contribute to the enhancement of the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.
5. Manage subdivision, use and development of land in a manner consistent with Te Mana o te Wai, that restores, protects and enhances the mana, mauri, health and wellbeing of the District's waterbodies, freshwater ecosystems and receiving environments.
6. Recognise and provide for the relationship of tangata whenua as kaitiaki with waterbodies.

APPENDIX 4 – Recommended amendments to Plan Change 38 – Accepted Version**2.3 STRATEGIC DIRECTION 3 URBAN FORM AND DEVELOPMENT**

The Taupō District's diverse and growing population has led to increased demand for housing and demand for new commercial and industrial areas. Urban development also generates further demand for infrastructure services, particularly development infrastructure such as three waters and transportation services. The District Plan provides a framework for ensuring that urban development, subdivision and changes in land use occurs in a planned and efficient manner and is adequately serviced by infrastructure (including Development Infrastructure and Additional Infrastructure).

The strategic directions for urban form and development establish the within the District has been informed by many higher order strategies, including the 2018 District wide growth management strategy, Taupō District 2050. However, this strategy will be refreshed several times within the lifetime of this plan as the changing needs of the district are reflected over time in further iterations.

This approach reflects an efficient and effective urban form which will develop in a manner that is appropriately serviced by infrastructure and reflects the important values and communities within the District.

As well as green field development, the plan provides important guidance about the protection of existing rural and urban areas, including Town Centres, to enable them to continue to function effectively in a manner that best serves the wider District.

2.3.2 Objectives

1. The district develops in a cohesive, compact and structured way that:
 - a. contributes to well-functioning and compact urban environments that provide for connected liveable communities;
 - b. enables greater social and cultural vitality and wellbeing, including through recognising the relationship of tāngata whenua with their culture, traditions, and taonga;
 - c. ensures infrastructure is efficiently and effectively integrated with land use;
 - d. supports emissions reduction through well planned urban form, design and location; and
 - e. meets the community's short, medium and long-term housing and business needs;
 - f. protects the productive capacity of rural land.
2. Subdivision, use and development of land will protect the effective functioning of the Rural Environment, maximise the efficient use of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure.

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3. Subdivision, use and development of land in appropriate locations which can demonstrate social and/or cultural benefits to the District's community is recognised and provided for.
4. Development is serviced by an appropriate level of infrastructure that effectively meets the needs of that development.
5. The Town Centre Environment is strengthened and reinforced as the primary commercial, retail, recreational, cultural and entertainment centres for Taupō District.
6. Subdivision, use and development will not detract from the planned urban built form and effective functioning of the environment which it is located.
7. Subdivision, use and development is designed to avoid, remedy or mitigate adverse effects on the environment and occurs in a sequenced and coherent manner that protects or enhances the important natural, cultural and historic values of the environment where it is located.
8. The East Taupō Arterial will continue to act as an 'urban fence' generally separating urban activities from industrial, rural and renewable electricity generation activities.

2.3.3 Policies

1. Identify and zone appropriate areas of land for urban purposes to guide the future provision of infrastructure within the Taupō District.
2. Planning and development in urban environments will positively contribute to well-functioning urban environments.
3. Avoid the subdivision, use and development of land that does not maximise the efficient use of zoned and serviced urban land and is not co-ordinated with the provision of effective infrastructure.
4. Avoid fragmented urban development that results in inefficient:
 - a. use of land,
 - b. provision and functioning of infrastructure, and
 - c. functioning of the Rural Environment
5. Require urban subdivision and land development to be efficiently and effectively serviced by infrastructure (including Development Infrastructure and Additional Infrastructure), according to the capacity limitations of that infrastructure.
6. Support and encourage subdivision, use and development of land that can demonstrate positive social and/or cultural outcomes for the District's community.
7. Provide for the development of Papakāinga on Māori land to facilitate Māori occupation on their ancestral lands.

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8. Maintain strong boundaries to Town Centres to consolidate and intensify retail, commercial and office activities within Town Centres and to protect the planned urban built form and use of the residential environment.
9. Restrict the location and development of retail and commercial activities within non-commercial areas of the district to ensure that Town Centres continue to be the district's pre-eminent retail, commercial and mixed-use centres.
10. Manage subdivision use and development of land to ensure that it will not:
 - a. have an adverse effect on the functioning of the environment where it is located,
 - b. unduly conflict with existing activities on adjoining properties and the surrounding area,
 - c. compromise development consistent with the intent and planned urban built form of the environment where it is located, and
 - d. give rise to reverse sensitivity effects from existing uses
11. Require the design and location of activities to avoid or mitigate natural hazards to an acceptable level of current and future risk to life, property and the environment.
12. Do not support subdivision and development which will inappropriately affect sites of Historic Value or areas of important natural and landscape values.
13. Ensure that new urban subdivision and land development is designed in a manner that enables effective and logical multi modal transportation links to the surrounding, including planned, urban areas.

APPENDIX 4 – Recommended amendments to Plan Change 38 – Accepted Version**2.4 STRATEGIC DIRECTION 4 CLIMATE CHANGE**

Climate change has been identified as an issue which is important globally and within the Taupō District. A warming environment, longer and drier droughts and increased intensity of storm events are anticipated. It is important that the District and its communities adapt to the effects of climate change to be resilient and safe.

For environmental management and planning purposes there are two separate, but important aspects of climate change:

1. Effects on climate change – which refers to activities that may lead to an increase in greenhouse gasses and those which may result in a reduction of greenhouse gasses discharged to the atmosphere or help to facilitate efforts towards decarbonisation.
2. Effects of climate change – which are the effects caused by climate change such as more frequent flooding, droughts or intensive weather events which can endanger communities, assets and infrastructure.

It is important to consider both of these aspects of climate change to effectively enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Supporting positive climate change outcomes and ensuring that the effects of climate change are recognised and provided for will assist in planning for a district which helps avoid, does not contribute to, and is resilient to, climate change. The Strategic Directions for climate change are consistent with the Government's obligations to achieve net zero carbon emissions by 2050, and accords with the target for 100% renewable electricity generation by 2030.

2.4.2 Objectives

1. Subdivision, use and development of land in the Taupō District will result in positive climate change outcomes.
2. Subdivision, use and development of land in the Taupō District will be resilient to the current and future effects of climate change on the District's current and future communities, including any disproportionate effects on Māori.
3. The Taupō District is well prepared to adapt to the risks and effects from climate change, such as natural hazards.

2.4.3 Policies

1. Land use activities which will result in positive climate change outcomes, including through reducing greenhouse gas emissions and decarbonisation, will be supported and encouraged.
2. Land use activities which will unduly accelerate the effects of climate change will be discouraged.

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3. Urban and built development must be designed in a manner which considers the need to reduce greenhouse gas emissions associated with that development, the resulting land use and the infrastructure required to service that development.
4. Subdivision use and development of land must demonstrate resilience to the effects of climate change over time.
5. Recognise and provide for renewable electricity generation activities to facilitate decarbonisation of the economy and reduce greenhouse gas emissions.

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2.5 STRATEGIC DIRECTION 5 NATIONALLY AND REGIONALLY SIGNIFICANT INFRASTRUCTURE

Infrastructure, as defined in the Resource Management Act generally encompasses physical services and facilities which enable society to function, such as the three waters network, transport, communications, electricity generation, transmission and distribution networks, and any other network utilities undertaken by network utility operators.

Infrastructure is critical to the social and economic wellbeing of people and communities, and has national, regional and local benefits, including the economic, cultural and social wellbeing of people and communities and for their health and safety. However, inappropriately located or designed land use activities can adversely affect the safe and effective functioning of significant and locally important infrastructure and the natural resources on which they rely on to operate.

The Taupō District plays an important role in the location and provision of Nationally Significant Infrastructure. Its central location and natural resources means that Taupō is home to:

- State highways (1, 5, 30, 32, 41, 46 and 47).
- The National Grid electricity transmission network.
- Renewable electricity generation facilities that connect with the National Grid, accounting for up to 27% of New Zealand’s total electricity demand.
- Airports used for regular air transport services by aeroplanes.

The Taupō District is also home to Regionally Significant Infrastructure including municipal waste water systems, the telecommunications, radiocommunications and electricity networks.

2.5.2 Objectives

1. The wider benefits and strategic importance of Nationally and Regionally Significant Infrastructure to the District and wider are recognised in decision making and land use planning.
2. The local and national benefits of the sustainable development, operation, maintenance and upgrading of electricity transmission and renewable electricity generation resources and activities are recognised and provided for.
3. Land use in the District will not adversely affect the capacity and the safe and effective functioning of Nationally and Regionally Significant Infrastructure required to service existing and future communities.

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4. National transport infrastructure located in the Taupō District operates in a safe and effective manner.

2.5.3 Policies

1. Recognise and provide for the national, regional and local benefits of renewable electricity generation activities and resources, and transmission activities, in relation to climate change, security of supply, and social, and economic wellbeing of people and communities and for their health and safety.
2. Recognise and provide for the functional and operational needs associated with the development, operation, maintenance and upgrading of Nationally and Regionally Significant Infrastructure, including where contributing to adaption required to mitigate risks from climate change.
3. Subdivision, land use and development will not adversely affect (including reverse sensitivity effects) the effective and safe functioning of national and regional infrastructure.
4. Planning and development of national and regional infrastructure will consider the needs and the wellbeing of current and future communities.
5. Recognise that national and regional infrastructure can have important environmental, economic, cultural and social effects.

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2.6 STRATEGIC DIRECTION 6 NATURAL ENVIRONMENT VALUES

The Taupō District is characterised by important landscapes and natural areas. These areas are a strong part of the identity to the district and are valued by landowners, the local communities, including mana whenua. Some of these areas also hold importance at a national level. As well as being an important part of the District's identity these areas also have a range of important social, cultural and environmental (including intrinsic) values.

The effects of human activities such as built development, vegetation clearance and land development can significantly alter the character of the environment resulting in the loss of these areas and their values. While parts of the District have been significantly modified by human activity, vast areas of the natural landscape remain.

These areas are on a range of public (reserve, forest and national parks) and private land. There is also a high proportion of these areas on Māori land throughout the District which can impact the ability of Māori landowners in undertaking development on their ancestral lands.

2.6.2 Objectives

1. Recognise the importance of the District's natural values and landscapes and their significance to the Taupō District's communities and identity.
2. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of inappropriate development.
3. Activities which will lead to the enhancement of indigenous biodiversity values will be recognised and provided for.
4. Recognition of the extent of indigenous vegetation and habitat on Māori land, and the need to provide for the important relationship of Māori and their culture and traditions with their ancestral lands and wāhi tapu.
5. The protection of outstanding landscape areas from inappropriate subdivision, land use and development which may adversely affect their landscape attributes.
6. Recognition of the relationship of tangata whenua with the natural values of their ancestral lands, waterbodies, sites, cultural landscapes, and other natural taonga of significance.
7. The natural character of riparian margins are preserved, and enhanced where appropriate, and protected from inappropriate subdivision, use and development.

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2.6.3 Policies

1. Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from subdivision, land use and development activities that will have more than minor effects on the ecological values and processes important to those areas.
2. Support and facilitate those activities which will lead to the long term protection and or enhancement of indigenous biodiversity in both urban and non-urban areas.
3. Recognise and provide for tangata whenua in their role as kaitiaki of the natural values on their lands and the wider district.
4. Activities must recognise and maintain the attributes of identified outstanding natural features and landscapes and not have any more than minor adverse effects on them.
5. Encourage the protection, enhancement and restoration of natural and landscape value areas, including by supporting opportunities for tangata whenua to exercise their customary responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing these areas.
6. Recognise the contribution made by landowners to the protection and enhancement of areas of natural values and landscapes.

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10 Definitions

Additional Infrastructure - has the same meaning as in the National Policy Statement on Urban Development 2020

Development Infrastructure - has the same meaning as in the National Policy Statement on Urban Development 2020

Nationally Significant Infrastructure - has the same meaning as in the National Policy Statement on Urban Development 2020

Regionally Significant Infrastructure - infrastructure of regional and/or national significance and includes:

- a. pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- b. infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;
- c. radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
- d. the national electricity grid, as defined by the Electricity Industry Act 2010;
- e. a network (as defined in the Electricity Industry Act 2010);
- f. infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
- g. the regional strategic transport network as defined in a Regional Land Transport Plan or State Highways as defined in the National State Highway Classification System;
- h. lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;
- i. Local authority water supply network and water treatment plants;
- j. Local authority wastewater and stormwater networks, systems and wastewater treatment plants;
- k. Flood and drainage infrastructure managed by the Regional Council;
- l. Taupō Airport
- m. Taupō Public Hospital

National Grid - has the same meaning as provided in the National Policy Statement on Electricity Transmission 2008.

Taupō District Council

Recommendations of the Independent Hearings Panel

Recommendation Report 3

Plan Change 40: Taupō Town Centre Environment

8 May 2024

This report is one of a suite of reports in relation to 'Bundle One' Plan Changes to the Operative Taupō District Plan. It addresses submissions to Plan Change 40: Taupō Town Centre Environment (PC40).

This report should be read in conjunction with the **Index Report** and **Recommendation Report 2**.

The **Index Report** contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations *per se*.

Recommendation Report 2 contains the Panel's recommendations on Plan Change 38 (PC38) dealing with Strategic Direction Objectives.

This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: 42a Report Summary table of recommendations on each submission point

Appendix 3: Recommended amendments to PC40 - Tracked from notified version (provisions not consequentially renumbered)

Appendix 4: Recommended amendments to PC40 - Accepted version

The Hearings Panel for the purposes of hearing submissions and further submissions on all the Proposed Plan Changes including PC40 comprised Commissioner David McMahon (Chair), Commissioner Elizabeth Burge and Councillor Yvonne Westerman.

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Recommendation Report 3

Plan Change 40: Taupō Town Centre Environment

1 Introduction

Report purpose

- 1.1 This report considers the provisions, and records our recommendations on the submissions, relating to Plan Change 40: Taupō Town Centre Environment (PC40) which, as notified, proposes amendments to the Taupō Town Centre Environment provisions, in three parts, being to:
- Provide increased building heights for that part of the Taupō Town Centre – Pedestrian Precinct bound by Roberts, Tongariro, Te Heuheu and Ruapehu Streets and otherwise fronting Ruapehu Street between Roberts and Te Heuheu Streets, and insert urban design performance standards to manage outcomes associated with higher buildings.
 - Provide certainty that 'service lanes' in the Taupō Town Centre Precincts are not subject to requirements for verandah provision where adjoining sites are developed.
 - Increase the permitted number of operational days and non-operational days associated with temporary activities in the Taupō Town Centre (where the latter are used to set up and take down facilities).
- 1.2 This report is the third report in relation to Plan Change 'Bundle One' to the Operative Taupō District Plan (TDP), which consists of six separate Plan Changes, in relation to the following:
- Plan Change 38: Strategic Directions (the subject of **Recommendation Report 2**)
 - Plan Change 39: Residential Building Coverage (**Recommendation Report 1**)
 - Plan Change 40: Taupō Town Centre Environment (**Recommendation Report 3**)
 - Plan Change 41: Removal of Fault Lines (**Recommendation Report 4**)
 - Plan Change 42: General Rural and Rural Lifestyle Environments (**Recommendation Report 5**)
 - Plan Change 43: Taupō Industrial Land (**Recommendation Report 6**)
- 1.3 We were appointed as Hearings Panel members by Council on 27 April 2023¹. Our delegation included all necessary powers under the RMA² to hear the submissions made on the 'Bundle One' Plan Changes and to make recommendations to the Council on the provisions contained within each of the six Plan Changes on all matters raised in those submissions to each relevant Plan Change.
- 1.4 The full background to the Bundle One Plan Changes is provided in an overarching **Index Report**. The purpose of this report on PC40 and the reports relating to each of the other five Plan Changes included in 'Bundle One' is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.5 We will canvass the Plan Change background in due course. It has been the subject of a s32² report³, consultation with stakeholders, and, of course, the public notification and

¹ Delegated authority under s34A of the RMA, Council resolution dated 27 April 2023.

² Section 32 of the RMA sets out the requirements for preparing reports that evaluate the appropriateness of a plan change.

³ Section 32 Evaluation Report – Taupō Town Centre Environment – Plan Change 40, undated

culminating in our recommendation.

- 1.6 Before setting out the details of the Plan Change, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

Role and report outline

- 1.7 Our role is to make a recommendation about the outcome of the Plan Change on the Council's behalf. The authority delegated to us by the Council includes all necessary powers under the RMA to hear and recommend on the submissions received on the Plan Change.
- 1.8 As mentioned, the purpose of this report is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.9 Having familiarised ourselves with the Plan Change and its associated background material, and read all submissions, we hereby record our recommendation.

- 1.10 In this respect, our report is broadly organised into the following two parts:

- a. Factual context for the Plan Change:

This non-evaluative section (comprising **Section 2** in this report) is largely factual and contains an overview of the land subject to the Plan Change and an outline of the background to the Plan Change and the relevant sequence of events. It also outlines the main components of the Plan Change as notified. This background section provides the relevant context for considering the issues raised in submissions to the Plan Change. Here, we also briefly describe the submissions received to the Plan Change and provide a summary account of the post notification process itself and our subsequent deliberations. We also address here procedural matters associated with the submissions received.

- b. Evaluation of key issues:

The second part of our report (comprising **Sections 3 to 5**) contains an assessment of the main issues raised in submissions to the Plan Change and, where relevant, amplification of the evidence/statements presented (in **Section 3**). We conclude with our recommended decisions (in **Section 5**), having had regard to the necessary statutory considerations that underpin our evaluation of the submissions (in **Section 4**). All these parts of the report are evaluative, and collectively record the substantive results of our deliberations.

- 1.11 This Recommendation Report contains the following appendices:

- a. **Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.
- b. **Appendix 2: s42A Report Summary table of recommendations on each submission point.** This is the Council's s42A Report table containing recommendations on each submission, commonly referred to as the accept/reject table. The Council, upon receipt of the Panel's recommendations, has decided not to update the s42A table to reflect the Panel's recommendation/Council's decisions.

Instead, the Council records that the Panel has accepted all those recommendations in the s42A Report table except as otherwise identified in this

decision and as noted in Appendix 3 (recommended provisions) to this decision. It should be noted that there were also changes in recommendations following the s42A Report and through the hearing process. These recommendations and the associated changes are outlined within the s42A Reply Statement and ultimately culminated in Appendix 3 in the recommended provisions.

- c. **Appendix 3: Recommended amendments to PC40 – Tracked from notified version.** This sets out the final amendments we recommend be made to PC40 provisions. The amendments show the specific wording of the amendments we have recommended and are shown in an amended text format showing changes from the notified version of PC40 for ease of reference. Additions to the notified provisions are shown as underlined and deleted provisions are shown as ~~struck-out~~.

Where whole provisions have been deleted or added, we have used the original numbering of provisions in the notified version, to maintain the integrity of how the submitters and s42A Report authors have referred to specific provisions.

- d. **Appendix 4: Recommended amendments to PC40 – Accepted version.** This is a 'clean copy' of the recommended amendments to provisions. It accepts all the changes we have recommended to the provision wording from the notified version of the PC40 as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have recommended.

- 1.12 The requirements in clause 10 of the First Schedule of the Act and section 32AA are relevant to our considerations of the submissions to PC40 provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of PC40 and its s32 reports;
- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our recommendations are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.

- 1.13 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's s42A Report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Reports and/or Council Reply Reports. Those reports are part of the public record and are available on the Council website.

- 1.14 A fuller discussion of our approach in this respect is set out in paragraphs 4.12 to 4.21 of the **Index Report**.

Comments on the parties' assistance to us

- 1.1 In advance of setting out the Plan Change context, we would like to record our appreciation at the manner in which the proceedings were conducted by all the parties taking part.
- 1.2 The further information provided to us through Panel minutes assisted us in assessing and determining the issues, and in delivering our recommended decision.
- 1.3 These initial thoughts recorded, we set out the factual background to the Plan Change.

2 Summary of Plan Change, submissions and procedural matters

Outline of matters addressed in this section

2.1 In this section we provide relevant context around which our evaluation is based, including:

- a. summary of relevant provisions;
- b. purpose of the Plan Change;
- c. themes raised in submissions;
- d. Panel directions and procedures;
- e. procedural matters we were obliged to make a determination on; and
- f. summary of key legislative changes since notification of PC40.

Summary of relevant provisions

2.2 As indicated in paragraph 1.1 of this Recommendation Report, the relevant provisions we address relate to PC40: Taupō Town Centre Environment. Also as noted in that paragraph, PC40, as notified, comprises amendments to the Taupō Town Centre Environment provisions in three parts, being to:

- a. Provide increased building heights for those parts of the Taupō Town Centre – Pedestrian Precinct and Taupō Town Centre – Retail Expansion Precinct bound by Roberts, Tongariro, Te Heuheu and Ruapehu Streets and otherwise fronting Ruapehu Street between Roberts and Te Heuheu Streets, and insert urban design performance standards to manage outcomes associated with higher buildings.
- b. Provide certainty that 'service lanes' in the Taupō Town Centre Precincts are not subject to requirements for verandah provision where adjoining sites are developed.
- c. Increase the permitted number of operational days and non-operational days associated with temporary activities in the Taupō Town Centre (where the latter are used to set up and take down facilities).

The areas referred to in a. above are illustrated in **Figure 1** on page 9, noting that either a 12m or 18m Height Overlay would apply depending on location. The service lanes to which the exception referred to in b. above would apply are illustrated in **Figure 2** on page 10.

2.3 As notified, PC40 involves the following proposed changes to the TDP:

- a. amending Policy 3s.1.iii. to expand the recognition of the importance of the Tongariro Domain and its existing infrastructure and services as resources that support the wider Town Centre Environment and contribute to the economic and social wellbeing of the district by enabling a diverse range of temporary activities given the nature and frequency of these activities and taking into account the amenity of the surrounding environment;
- b. inserting an exception to the performance standard 4g.1.9 relating to maximum building height (of three floors above ground level) for buildings located in the Taupō Town Centre Environment Height Overlays shown on the TDP Planning Maps;

- c. inserting a new performance standard 4g.1.10 relating to the Taupō Town Centre Environment Height Overlay applying to any building, or part of any building located within the Overlays that exceeds three floors above ground level, inclusive of a notification statement;
- d. renumbering the remaining performance standards accordingly;
- e. amending performance standards 4g.1.12 and 4g.1.16 (as renumbered) relating to the provision of verandahs to include an exception with respect to building fronting service lanes as shown on the Planning Maps;
- f. amending land use rule 4g.2.2 that provides for temporary activities as a permitted activity to increase the allowable duration of such an activity from three operational days over a calendar year to four operational days over a six-month period, and from five to 14 non-operational days over a six-month period, together with the deletion of a clause allowing 'reasonably necessary' breaches of that part of the standard relating to non-operational days;
- g. inserting a new assessment criteria 4g.4.13 relating to urban design considerations inclusive of 'active engagement' with adjacent streets, lanes, public spaces and the foreshore and 'taking account' of nearby buildings, and noting that these matters are applicable to a breach of performance standard 4g.1.10 above;
- h. inserting the Taupō Town Centre Environment Height Overlay into the Planning Maps (as reproduced in **Figure 1** below); and
- i. inserting the Taupō Town Centre Environment Service Lanes into the Planning Maps (as reproduced in **Figure 2** on page 10).



Figure 1: Taupō Town Centre Environment Height Overlay as notified (Source: PC40)

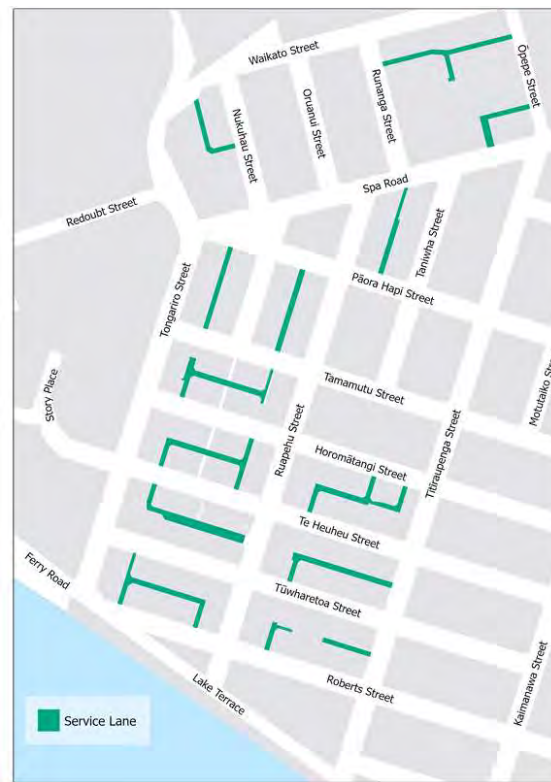


Figure 2: Taupō Town Centre Environment Service Lanes as notified (Source: PC40)

Purpose of the Plan Change

- 2.4 The purpose of the three elements associated with PC40 as stated in the Plan Change materials is:

*"In terms of **building height limits**, the change is to provide greater opportunities for redevelopment and to facilitate a compact town centre within a confined part of the Pedestrian Precinct, as well as acknowledge recent demand (and resource consents) seeking higher buildings in this part of the Taupō Town Centre. The provisions are associated with targeted urban design requirements to ensure that the resultant built form is appropriate in terms of the town centre wider context and materiality.*

*For **verandas**, the change is to ensure clarity that it is pedestrian frontages and the pedestrian laneway system that are the subject of the veranda requirements, and not those frontages to services lanes.*

*Lastly, in terms of **Temporary Activities**, Taupō provides a wealth of functions and events that bring people to the district, including the annual IRONMAN New Zealand, Lake Taupō Cycle Challenge, Great Lake Relay and Across the Lake Swim. Hosting these events provides substantial economic and social benefits to Taupō and the district. The supporting facilities and infrastructure (such as marquees, toilet blocks, and temporary public access restrictions*

within the Tongariro Domain) are considered temporary activities necessary to host such events. The District Plan requires fine tuning to ensure that there is a balance in terms of enabling a reasonable frequency of these events (and their economic benefits) and any associated disruption to the community.”⁴

Notification and submissions

- 2.5 The 'Bundle One' group of plan changes was publicly notified on 14 October 2022. The closing date for submissions was 9 December 2022.
- 2.6 A total of 17 submissions on PC40 were received by the Council representing a total of 51 submission points.
- 2.7 A summary of submissions was prepared and subsequently notified for further submissions on 17 March 2023 with the closing date for receiving further submissions being 7 April 2023. Twelve further submissions were received from one further submitter⁵.
- 2.8 **Table 1** below provides a list of submitters to the proposed Plan Change, together with their broad positions.

Table 1: List of submitters to PC40

Submission point	Submitter	Position
OS9.3, .4	New Zealand Defence Force (NZDF)	Oppose and seek amendments to temporary activity provisions
OS12.1, .2	Laurel Burdett	Oppose building height provisions
OS17	Jennifer Molloy-Hargreaves	Support provisions as a whole
OS20.1	Byrne Family Investments Ltd	Seek amendments to building height provisions
OS29.23, .29	Waikato Regional Council	Oppose and seek amendments to provisions as a whole
OS38.3	Terry Palmer	Seek amendments to temporary activity provisions
OS40.8, .9, .6, .7, .3, .4, .5, .10, .11	Tūwharetoa Settlement Trust	Support and seek amendments to building height provisions Support service lane provisions
OS46.4	Tukairangi Trust	Oppose and seek amendments to building height provisions
OS55.2, .3	Enterprise Great Lake Taupō (trading as Amplify)	Support building height provisions Support service lane provisions
OS61.7, .4, .1, .8, .5, .6	McKenzie and Co	Support temporary activity provisions Support and seek amendments to building height provisions Support service lane provisions
OS63.6	Debs Morrison	Oppose building height provisions
OS65.5	Richard Thompson	Oppose building height provisions
OS79.5, .2, .6, .3, .4	Cheal Consultants	Support temporary activity provisions Seek amendments to building height provisions Support service lane provisions

⁴ Section 32 Evaluation Report – Taupō Town Centre Environment – Plan Change 40, undated, page 3

⁵ Town Centre Taupō Board (FS202)

OS86.1, .2, .3, .4, .7, .8, .6, .5	Town Centre Taupō Board	Support temporary activity provisions Support and seek amendments to building height provisions Support service lane provisions
OS101.5	Jane Penton - Lakes and Waterways Action Group Trust (LWAG)	Oppose and seek amendments to building height provisions
OS104.11, .12	Kainga Ora	Seek amendments to building height provisions
OS115.29, 23, .17	Te Kotahitanga o Ngati Tuwharetoa	Seek amendments to the provisions as a whole

Matters raised in submissions

- 2.9 In our observation, and without taking away from the finer detail provided in the submissions, the matters raised in those submissions to the Plan Change fall into one of more of the following categories:
- support for the PC40 provisions as a whole, support for the service lane provisions (without exception), or support for other specific provisions;
 - opposition to the building height provisions, seeking the retention of current limitations on building height and/or a further reduction in allowable building heights;
 - amendments sought to reduce the spatial extent of the Town Centre area in which increased building heights are provided for;
 - amendments sought to reduce the level of control and/or narrow the consideration of potential effects associated with increased building heights;
 - amendments sought to further increase the allowable building heights and/or increase the spatial extent of the Town Centre area in which increased building heights are provided for;
 - other matters relating to the building height provisions;
 - amendments to the temporary activity provisions to enable temporary military training activities or for other purposes; and
 - miscellaneous matters, including aspects relating to Te Tiriti and alignment with national and regional direction.
- 2.10 As indicated in a. above, the PC40 provisions, in whole or in part, attracted a reasonable degree of support in submissions. These supportive submissions are addressed in Sections 4.3.2, 4.4.8 and 4.7 of the s42A Report, where they relate to temporary activities, building heights and the Plan Change as a whole, respectively. We adopt Mr Bonis's recommendations, there, that the submissions be accepted in part (to the extent that they can be subject to further amendments that Mr Bonis otherwise recommended).
- 2.11 It is notable that submissions on the service lane provisions were all supportive, as reported in the s42A Report (Section 4.5), wherein Mr Bonis recommends (and we endorse) their acceptance. No changes to the service lane provisions as notified are consequentially recommended, and we need not consider these any further in our report. The provisions are accordingly incorporated, as they were notified, into **Appendices 3 and 4**.
- 2.12 We discuss the matters referred to in b. through h. above raised in submissions in greater detail under our key issue evaluation in **Section 3** of this report. Our identification (and

subsequent evaluation) of the key issues arising in submissions is largely based on those that remained 'live' in the sense that the Council officer did not recommend in favour of the requested relief and/or the issues concerned may have been specifically addressed in evidence from the relevant parties. In that respect, we heard from submitters Ben Westerman and Julie McLeod (Taupō Town Centre Board), Chris Marshall (Tukairangi Trust), Debs Morrison, Terry Palmer (represented by Cheal Consultants) and Jane Penton and Laurie Burdett from LWAG, as well as witnesses representing submitters NZDF and Kāinga Ora, during the course of the hearing. For ease of reference, a list of key matters is repeated at the start of **Section 3**. Accordingly, some of the matters raised in submissions feature more prominently than others in our evaluation section, but we record that all submissions on the PC40 provisions have been taken into account in our deliberations. In general, submissions in support of PC40 are not discussed but are accepted or accepted in part in that section.

- 2.13 More detailed descriptions of the submissions and key issues can be found in the relevant s42A Report and written Reply Statements, which are available on the Council's website.

Panel directions and hearing procedures

- 2.14 The Panel issued a minute (**Minute 1**) to the parties to address various administrative and substantive matters in relation procedural matters for all six plan changes⁶. This minute, and the others we issued through the course of the hearing and deliberations processes are available on Council's plan change website⁷.
- 2.15 Some minutes were in relation to all six plan changes associated with 'Bundle One' and others related specifically to PC40.
- 2.16 The website contains a list and copies of all of the Panel's minutes on the six plan changes. The following minutes are of general and/or specific relevance to PC40:

a. Minute 1 (15.06.2023) – this covered:

- i. Introduction of the hearings panel;
- ii. Procedural matters;
- iii. Date and venue of hearings;
- iv. Circulation dates for evidence before the hearing;
- v. Brief summary of the hearing process;
- vi. Panels approach to site visits;
- vii. Process for further communication and questions.

b. Minute 2 (04.07.2023) – this covered:

- i. Clarification on expert evidence and legal submissions;
- ii. Process for next steps.

c. Minute 5 (26.07.2023) – this covered:

- i. Confirmation of date by which submitters had to confirm attendance arrangements.

⁶ Minute 1 issued 15 June 2023

⁷ <https://www.taupodc.govt.nz/council/consultation/taupo-district-plan-changes-38-43>

- d. Minute 8** (08.08.2023) – this covered:
 - i. Release of a draft hearing schedule for PC40.
- e. Minute 11** (16.08.2023) – this covered:
 - i. Potential implications for the PC40 hearing schedule.
- f. Minute 13** (20.08.2023) – this covered:
 - i. General update on proceedings.
- g. Minute 16** (28.08.2023) – this covered:
 - i. Confirmation of hearing date for PC40.
- h. Minute 18** (18.09.2023) – this covered:
 - i. Confirmation of the date for the Council's written reply for PC40.
- 2.17 The hearing of submissions on PC40 (and also PC43) took place on 11 – 12 September 2023 at the Suncourt Hotel in Taupō. We subsequently adjourned the hearing.
- 2.18 We undertook our deliberations on PC40 on 12 March 2024. In the lead up to our deliberations, the following reports and evidence were available to the Panel:
 - a. Overarching s42A Report for Plan Changes 38-42, prepared by Council Planner, Hilary Samuel, dated 3 July 2023;
 - b. The s42A Report for PC40, prepared by Consultant Planner, Matt Bonis, dated 10 July 2023, and incorporating the evidence of Tim Heath (economics), David-Compton-Moen (urban design) and Damien Ellerton (acoustics);
 - c. Evidence on behalf of NZDF from Rebecca Davies (planning) and Darran Humpheson (acoustics) dated 9 August 2023;
 - d. Evidence on behalf of Kāinga Ora from Brendon Liggett (corporate) dated 8 September 2023;
 - e. Speaking notes of the Lakes and Waterways Action Group Trust; and
 - f. A response to Panel requests and submitters at hearing prepared by the s42A Report author, Mr Bonis, dated 31 October 2023, and recommended amendments to PC40, a reply statement from Mr Compton-Moen (urban design – inclusive of shading diagrams), and a memorandum from Mr Heath (economics).
- 2.19 All of the above material can be found on the Council web page for PC40.
- 2.20 We undertook site familiarisation visits to the Taupō Town Centre prior to the commencement of the hearing and supplemented those visits with specific visits following the adjournment of the hearing.
- 2.21 No pre-hearing conferences, formal clause 8AA meetings or expert witnesses conferencing were directed by us or otherwise held in relation to submissions on PC40.
- 2.22 There were no procedural matters that we were obliged to make a determination on during the course of the PC40 hearing. Having said that, we record that Mr Bonis did address a number of relatively minor matters arising from questions from the Panel in his Reply Statement. In addition to those matters he also further addressed the scope of certain

submissions in his s42A Report and in his Reply Statement, and we accept his conclusions in that regard⁸.

⁸ *Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment*, 10 July 2023, Section 3 and *Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment*, 31 October 2023, paras 39 to 47

3. Evaluation of key issues

Preamble

- 3.1 For the purpose of this Section, we have grouped our discussion based on common, key issues raised in submissions that may have been addressed in evidence from the relevant parties, rather than assessing each issue on a submitter-by-submitter basis.
- 3.2 Drawn from the matters summarised in paragraph 2.9 of this report, the following key issues remain 'live' for our evaluation:
- a. requests to **decline the building height provisions** and/or a **further reduce allowable building heights** ('Issue 1');
 - b. amendments sought to **reduce the spatial extent** of the Town Centre area in which increased building heights are provided for ('Issue 2');
 - c. amendments sought to **reduce the level of control and/or narrow the consideration of potential effects** associated with increased building heights ('Issue 3');
 - d. amendments sought to further **increase allowable building heights** and/or **increase the spatial extent** of the Town Centre area in which increased building heights are provided for ('Issue 4');
 - e. **other matters** relating to the building height provisions ('Issue 5');
 - f. amendments to the **temporary activity provisions** to enable temporary military training activities or for other purposes ('Issue 6'); and
 - g. **miscellaneous matters**, including aspects relating to Te Tiriti o Waitangi and alignment with national and regional direction ('Issue 7').
- 3.3 We provide our evaluation in further detail in relation to each of these issues in the following sub-sections.

Issue 1: Decline building height provisions and/or further reduce allowable building heights

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.4 As noted in paragraph 2.9 of this report, a number of submitters were opposed to PC40 on the basis that the provisions relating to increased building heights should be declined or delayed and/or that the operative TDP height provisions should be retained. Submitters were mainly concerned that increased height would adversely affect the character of Taupō through the loss of lake and mountain views, shadow casting, traffic congestion and the like.
- 3.5 In his s42A Report Mr Bonis addressed these concerns with reference to the evidence and analyses of Mr Heath and Mr Compton-Moen. He took (and we take) comfort from the opinions of those experts, respectively, that height increases will result in:
- increased floorspace capacity, but that this is likely to be taken up by non-retail related uses which place limited demand on the transport network; and
 - increases in building mass, that will be appropriately moderated by the proposed urban design controls.
- 3.6 We heard no expert evidence on behalf of submitters to counter the position of these Council witnesses at the hearing. Accordingly, we accept Mr Bonis's recommendation that the submissions concerned should be declined⁹.
- 3.7 We note further that at the hearing representatives of LWAG presented their oral submission and some helpful photos to effectively illustrate their points. They requested the imposition of an 8m height limit on buildings fronting Roberts Street. We did ask Mr Bonis to provide further consideration as to the scope of this request and whether it was 'on' PC40 given that the Plan Change was focused on proposing an increase in height limits above (and not below) the operative TDP provisions. We accept Mr Bonis's conclusion that LWAG's submission provides the necessary scope to consider the request; however, we also agree that the Council officer that the relief sought should not be granted for the reasons outlined above¹⁰.
- 3.8 For LWAG's benefit, nevertheless, we draw its attention to our recommendation to impose a lower (12m) height limit for properties fronting Roberts Street than is provided for elsewhere in the Town Centre Environment, in order to ensure an appropriate balance between access to solar gain and facilitating reinvestment and development (refer paragraphs 3.25 to 3.28 in this report). We also note with favour Mr Bonis's observations regarding the lack of a clear rationale for the addition of explicit urban design controls beyond those considerations otherwise proposed and already embedded in PC40, as notified¹¹.

⁹ Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, Section 4.4.3 and Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment, 31 October 2023, paras 51 to 54

¹⁰ Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment, 31 October 2023, paras 19 to 27

¹¹ Ibid, paras 55 to 65

Issue 2: Reduce spatial extent of area in which building height provisions apply**Overview**

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.9 Very much related to LWAG's submission seeking a lower 8m height limit (refer 'Issue 1' above), was its request that multi-storey buildings be limited to an area at least two blocks back from the lake frontage, together with the addition of performance standards establishing additional requirements for new builds relating to parking for active modes, planting and rainwater harvesting.
- 3.10 Mr Bonis drew on the evidence of Mr Heath and Mr Compton-Moen in recommending the rejection of this submission on the grounds that restrictions on multi-storey buildings and additional performance standards would inhibit private investment and ignore recent public investments in Town Centre amenity and otherwise lacked specificity¹². We agree, in concluding that no amendments to the building height provisions are warranted in response to this submission.

Issue 3: Reduce level of control and/or narrow consideration of potential effects associated with building height provisions**Overview**

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.11 As noted in paragraph 2.9 of this report, a number of submitters challenged the urban design purpose of Rule 4g.1.10 and sought changes to it that would have the effect of enabling buildings up to the height limit specified without a requirement for resource consent and an attendant ability for Council to bring to bear considerations relating to urban design¹³.
- 3.12 Mr Bonis explained the collective purpose of Rules 4g.1.9 and 4g.1.10 as notified as being to create a restricted discretionary activity pathway for building proposals above a three-storey threshold but within the maximum heights otherwise specified. Rule 4g.4.10 goes on to preclude public or limited notification of applications relating to such breaches of the three-storey threshold, so long as the maximum heights applying to the Overlay otherwise specified are complied with. Matters of discretion available to the Council in such circumstances are limited to those set out in Rule 4g.4.13 relating to urban design. On the other hand, where a building proposal looks to exceed the height limited otherwise specified, the notification preclusion does not apply and 'all bets are off' in terms of the outcomes of a notification assessment¹⁴.

¹² Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, Section 4.4.6

¹³ *Ibid*, paras 133 to 136

¹⁴ *Ibid*, paras 137 to 139 and 158

- 3.13 It has taken us some time to understand the intended workings of the rules as they are not entirely clear on their face. Our understanding is that the Council appears intent on incentivising height increases by precluding notification so long as the proposals concerned fall within the height range 'band' represented by the three-storey threshold and the specific building height limits specified for the Overlay. It is important to note that this incentivisation is limited; resource consent is still required for any proposal above three stories, and applications will still be assessed as a restricted discretionary activity, so that urban design considerations can be brought to bear.
- 3.14 Moving on from the mechanics of the rules, Mr Bonis indicated he was opposed to the reliefs sought as they would preclude the ability to consider and promote good urban design. He did not consider the consent status or matters of discretion to be especially onerous and he considered that Council needed to retain ability to decline applications for consent, thereby precluding the option of adopting a controlled activity consent status¹⁵. In the absence of any technical evidence to the contrary we are obliged to accept Mr Bonis's conclusions that no amendments in response to these submissions are warranted together with his recommendation that they be rejected on that basis¹⁶.
- 3.15 Before we turn our minds to the next distinct issue, there is a further matter related to the notification clause referred to above that it makes sense for us to deal with here. The clause attracted a couple of submission points in opposition from the same party¹⁷. The submitter was concerned that, in precluding notification, the clause (4g.1.10(ii)) removes the ability of genuinely affected parties to be involved in the consent process, and that notification should not be dispensed with arbitrarily.
- 3.16 Having considered this matter carefully, we find ourselves in agreement with Mr Bonis who concluded that the benefits associated with the notification approach outweighed the costs and squared with relative TDP objectives and policies seeking to 'encourage' the development of the Town Centre. The identified benefits revolve around increased certainty for landowners and prospective developers over the consent process in turn incentivising reinvestment and redevelopment of Town Centre properties. Considerations around urban design and development context are still able to be brought to bear in that process, albeit via inputs from Council experts as opposed to the wider community¹⁸. We agree, therefore, that no further amendments to PC40 are warranted with respect to this matter.

Issue 4: Increase allowable building heights and/or spatial extent of area in which building height provisions apply

Overview

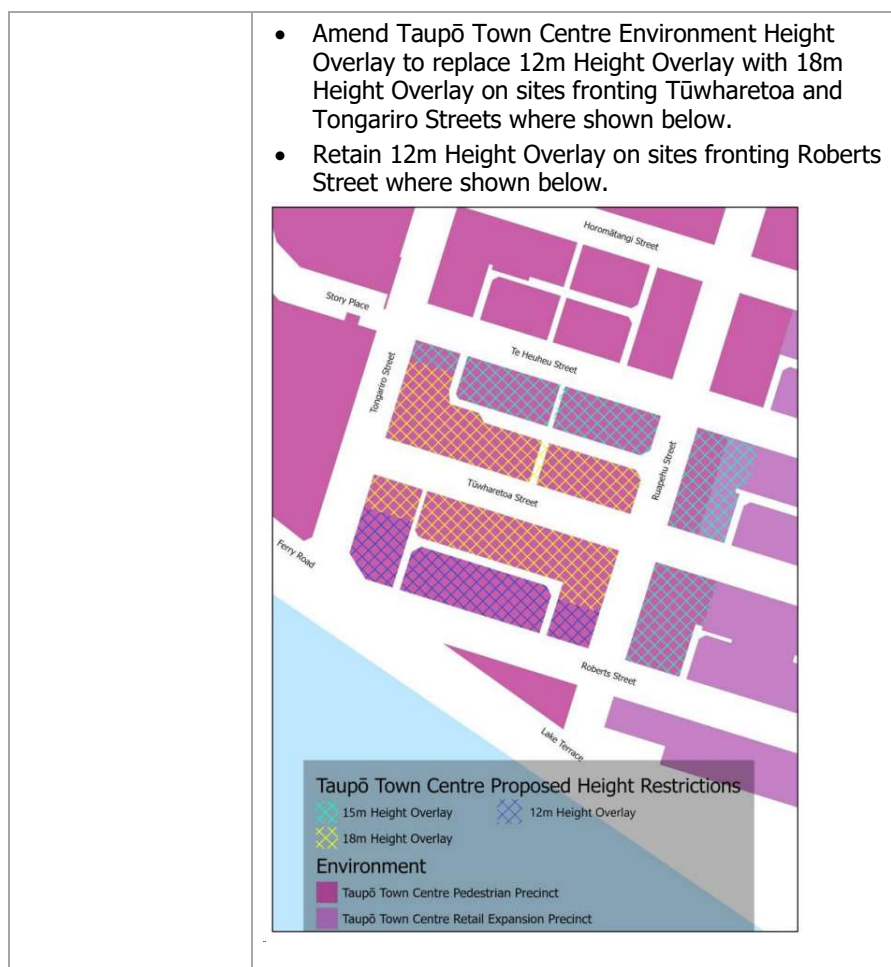
Provision(s)	Panel recommendations
Explanation to Objective 3s.2.2	<ul style="list-style-type: none"> Amend Explanation to refer to the variable building height limits referred to below.
Planning Maps	<ul style="list-style-type: none"> Amend Taupō Town Centre Environment Height Overlay to replace 12m Height Overlay with 15m Height Overlay on sites fronting Ruapehu and Te Heuheu Streets where shown below.

¹⁵ *Ibid*, paras 140 to 147

¹⁶ *Ibid*, para 148

¹⁷ Tūwharetoa Settlement Trust (OS40.8 and OS40.9)

¹⁸ Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, Section 4.4.5



Amendments and reasons

3.17 PC40 drew submissions from parties either seeking to increase or 'upzone' the allowable height limit to 18m (the equivalent of six stories)¹⁹ or seeking a 'split' or graduated approach involving the imposition of 18m and 15m height limits to the west and east of Ruapehu Street, respectively²⁰. In both cases, the requests would involve the blanket application of the increased height limits across the entire Town Centre Environment, an area considerably broader than that represented by the Taupō Town Centre Environment Height Overlay. Essentially, as Mr Bonis observed, the reliefs sought involve adjusting the 'two levers' of building height and spatial extent²¹.

3.18 In his s42A Report, Mr Bonis considered these requests with reference to the evidence and analysis of Mr Heath and Mr Compton-Moen²². On that basis, Mr Bonis's common position in relation to the two requests can be summarised as follows:

¹⁹ Bryne Family Investments Ltd (OS20.1) and Town Centre Taupō Board (OS86.3, OS86.4, OS86.7 and OS86.8)

²⁰ Kāinga Ora (OS104.11 and OS104.12)

²¹ Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, para 192

²² *Ibid*, Section 4.4.7

- a. would not provide for coordinated and compact approach to redevelopment and reinvestment in the Town Centre Environment;
 - b. could lead to incremental and spatially disparate redevelopment, built form and massing and fail to achieve a sense of enclosure, legibility or intensity;
 - c. could lead to a reduced consolidation of office activities;
 - d. could lead to a mismatch between the location of higher buildings and public investment in higher amenity areas associated with the 'pedestrian core' and adjoining the Domain;
 - e. could incentivise the redevelopment of 'fringe' areas over the core, given the low-density built form associated with the former;
 - f. would not implement TDP Objective 3s.2.2 relating to the Town Centre Pedestrian Precinct and other strategic goals relating to built form and circulation; and
 - g. represented a less efficient and effective approach to achieving relevant TDP objectives and policies²³.
- 3.19 We note that Mr Bonis did not resile from this position having heard evidence from one of the submitters concerned²⁴.
- 3.20 Having reached this position, Mr Bonis then took the opportunity in his s42A Report to consider the benefits of a more 'nuanced' alternative to the requests sought, but remaining within scope of those requests²⁵. Following discussions with Mssrs Heath and Compton-Moen, Mr Bonis lighted on two alternatives for further evaluation.
- 3.21 Both alternatives involved increased height limits, but only within a smaller area bound by Roberts, Tongariro and Te Heuheu Streets and with frontage to Ruapehu Street (i.e. within the same area as notified). On this score, Mr Bonis agreed with the Council experts that some degree of compression or consolidation of denser development was necessary to achieve an active and vibrant Town Centre.
- 3.22 The first option involved a uniform 18m height limit within this block; the second option a series of tiered heights for sites fronting Roberts Street (12m), Tuwharetoa Street (18m) and Te Heuheu Street (12m again). Following his evaluation, Mr Bonis indicated that he favoured the second ('tiered approach') option as the more appropriate alternative based on it:
- a. better accommodating the character and amenity of the receiving environment;
 - b. ensuring a higher degree of sunlight access;
 - c. representing a more modest extent of built form massing towards the lakefront;
 - d. integrating with the extent of massing further to the north of Te Heuheu Street; and
 - e. more efficiently and effectively achieving TDP objectives and policies that seek to maintain and enhance the character and amenity of the Town Centre Environment.
- 3.23 On this basis, Mr Bonis recommended the amendment of the Planning Maps to reflect the tiered approach, as illustrated in **Figure 3** on the following page. He also recommended amendments to the Explanation for Objective 3s.2.2 to account for the change in approach.

²³ *Ibid*, paras 171 to 191

²⁴ *Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment*, 31 October 2023, paras 48 to 50

²⁵ *Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment*, 10 July 2023, paras 192 to 201

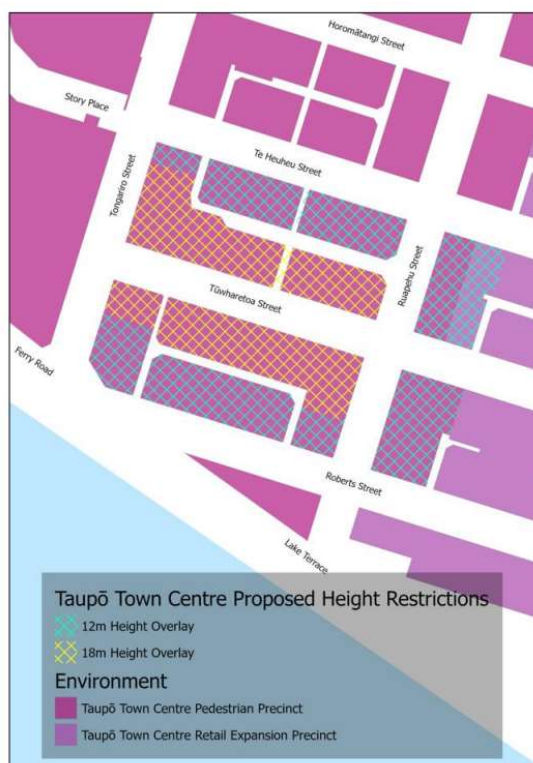


Figure 3: Taupō Town Centre Environment Height Overlay as amended in s42A Report (Source: s42A Report)

- 3.24 In his evidence on behalf of submitter Kāinga Ora, Mr Liggett indicated the agency's general support for Mr Bonis's recommendations as to a modified, tiered approach to setting building heights over a more spatially constrained area than originally sought, but requested that the 12m height limit be amended to 15m to accommodate a greater range of developments including those featuring mezzanine floors²⁶.
- 3.25 Prompted by Mr Liggett's evidence, Mr Bonis returned to a consideration of options in his Reply Statement²⁷. There, he reported on the outcomes of an evaluation of options as follows:
- a. a series of tiered heights for sites fronting Roberts Street (12m), Tuwharetoa Street (18m) and Te Heuheu Street (15m; thereby differentiated from the option previously described in paragraph 3.22 above); and
 - b. a series of tiered heights for sites fronting Roberts Street (15m), Tuwharetoa Street (18m) and Te Heuheu Street (15m) - Kāinga Ora's preference;
- 3.26 For the record, Council officers had selected the first option based on an acknowledgement that a 15m height limit would offer significant development flexibility albeit retaining reservations as to the extent of shading associated with massing of buildings along Roberts Street.

²⁶ Statement of Primary Evidence of Brendon Scott Liggett on behalf of Kāinga Ora – Homes and Communities (Corporate), 8 September 2023, Section 6

²⁷ Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment, 31 October 2023, paras 72 to 76

- 3.27 Mr Bonis concluded, and we agree, that on balance the option described in a. above was most efficient and effective and best achieved the relevant TDP objectives and policies, accounting for results of further shading analysis pertaining to Roberts Street²⁸.
- 3.28 We accept and adopt the recommendations of Council officers and the accompanying s32AA evaluation in the above respects. We find that the final, nuanced tiered approach represents the best balance that can be achieved between an uplift in building heights and an incentivization to redevelopment while maintain the character and amenity of the Town Centre Environment. The height limits as represented in **Figure 4** below are those we recommend the adoption of as set out in **Appendices 3 and 4**.



Figure 4: Taupō Town Centre Environment Height Overlay as amended in Reply Statement and as recommended for adoption by the Panel (Source: Reply Statement)

²⁸ *Ibid*, paras 17 to 18

Issue 5: Other matters relating to building height provisions

Overview

Provision(s)	Panel recommendations
New provisions	<ul style="list-style-type: none"> Insert a new performance standard (4g.1.11) relating to a minimum ground floor stud height of 3.5m, inclusive of a notification statement.
New provisions	<ul style="list-style-type: none"> Insert new assessment criteria (4g.4.14) relating to situations where the minimum ground floor stud height standard above is exceeded.

Amendments and reasons

- 3.29 In his evidence on behalf of Kāinga Ora, Mr Liggett drew our attention to what he considered to be a weakness in the building height provisions as notified, in that they define maximums in terms of building stories (three) and also building height (12m or 18m or otherwise). He considered the former to be ambiguous and uncertain given that it remains undefined in the TDP.
- 3.30 Mr Liggett suggested that the metrics employed needed to account for evaluated floor-to-floor heights associated with commercial buildings, particularly on the ground floor, and also inter-floor service requirements (such as wiring and plumbing) and roof modulation. While he acknowledged that a 'storey' based control provided developers with greater flexibility, when the above considerations were accounted for, it effectively brought building heights too close to the proposed 12m maximum and therefore raised the question as to how much more development could be achieved within such a narrow or (non-existent) range. Mr Liggett requested that the 'three-storey' standard be amended to specify a 11m height limit plus 1m allowance for pitched roofs to support the practical establishment of three-storey buildings in the Town Centre²⁹.
- 3.31 In response, Mr Bonis considered that the 'split' approach to specifying maximum storeys across the entire Town Centre Environment and building heights within the Town Centre Environment Overlay reflected a grounding of the former during the original hearings on those provisions and the focus of PC40 on admittedly more measurable and certain metrics.
- 3.32 Prompted by Mr Liggett's evidence, we nevertheless asked Council officers to consider options for specifying height levels further. Specifically, we asked them to consider the following options:
- Option 1 - Maximum height in metres in conjunction with explicit requirements for a floor to ceiling at grade minimum level, and explicit requirements for minimum loft level heights for floors above grade.
 - Option 2 - Maximum height in metres in conjunction with explicit requirements for a floor to ceiling at grade minimum level.
 - Option 3 - Maximum height in metres in conjunction with an explicit limit as to the number of floors to ensure that there is an appropriate floor to ceiling ratio between levels.
- 3.33 Mr Bonis reported on the outcomes of this evaluation in his Reply Statement³⁰. He concluded that while additional controls on loft levels above grade were not required as the benefits of

²⁹ Statement of Primary Evidence of Brendon Scott Liggett on behalf of Kāinga Ora – Homes and Communities (Corporate), 8 September 2023, Section 5

³⁰ Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment, 31 October 2023, paras 32 to 37

regulation did not outweigh the costs, an explicit requirement relating to minimum ground floor stud height had material economic, social and design benefits that outweighed the costs associated with regulation. He favoured Option 2 above accordingly.

- 3.34 We accept his findings with reference to the accompanying s32AA evaluation, and adopt his recommendation that a new performance standard relating to minimum ground floor stud height (4g.1.11) together with associated assessment criteria (4g.4.14) be incorporated in PC40, as set out in **Appendices 3 and 4**.
- 3.35 In his Reply Statement, Mr Bonis also responded to a request from us during the course of the hearing as to whether there was sufficient 'wiring' within the TDP between Objective 3s.2.2 which seeks to maintain and enhance the character and amenity of the Taupō Town Centre Environment, and the amended height provisions as recommended by him³¹.
- 3.36 Mr Bonis provided a helpful 'wiring' diagram in response linking the objective and associated policies to the relevant rules, and on that basis, concluded that sufficient policy 'hooks' were in place. He did suggest that were we of the view that greater specificity was nonetheless required, there was scope afforded by both PC40 and submissions, to amend Policy 3s.2.2(ii)(a) to reference the 'tiered approach' that by then he had landed on.
- 3.37 We appreciate Mr Bonis's suggestion in this regard, but we take his point that such a level of specificity would be unusual in the TDP and we find that his suggested wording would introduce elements of a 'method' into a policy which, when considered alongside the resulting provisions and adopted amendments to the Explanation for Objective 3s.2.2³², is sufficiently clear on its face. We therefore decline to accept his suggestion.

Issue 6: Amend temporary activity provisions

Overview

Provision(s)	Panel recommendations
Rule 4g.2.2	<ul style="list-style-type: none"> Amend the chapeau to the rule relating to temporary activities to provide for eight operational days in any one calendar year as a permitted activity. Amend clause iii. to the rule to provide for 28 non-operational days in any one calendar year as a permitted activity. Add a new clause iv. to the rule that provides a definition for 'temporary activities'. Add a new clause v. to the rule that specifies that the noise level arising from any temporary activity (excluding non-operational days) measured within the boundary of any property in the Residential Environment shall not exceed the frequency of occurrence or noise limits set out in Table 4g.2.2 as below. Add a new clause vi. to the rule that indicates that noise shall be measured in accordance with the

³¹ *Ibid*, paras 8 to 14 and 38

³² Refer paragraph 3.23 in this report.

Provision(s)	Panel recommendations
	<p>relevant New Zealand Standard subject to specific exceptions.</p> <ul style="list-style-type: none"> • Add a new Table 4g.2.2. setting out noise, duration and frequency criteria for temporary activities.

Amendments and reasons

- 3.38 As noted in paragraph 2.9 of this report, submitters sought amendments to the temporary activity provisions to either:
- enable temporary military training activities of up to 31 days duration excluding set-up or pack down³³; or
 - for other purposes, namely:
 - to limit the increased provision for temporary activities to the Town Centre Environment and further limit provision for same in other environments, below that provided for in the operative TDP³⁴; and
 - following consideration of linkages between the provisions and those in the TDP relating to noise, odour and loading / parking³⁵.
- 3.39 Mr Bonis addressed the request to enable temporary military training activities (TMTA) in his s42A Report³⁶. There, and with reference to the evidence of Mr Ellerton on acoustics, he formed the view that NZDF's submission should be rejected on the grounds that, in summary:
- various TMTA inclusive of 'improvised explosive device disposal exercises' would be incongruous and not be appropriately conducted within the Town Centre Environment;
 - whereas, other more 'benign' TMTA such as classroom training and search and rescue would already be enabled by the TDP;
 - to amend Policy 3s.2.1(iii) in the manner sought by NZDF would be to create an internal policy inconsistency in that enabling a full range of TMTA not considered 'community focused events' would neither contribute to wider 'economic or social wellbeing' nor account for 'surrounding amenity values' as otherwise provided for in the policy as amended, at notification of the Plan Change;
 - the requested amendments provided no cumulative limit to TMTA activities;
 - proffered restraints on weapons firing and helicopter landings were not commensurate with amenity and character expectations relating to the Town Centre Environment;
 - broadly speaking, constraints on TMTA in comparable district plans were more restrictive than those sought in the NZDF submission; and
 - overall, the costs ascribed to the TDP provisions as amended by NZDF outweighed the benefits.
- 3.40 Mr Bonis recommended rejection of the submission on that basis. We understand that it is the expectation of Council officers that matters relating to provision for TMTA would be re-examined on a district-wide basis as part of a programmed District Plan Review.

³³ Submissions OS9.3 and OS9.4

³⁴ Submission OS38.3

³⁵ Submission OS79.5

³⁶ Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, paras 71 to 88

- 3.41 We heard from Ms Davies (on planning) and Mr Humpheson (on acoustics) in support of NZDF's submission during the course of the hearing. Ms Davies reiterated NZDF's preference that TMTA provisions should be placed in a district-wide chapter as opposed to being distributed across all relevant Environments, but that amendments to the Town Centre Environment provision were warranted as an interim measure. She acknowledged that various benign TMTA would be able to occur as a permitted activity and gave some examples of TMTA that she considered did include a community element, such as open days and recruitment activities³⁷. In his evidence Mr Humpheson presented revised noise standards relating to weapons firing, the use of explosives, mobile and fixed sources and helicopter landings for our consideration³⁸.
- 3.42 Mr Humpheson's proffered standards were predicated separation distances from 'noise sensitive activities'. Tellingly, Mr Bonis found, on the basis that such activities would include residences and guest accommodation in the Town Centre Environment, that compliance with those standards would preclude the relevant TMTA activities occurring in the extensive areas identified in **Figure 5** below without a consent (with, we would add, no guarantee of grant).



Figure 5: Separation distances to sensitive activities (Source: Reply Statement)

- 3.43 On this basis, we concur with Mr Bonis that the amendments sought by the NZDF are neither effective in achieving the Plan provisions, nor efficient in considering their social and wellbeing costs³⁹. In our view, explicit provision for TMPA properly awaits the forthcoming, full District Plan review.
- 3.44 Turning now to the remaining matters raised in submissions and relating to temporary activities as summarised in paragraph 3.38 a. and b. above, Mr Bonis relied on the evidence of Mr Ellerton who identified that the operative provisions could result in unintended consequences, as follows:

³⁷ Statement of Evidence of Rebecca Davies on behalf of the New Zealand Defence Force – Submitter OS9, 9 August 2023, paras 29 to 32 and 39

³⁸ Statement of Evidence of Darran Humpheson on behalf of the New Zealand Defence Force – Submitter OS9, 9 August 2023

³⁹ Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment, 31 October 2023, paras 66 to 71

- a. as 'temporary activities' are not defined in the TDP it is not clear that Council intends that the provisions do not apply to continued day-to-day trading; for example, to a series of late-night events associated with a permanent activity such as a bar; and
 - b. the absence of some constraints around acceptable noise limits could result in adverse effects on nearby Residential Environments⁴⁰.
- 3.45 To address these issues, Council officers recommended the following:
- a. amendment of the chapeau to the rule relating to temporary activities to provide for eight operational days in any one calendar year as a permitted activity;
 - b. amendment of clause iii. to the rule to provide for 28 non-operational days in any one calendar year as a permitted activity.
 - c. addition of a new clause iv. to the rule that provides a definition for 'temporary activities'.
 - d. addition of a new clause v. to the rule that specifies that the noise level arising from any temporary activity (excluding non-operational days) measured within the boundary of any property in the Residential Environment shall not exceed the frequency of occurrence or noise limits set out in Table 4g.2.2 as below.
 - e. addition of a new clause vi. to the rule that indicates that noise shall be measured in accordance with the relevant New Zealand Standard subject to specific exceptions.
 - f. addition of a new Table 4g.2.2. setting out noise, duration and frequency criteria for temporary activities⁴¹.
- 3.46 We accept Mr Bonis's conclusion that, in s32AA terms, the suite of recommended amendments better achieves the TDP objectives relating to the maintenance and enhancement of character and amenity and the role and function of the Town Centre. We further agree with Council officers that the amended provisions also recognise and provide for proximate residential amenity and note with favour that the recommended noise thresholds are based on the outcomes of monitoring a number of successful, consented events.
- 3.47 Finally, we agree with Mr Bonis that the submission from Mr Palmer provides sufficient scope for the amendments as recommended⁴².

Issue 7: Miscellaneous matters

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> • No change

Amendments and reasons

- 3.48 As a final note, we record that PC40 attracted a number of broad submissions on 'miscellaneous' topics, comprising requests that:
- a. Plan Change 1 to the Waikato RPS be given regard to;

⁴⁰ Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, paras 89 to 96

⁴¹ Ibid, paras 97 to 105 and Attachment B

⁴² Reply to Panel Questions and Response to Submitters at Hearing – Taupō Town Centre Environment, 31 October 2023, paras 39 to 47

- b. PC40 be updated to the plan format dictated by the National Planning Standards 2019;
 - c. PC40 be amended to reflect the wording of the Natural and Built Environment and Spatial Planning Acts 2023;
 - d. A 'second bridge' across the Waikato River not be catered to;
 - e. PC40 be amended to reflect the principles of Te Tiriti o Waitangi; and
 - f. PC40 be amended to recognize and provide for Te Kaupapa Kaitiaki outcomes.
- 3.49 We agree with the conclusions Mr Bonis reached in his s42A Report with respect to these submissions, to the effect that, for the reasons outlined there, no further need for amendments to the Plan Change was identified⁴³.

⁴³ Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, Sections 4.6.1 and 4.6.2

4. Statutory considerations

Summary of statutory requirements

- 4.1 The statutory requirements for the preparation and consideration of the contents of a District Plan are set out in s31, 32, and 72-77D of the RMA.
- 4.2 In *Colonial Vineyard Ltd v Marlborough District Council*⁴⁴, the Environment Court updated the framework of matters to be evaluated when preparing a plan, albeit by reference to the version of the RMA that applied prior to 3 December 2013. The RMA has been amended a number of times since that date, the most relevant for our purposes being the substantial rewriting of s32 and the introduction of s32AA and the National Planning Standards 2019. Other minor amendments to words and phrases have also been made.
- 4.3 In these circumstances we prefer to set out the statutory requirements that we consider apply specifically to the preparation and consideration of PC40, drawing on *Colonial Vineyard*, where it is appropriate to do so, but supplementing as necessary where amendments have been made.

Part 2 of the RMA

- 4.4 The Act's purpose and principles are set out in Part 2 of the Act.
- 4.5 Section 5 explains that the Act's purpose is to promote the sustainable management of natural and physical resources.
- 4.6 The Panel accepts and adopts the initial evaluation of Part 2 matters in the s32, and the subsequent changes to PC40 recommended by the s42A Report and Reply Statements reflect the importance of Part 2 of the RMA specifically, sections 5 and 7 (b), (c) and (f).
- 4.7 Furthermore, there was no evidence before us to suggest there are areas of invalidity, incomplete coverage or uncertainty in the relevant plans or intervening statutory documents such that any detailed evaluation of Part 2 is required.

Council's function and purpose of PC40

- 4.8 The Council has extensive functions under s31 of the RMA for the purpose of giving effect to the Act's sustainable management purpose, as follows:
 - (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (s31(1)(a)).*
 - (aa) *The establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (s31(1)(aa)).*
 - (b) *The control of any actual or potential effects of the use, development, or protection of*

⁴⁴ ENV-2012-CHC-108, [2014] NZEnvC 55

land, including for the purpose of –

- (i) the avoidance or mitigation of natural hazards; and*
- (ii) [repealed]*
- (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
- (iii) the maintenance of indigenous biodiversity (s31(1)(b):*

(c) [repealed]

(d) the control of the emission of noise and mitigation of the effects of noise (s31(1)(d)):

(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes (s31(1)(e)):

(f) any other functions specified in this Act (s31(1)(f)).

(g) The methods used to carry out any functions under subsection (1) may include the control of subdivision (s31(2)).

4.9 As noted in paragraph 2.4 of this report, the primary purpose of PC40 is to improve the workability of the Town Centre Environment provisions with respect to building heights, verandah provision and temporary activities. In part, the first purpose (relating to building heights) will assist the Council in meeting its obligations under the NPS-UD and requirements under the RMA in providing sufficient industrial (business) land supply over the long term; thereby going to the Council's functions with respect to the provision of business land covered under s31(1)(aa).

4.10 It should be clear from our consideration of the key issues in **Section 3** of our report that the final, recommended form of PC40 also addresses the functions of the Council in relation to preventing or mitigating adverse effects (s31(1)(b)(iia)) and the control of the emission of noise and mitigation of the effects of noise (s31(1)(d)).

Relevant District Plan policy considerations

4.11 We have also given consideration to PC40 consistency with s75(1) of the RMA, which requires a District Plan to state the objectives for the District, any policies to implement the objectives, and the rules (if any) to implement the policies.

4.12 The Panel has been mindful throughout the hearings process that there was consistency between the provisions of PC40 and the Strategic Direction objectives and policies proposed for inclusion in the District Plan by way of Plan Change 38. We accept and adopt Mr Bonis's finding that the amendments incorporated into PC40 align with the achievement of the relevant Strategic Direction objectives and policies⁴⁵.

4.13 PC40 seeks to amend one operative TDP policy; being Policy 3s.2.1.iii.. The s42A Report contains a detailed assessment of PC40 against the relevant TDP objectives and policies⁴⁶. This assessment finds that PC40 will assist in achieving TDP objectives and related policies with respect to the Taupō Town Centre. We accept and adopt these findings.

⁴⁵ Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, Section 2.7

⁴⁶ Ibid, Section 2.6

National Policy Statements

- 4.14 When Bundle One Plan Changes were notified on 14 October 2022, the following National Policy Statements (NPSs) were in force:
- NPS for Renewable Electricity Generation 2011 (NPS-REG);
 - New Zealand Coastal Policy Statement 2010 (NZCPS);
 - NPS on Electricity Transmission 2008 (NPS-ET);
 - NPS for Freshwater Management 2020 (NPS-FM); and
 - NPS on Urban Development 2020 (NPS-UD).
- 4.15 By virtue of s75(3) of the RMA, PC40 is required to give effect to the provisions of these documents, where relevant. We accept that the NZCPS has no relevance to the Taupō District. It is also reasonable to conclude that PC40 has no particular relevance where the NPS-REG, NPS-ET and NPS-FM are concerned.
- 4.16 On the evidence of Mr Bonis and Mr Heath, it is evident that PC40 would contribute to a 'well-functioning urban environment' as defined in NPS-UD Policy 1 and, while not required to satisfy the requirements of Policies 2 and 5, would align with their intent (particularly where increased building heights are concerned).
- 4.17 For completeness, we note that while the National Policy Statement on Highly Productive Land 2022 (NPS-HPL) and National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) came into force after the notification of the Plan Change Bundle they are not relevant with respect to PC40.

The Regional Policy Statements

- 4.18 As with the NPS, the Regional Policy Statements (RPS) must be given effect to by PC40. Four relevant RPS apply in relation to the Taupō District; however, the Town Centre Environment that is the focus of PC40 is located in the Waikato Region and therefore only the Waikato RPS (inclusive of Plan Change 1) is relevant where PC40 is concerned.
- 4.19 In this regard, we accept Mr Bonis's finding that PC40 gives effect to the Waikato RPS and is consistent with the amendments to the RPS introduced by Plan Change 1⁴⁷.

National Environmental Standards

- 4.20 There are nine National Environmental Standards (NES) currently in force:
- NES for Storing Tyres Outdoors 2021;
 - NES for Freshwater 2020;
 - NES for Marine Aquaculture 2020;
 - NES for Plantation Forestry 2017;
 - NES for Telecommunication Facilities 2016;

⁴⁷ *Ibid*, Sections 2.4 and 2.5

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
- NES for Electricity Transmission Activities 2009;
- NES for Sources of Human Drinking Water 2007; and
- NES for Air Quality 2004.

4.21 Each of these documents provides for nationally consistent management of the respective topics to which the standards relate and include technical standards and other methods. These standards will usually override provisions in a district or regional plan; however, the Act enables provisions in a plan or a resource consent to prevail in relation to certain uses and where expressly enabled by a particular NES.

4.22 We accept that none of the NES are relevant with respect to PC40.

Other statutory considerations

4.23 The requirement under s74 of the RMA to give regard to matters when preparing a plan extends beyond those documents referred to above to include:

- National Planning Standards;
- management plans and strategies prepared under other Acts;
- relevant entries on the New Zealand Heritage List / Rārangī Kōrero;
- the plans or proposed plans of adjacent territorial authorities; and
- iwi management plans.

4.24 The purpose of the first set of National Planning Standards that came into force in 2019 is to improve the efficiency and effectiveness of New Zealand's planning system by providing a nationally consistent structure, format, definitions, noise and vibration metrics and electronic functionality and accessibility for district and other RMA plans. The s32 Report and s42A Report relating to PC40 conclude that there is no mandatory requirement to amend the provisions to accord with the 2019 Standards and that alignment is best achieved via the forthcoming District Plan review⁴⁸. We accept that position.

4.25 The s32 Report includes assessments of PC40 against the *TD2050 – Growth Management Strategy* (2018) and *Taupō Long Term Plan*⁴⁹. We accept the conclusion of Council officers that PC40 broadly aligns with the intent of these management plans, to the extent that they are relevant.

4.26 We understand that there are no known heritage values that would be affected as a result of TDP amendments associated with PC40. The plans or proposed plans of adjacent territorial authorities are not relevant where PC40 is concerned.

4.27 Within the Taupō District there are the following iwi management plans:

- Central North Island Forests Iwi Collective He Mahere Pūtahitanga (2018)

⁴⁸ Section 32 Evaluation Report – Taupō Town Centre Environment – Plan Change 40, Section 2.1.2 and Section 42A Report on Submissions and Further Submissions – Taupō Town Centre Environment, 10 July 2023, paras 217 to 219

⁴⁹ Section 32 Evaluation Report – Taupō Town Centre Environment – Plan Change 40, Section 2.1.5

- Te Arawa River Iwi Trust Environmental Management Plan (2021)
 - Ngāti Tūwharetoa Environmental Iwi Management Plan (2003)
 - Ngati Tahu - Ngati Whaoa Iwi Environmental Management Plan: Rising above the mist - Te aranga ake i te taimahatanga (2019)
 - Raukawa Environmental Management Plan: Te Rautaki Taiao a Raukawa (2015)
- 4.28 The s32 Report for PC40 provides an analysis of how each of the above plans have been taken into account and we accept the conclusions that report reaches that the relevant principles of the iwi management plans are appropriately accounted for⁵⁰.
- 4.29 Overall, the Council has demonstrated its regard to the relevant s74 matters in preparing PC40 and the Panel has also had regard to the relevant matters to the extent relevant to our role.

⁵⁰ *Ibid*, Section 2.1.4

5. Conclusions and recommended decisions

- 5.1 For the reasons summarised at appropriate points in **Section 3** above, we recommend the adoption of a set of changes to the PC40 provisions. Our recommended amendments are shown in **Appendix 3** (tracked version) and **Appendix 4** (accepted version).
- 5.2 Overall, we find that these changes will ensure that PC40 better achieves the statutory requirements and national and district level policy directions and will improve its useability.
- 5.3 Our recommended decisions, except as outlined in this report where they vary from the 42a recommendations, in terms of the acceptance or rejection of submissions are shown in **Appendix 2**.

DATED THIS EIGHTH DAY OF MAY 2024



DJ McMahon
Chair



EA Burge
Independent Commissioner



Y Westerman
Councillor

Appendix 1: Schedule of attendances**Present for the entire hearing were:**

- Commissioners: David McMahon (chair), Liz Burge, Councillor Kevin Taylor.
- Taupō District Council Staff: Hilary Samuel and Haydee Wood
- Section 42a team: Matt Bonis (Planz Consulting), Tim Heath (Property Economics, Damian Ellerton (Marshall Day), David Compton-Moen (online, Urban design).

Name	Organisation	In person/online
Erin OCallaghan	Taupō District Council	In person
Nick Carroll	Taupō District Council	In person
Tanya Wood	Taupō District Council	In person
Heather Williams	Taupō District Council	Online
Kirsteen McDonald	McKenzie & Co	Online
Ben Westerman	Town Centre Taupō	In person (Submitter & speaker)
Julie McLeod	Town Centre Taupō	In person (Submitter & speaker)
David Compton-Moen	DCM Urban Design	Online
Hannah Lightfoot	Taupō District Council	Online
Jane Penton	Lakes and Waterways Action Group (LWAG)	In person (Submitter & speaker)
Chris Marshall	Tukairangi Trust	In person (Submitter & speaker)
Debs Morrison	Submitter & Speaker from the public	In person (Submitter & speaker)
Laurie Burdett	LWAG	In person
Alannah Delich	Climate Change Association	In person
Michael Richardson	Climate Change	In person
Anthea Johnson	LWAG	In person
Fiona Bramwell	Taupō District Council	Online
Deb Burton	(LWAG)	In person
Rebecca Davies	NZDF	Online (Submitter & speaker)
Darran Humpheson	NZDF Noise expert	Online (Submitter & speaker)

Appendix 2: 42A Summary table of recommendations on each submission point

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

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

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

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

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Centre Environment > 4g.1.9 Maximum Building Height		vistas, shadow casting and loss of aesthetics of our rural town environment.	limit".		
FS202.10 Sub# 65.5	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre.	Reject	4.4.3
OS40.8	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment Height Overlay	Seek amendment	Submitter seeks deletion 4g.1.10 (i) and (ii), as it is unclear and removes ability of genuinely affected parties from being part of the consent process.	Delete 4g.1.10 (i) and (ii). 4g.1.10 Taupō Town Centre Environment Height Overlay i. Any building, or part of any building, located within the Taupō Town Centre Environment Height Overlays in the planning maps that exceeds a total height of (2) floors above ground level. ii. Any application arising from this rule shall not be limited or publicly notified.	Reject	4.4.5
FS202.4 Sub 40.8	Town Centre Taupō		Oppose	Oppose	As per the Towncentre Taupō original submission, we support the increase in building heights and would like to see more opportunity for higher buildings across the town centre. As such applications will be assessed against urban design principles and the merits of the surrounding environment, we do not believe public notification is required.	Accept	4.4.5
OS40.9	Tūwharetoa Settlement Trust	Plan Change 40 - Taupō Town Centre Environment > 4g.1.10 Taupō Town Centre Environment	Seek amendment	Submitter seeks amendment of the proposed the non-notification clause for height increase in accordance with the Taupō Town Centre Environment Height Overlays under 4g.1.10(ii) as it is not appropriate to allow	Amend the proposed the non-notification clause for height increase in accordance with the Taupō Town Centre Environment Height Overlays under 4g.1.10(ii).	Reject	4.4.5

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

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

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

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

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

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

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

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

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
	Consultants	- Taupō Town Centre Environment > 4g.1.12 Verandas		verandahs on service lanes makes sense.			
OS79.4	Cheal Consultants	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	Removing rules for verandahs on service lanes makes sense.	Retain.	Accept	4.5
OS86.5	Towncentre Taupō Board	Plan Change 40 - Taupō Town Centre Environment > 4g.1.16 Verandas	Support	TCT supports the removal of the verandah requirement.	Retain.	Accept	4.5
OS29.23	Waikato Regional Council	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	Change 1 to the WRPS has been notified and so is a 'proposed policy statement'. District Councils are required, when preparing a change to the district plan, to have regard to the WRPS under section 74(2)(a)(i) of the RMA	General - Give regard to Change 1 to the WRPS as a 'proposed policy statement' in the proposed plan changes.	Reject	4.6.1
OS29.29	Waikato Regional Council	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	WRC considers that PPPC38-43 should follow the new plan format provided with the National Planning Standards.	Update PPPC40 to the new plan format provided with the National Planning Standards 2019	Reject	4.6.1
OS115.29	Te Kotahitanga o Ngati Tūwharetoa	Plan Change 40 - Taupō Town Centre Environment	Seek amendment	That TDC ensure that the content and interpretation of the objectives and policies of Plan Change 38-43 reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Amend Plan Change 40 to reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Reject	4.6.1
OS12.3	Laurel Burdett	Plan Change 40 - Taupō Town Centre	Seek amendment	Submitter opposes the second bridge. We need pleasant, safe, environmentally friendly,	Submitter seeks pleasant walking and cycling connections to the town centre, not a second	Reject	0

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

Appendix 3: Recommended amendments to PC40 - Tracked from notified version (provisions not consequentially renumbered)

Additions to the notified provisions are shown as underlined and deleted provisions are shown as ~~struck-out~~.

3s TAUPŌ TOWN CENTRE ENVIRONMENT

3s.1 Introduction

....

OBJECTIVE

3s.2.1

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

POLICIES

- i. To consolidate retail and office activity within the Taupō Town Centre Environment to:
 - a. ensure efficiencies in infrastructure use and transportation;
 - b. support the walkability of the town centre;
 - c. encourage redevelopment of town centre properties;
 - d. support the overall integrity of the Taupō Town Centre Environment boundary, and avoid the cumulative effects stemming from the dispersal of retail and office activity.
- ii. To encourage a range of residential and accommodation activities within the Taupō Town Centre Environment in order to create a vibrant and interesting place while ensuring that reverse sensitivity issues are adequately managed.
- iii. To recognise the important role of the Tongariro Domain and its existing infrastructure and services (including those provided by commercial operators) as resources that support the wider town centre environment and contribute to the economic and social wellbeing of the district by:
 - a. enabling a diverse range of temporary activities given the nature and frequency of these activities and taking into account the amenity of the surrounding environment; and
 - b. providing recreation and commercial opportunities.

....

OBJECTIVE

3s.2.2

.....

EXPLANATION

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

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

....

While the permitted height limit for buildings within the Town Centre Environment is three storeys, except for that block between Tongariro Street, Te Heuheu Street, Roberts Street and fronting Ruapehu Street where heights of 12m, 15m and 18m are anticipated to reinforce and connect the town centre with the lakefront, there may be circumstances where a particular development such as a hotel, seeks resource consent to exceed this height. On an appropriate site, this may create the opportunity for a land mark building, without necessarily detracting from the scale and character of the remaining town centre. As part of the consideration of such a development through the resource consent process, assessment of desired urban design outcomes would be expected.

...

4g.1 Performance Standards

PERFORMANCE STANDARDS FOR TAUPŌ TOWN CENTRE PRECINCTS

ADDITIONAL PERFORMANCE STANDARDS FOR THE PEDESTRIAN PRECINCT

4g.1.8 Building Setback

...

4g.1.9 Maximum Building Height

The maximum height of any building shall be as follows:

- i. Maximum height of three (3) floors above ground level. except where provided by (ii) below:
- ii. The maximum height shall be in accordance with the Taupō Town Centre Environment Height Overlays in the planning maps.

4g.1.10 Taupo Town Centre Environment Height Overlay

- i. Any building within the Taupō Town Centre Environment Height Overlays in the planning maps that exceed a total height of (3) floors above ground level.

		ii. Any application arising from this rule shall not be limited or publicly notified.
<u>4g.1.11</u>	<u>Minimum ground floor stud height</u>	<p>i. <u>Any new building within the Taupō Town Centre Environment Height Overlays in the planning maps shall provide a minimum ground floor stud height of 3.5m as measured from the ground floor surface to the bottom of the floor slab above.</u></p> <p>ii. <u>Any application arising from this rule shall not be limited or publicly notified.</u></p>
4g.1.12 1 <i>[Renumber accordingly]</i>	Shop Frontage	...
4g.1.13 1 <i>[Renumber accordingly]</i>	Verandas	<p>All buildings must provide a veranda that extends the full length of the site frontage along any road (except frontage to service lanes as shown on the planning maps; and</p> <p>i. Is no less than 3m in width or to the centreline of identified laneways, and</p> <p>ii. Is equipped with under veranda lighting sufficient to produce a minimum of 14 lux at any point along the footpath for the full length of the veranda, and</p> <p>iii. Is maintained in working order.</p>
4g.1.15 3 <i>[Renumber accordingly]</i>	Building Setbacks	...
....		
4g.1.17 5 <i>[Renumber accordingly]</i>	Verandas	<p>All buildings must provide a veranda that extends the full length of the site frontage along any road (except frontage to service lanes as shown on the planning maps); and</p> <p>i. Is no less than 3m in width or to the centreline of identified laneways, and</p> <p>ii. Is equipped with under veranda lighting sufficient to produce a minimum of 14 lux at any point along the footpath for the full length of the veranda, and</p> <p>iii. Is maintained in working order.</p>

....

4g.2 Land Use Rules

...

- 4g.2.2 Any temporary activity, being an activity of up to a total of ~~three~~ eight operational days in any one calendar year, which exceeds any performance standard(s), is a permitted activity, provided that:
- There are no new permanent structures constructed; and
 - 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
 - An allowance of ~~five~~ 28 non-operational days in any one calendar year 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.~~
 - For the purposes of this Rule, Temporary Activities means activities (and ancillary buildings and structures) that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing), and are not a part of a permanent activity that occurs on a site.
 - The noise level arising from any Temporary Activity (excluding non-operational days) measured within the boundary of any property in the Residential Environment, shall not exceed the frequency of occurrence or noise limits shown in Table 4g.2.2.
 - Noise shall be measured in accordance with NZS6801:2008 assessed in accordance with NZS6802:2008. The provisions in NZS6802:2008 sections 6.3 and 6.4 shall not apply when assessing sound from Temporary Activities against the noise limits in Table 4g.2.2.

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

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

...

4g.4.13

Taupō Town Centre Environment Height Overlay - Urban Design

a. The extent to which the proposed building will:

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

NOTE: These matters are applicable to a breach of Rule 4g.1.10.

4g.4.14

Minimum ground floor stud height

- i. The extent to which the building design at ground floor remains capable of being able to cater for a range of alternative activities in a Town Centre context.
- ii. Whether there are particular aspects of the proposed activity that require a difference ground floor stud height having regard to the functional needs of that activity.

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



Appendix 4: Recommended amendments to PC40 - Accepted version

3s TAUPŌ TOWN CENTRE ENVIRONMENT

3s.1 Introduction

....

OBJECTIVE

3s.2.1

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

POLICIES

- i. To consolidate retail and office activity within the Taupō Town Centre Environment to:
 - a. ensure efficiencies in infrastructure use and transportation;
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 - d. support the overall integrity of the Taupō Town Centre Environment boundary, and avoid the cumulative effects stemming from the dispersal of retail and office activity.
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 - c. enabling a diverse range of temporary activities given the nature and frequency of these activities and taking into account the amenity of the surrounding environment; and
 - d. providing recreation and commercial opportunities.

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OBJECTIVE
3s.2.2

.....

EXPLANATION

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

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

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...

4g.1 Performance Standards

PERFORMANCE STANDARDS FOR TAUPŌ TOWN CENTRE PRECINCTS

ADDITIONAL PERFORMANCE STANDARDS FOR THE PEDESTRIAN PRECINCT

4g.1.8	Building Setback	
...		
4g.1.9	Maximum Building Height	The maximum height of any building shall be as follows: i. Maximum height of three (3) floors above ground level.except where provided by (ii) below: ii. The maximum height shall be in accordance with the Taupō Town Centre Environment Height Overlays in the planning maps.
4g.1.10	Taupō Town Centre Environment Height Overlay	i. Any building within the Taupō Town Centre Environment Height Overlays in the planning maps that exceed a total height of (3) floors above ground level.

		ii. Any application arising from this rule shall not be limited or publicly notified.
4g.1.11	Minimum ground floor stud height	<p>i. Any new building within the Taupō Town Centre Environment Height Overlays in the planning maps shall provide a minimum ground floor stud height of 3.5m as measured from the ground floor surface to the bottom of the floor slab above.</p> <p>ii. Any application arising from this rule shall not be limited or publicly notified.</p>
4g.1.12	Shop Frontage	...
4g.1.13	Verandas	<p>All buildings must provide a veranda that extends the full length of the site frontage along any road (except frontage to service lanes as shown on the planning maps; and</p> <p>i. Is no less than 3m in width or to the centreline of identified laneways, and</p> <p>ii. Is equipped with under veranda lighting sufficient to produce a minimum of 14 lux at any point along the footpath for the full length of the veranda, and</p> <p>iii. Is maintained in working order.</p>
4g.1.15	Building Setbacks	...

....

4g.1.1X	Verandas	<p>All buildings must provide a veranda that extends the full length of the site frontage along any road (except frontage to service lanes as shown on the planning maps); and</p> <p>i. Is no less than 3m in width or to the centreline of identified laneways, and</p> <p>ii. Is equipped with under veranda lighting sufficient to produce a minimum of 14 lux at any point along the footpath for the full length of the veranda, and</p> <p>iii. Is maintained in working order.</p>
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....

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...

- 4g.2.2 Any temporary activity, being an activity of up to a total of three eight operational days in any one calendar year, which exceeds any performance standard(s), is a permitted activity, provided that:
- There are no new permanent structures constructed; and
 - 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
 - An allowance of 28 non-operational days in any one calendar year associated with the activity is not exceeded.
 - For the purposes of this Rule, Temporary Activities means activities (and ancillary buildings and structures) that are intended to have a limited duration and incidence (one-off, infrequent, transitional or with a defined end date, as opposed to regular and ongoing), and are not a part of a permanent activity that occurs on a site.
 - The noise level arising from any Temporary Activity (excluding non-operational days) measured within the boundary of any property in the Residential Environment, shall not exceed the frequency of occurrence or noise limits shown in Table 4g.2.2.
 - Noise shall be measured in accordance with NZS6801:2008 assessed in accordance with NZS6802:2008. The provisions in NZS6802:2008 sections 6.3 and 6.4 shall not apply when assessing sound from Temporary Activities against the noise limits in Table 4g.2.2.

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

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

...

4g.4.13

Taupō Town Centre Environment Height Overlay – Urban Design

a. The extent to which the proposed building will:

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

4g.4.14

Minimum ground floor stud height

- i. The extent to which the building design at ground floor remains capable of being able to cater for a range of alternative activities in a Town Centre context.
- ii. Whether there are particular aspects of the proposed activity that require a difference ground floor stud height having regard to the functional needs of that activity.

NOTE: These matters are applicable to a breach of Rule 4g.1.10

Insert Taupō Town Centre Environment Height Overlay into the Planning Maps:



Taupō District Council

Recommendations of the Independent Hearings Panel

Recommendation Report 4

Plan Change 41: Removal of Fault
Lines

12 March 2024

This report should be read in conjunction with the Index Report and Recommendation Report 2: Strategic Directions

The Index Report contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations per se.

Recommendation Report 4 contains the **Panel's** recommendations on Plan Change 41.

This Recommendation Report contains the following appendices:

Appendix 1: 42a Summary table of recommendations on each submission point

Appendix 2: Recommended changes to the Operative District Plan - Plan Change 41 provision wording and relevant planning maps - Accepted

The Hearings Panel for the purposes of hearing submissions and further submissions on all the Proposed Plan Changes comprised Commissioner David McMahon (Chair), Commissioner Elizabeth Burge and Councillor Yvonne Westerman.

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Recommendation Report 4

Plan Change 41: Removal of Fault Lines

1 Introduction

Report Purpose

1.1 This is Report 4, it is one of six Recommendation Reports in addition to an overarching Index Report prepared by the Hearings Panel appointed to hear and make recommendations on submissions to 'Bundle One'¹ incorporating six Plan Changes to the **Taupō District Plan (TDP)**. The full background to Bundle One Plan Changes is provided in the Index Report.²

1.2 This report considers the provisions and records our recommendations relating to Plan Change 41: Removal of Fault Lines (PC41) which seeks to remove the fault lines from the planning maps and remove references to the Fault Line Hazard Area from the District Plan Provisions.

1.3 This report is the 4th report in relation to Plan **Change 'Bundle One'** encompassing the following Plan Changes:

- Plan Change 38: Strategic Directions (the subject of Recommendation Report 2)
- Plan Change 39: Residential Building Coverage (Recommendation Report 1)
- **Plan Change 40: Taupō Town Centre** (Recommendation Report 3)
- Plan Change 42: General Rural and Rural Lifestyle Environments (Recommendation Report 5)
- **Plan Change 43: Taupō Industrial Land** (Recommendation Report 6)

1.4 The full background to the Bundle One Plan Changes is provided in an overarching Index Report. The purpose of this report on PC41 and the reports relating to each of the other five **Plan Changes included in 'Bundle One' is to satisfy the Council's various** decision-making obligations and associated reporting requirements under the RMA.

1.5 We will canvass the Plan Change background in due course. It has been the subject of a s32³ report⁴, consultation with stakeholders, and, of course, the public notification and culminating in our decision.

1.6 Before setting out the details of the Plan Change, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

Role and report outline

1.7 We were appointed as Hearings Panel members by Council on 27 April 2023. Our delegation included all necessary powers under the RMA to hear the submissions made on **the 'Bundle One' Plan Changes and to make recommendations to the Council on the** provisions contained within each of the six Plan Changes on all matters raised in those submissions to each relevant Plan Change.

¹PC39-43

² Index Report, dated May 2024

³ Section 32 of the RMA sets out the requirements for preparing reports that evaluate the appropriateness of a plan change.

⁴ *Plan Change 41 Section 32 Evaluation Report – undated*

- 1.8 Our role is to make a recommendation about the outcome of the Plan Change on the **Council's behalf. The authority delegated to us by the Council includes all necessary powers** under the RMA to hear and recommend on the submissions received on the Plan Change.
- 1.9 As mentioned, the specific purpose of this report and the subsequent reports relating to **each of the six Plan Changes included in 'Bundle One' is to satisfy the Council's various** decision-making obligations and associated reporting requirements under the RMA.
- 1.10 We have structured our discussion on this topic as follows:
- a. Section 2- sets out the background, factual information on the plan change process and other procedural matters.
 - b. Sections 3 – summarises key contextual matters, relevant provisions and key issues/themes in submissions, and regulatory updates;
 - c. Section 4 – contains our evaluation of key issues and recommended amendments to provisions and mapping;
 - d. Section 5 - Statutory Evaluation; and
 - e. Section 6- Contains our conclusion
- 1.11 This Recommendation Report contains the following appendices:
- a. Appendix 1: 42a Summary table of recommendations on each submission point.
This is the **Council's s42A Report table containing recommendations on each** submission, commonly referred to as the accept/reject table. The Council, upon **receipt of the Panel's recommendations, has decided not to update the s42A table to reflect the Panel's recommendation/Council's decisions.**

Instead, the Council records that the Panel has accepted all those recommendations in the s42A Report table except as otherwise identified in this decision and as noted in Appendix 2 (recommended provisions) to this decision. It should be noted that there were also changes in recommendations following the s42A Report and through the hearing process. These recommendations and the associated changes are outlined within the s42A Reply Statement and ultimately culminated in Appendix 2 in the recommended provisions.
 - b. Appendix 2: Recommended amendments to the Operative District Plan provision wording and planning maps - Accepted. This accepts all the changes to the provision wording from the notified version of the PC41 as shown in Appendix 2 and includes consequential renumbering of provisions to take account of those provisions that have been deleted as a result of PC41.
- 1.12 The requirements in clause 10 of the First Schedule of the Act and s32AA are relevant to our considerations of the submissions to PC41 recommendation for deletion of the provisions and mapping of Fault Lines. These requirements are outlined in full in the Index Report. In summary, these provisions require among other things:
- a. our evaluation to be focused on changes to the proposed deletion of provisions and mapping arising since the notification of PC41 and its s32 reports;
 - b. the provisions and mapping to be examined as to whether they are the most

appropriate way to achieve the objectives;

c. as part of that examination, that:

- i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
- ii. the efficiency and effectiveness of the provisions is assessed;
- iii. the reasons for our recommendations are summarised; and
- iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.

1.13 We have not produced a separate evaluation report under s32AA. Where we have adopted **the recommendations of Council's s42A** report authors, we have also adopted their reasoning, unless expressly stated otherwise. This includes the s32AA evaluations attached to the relevant s42A Reports and/or Right of Reply Reports. Those reports are part of the public record and are available on the Council's website. Where our recommendation differs from the s42A **authors'** recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

1.14 A fuller discussion of our approach in this respect is set out in the Index Report.

Comments on the parties' assistance to us

1.15 In advance of setting out the Plan Change context, we would like to record our appreciation at the manner in which the proceedings were conducted by all the parties taking part.

1.16 The further information provided to us through Panel minutes assisted us in assessing and determining the issues, and in delivering our recommended decision.

1.17 With these initial thoughts recorded, we now set out the factual background to the Plan Change.

2 Background To the Plan Change

Plan change purpose

2.1 As notified, proposed Plan Change 41 (PC41) **to the Taupō District Plan** seeks to remove the fault lines from the planning maps and remove references to the Fault Line Hazard Area from the District Plan provisions.

2.2 It is pivotal to premise the rationale for PC41 to set the scene which has been the key to **our evaluation and was the basis for the Panel's further questions through** Minutes 7⁵ and 23⁶, which are set out in more detail below. The following paragraphs give a brief overview of the s32 evaluation, which considered the following three options:

- a. Option 1: Status quo
- b. Option 2: Replacement fault line on the planning maps with GNS data
- c. Option 3: Removal of the fault lines from the District Plan maps

2.3 The s32 evaluation concluded that Option 3 was the most appropriate option for the following reasons:

- *"Is a streamlined and simple plan change*
- *Simplifies District Plan maps*
- *Removes inaccuracies from the planning maps*
- *Removes constraints to development for sites that have an out-of-date fault line currently mapped*
- *Decreases costs for landowners with out of date fault lines to prove there is no fault line present*
- *The amendments rely on existing subdivision provisions in the District Plan and the building consent processes to ensure fault lines are considered at appropriate stages of development*
- *Achieves Part 2 of the Act, in that it is enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety."*

2.4 We return to these reasons later in our decision in respect to our evaluation of the three options.

Notification and submissions

2.5 The Plan Change was publicly notified on 14 October 2022. The closing date for submissions was 9 December 2022.

2.6 A total of 11 submissions were received by the Council with a total of 15 submission points.⁸ Ten submissions points opposed or sought amendments and five supported the plan change.

2.7 Table 1 below provides a list of submitters to the proposed Plan Change, together with their broad positions. We provide a full summary of the submissions received in Table 1, including our decisions on the relief sought by each submitter in Appendix 1.

⁵ Minute 7, dated 1 August 2023

⁶ Minute 23, dated 12 November 2023

⁷ S32 Assessment: Plan Change 41, page 16, undated.

⁸ <https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317q9slqvgyvm/hierarchy/Council/Consultation/District%20Plan%20Changes%2038-43/Removal%20of%20Fault%20Lines/S32/Plan%20Change%2041%20Section%2032%20Evaluation%20Report.pdf>

⁸ **S42A Report, PC42, prepared by Rowan Sapsford, para 30, page 7, dated 29 Jun2 2023**

Submissions				
Submission number/points	Submitter	Position	Further submission	Position
OS16.1	Toka Tū Ake EOC	Oppose	FS220.16 - Federated Farmers of New Zealand	Support
			FS211.14 - Mercury NZ Limited	Oppose
OS16.2	Toka Tū Ake EOC	Oppose	FS212.2 Waikato Regional Council	Support in Part
			FS220.17 Federated Farmers of New Zealand	Support
OS17.6	Jennifer Molloy Hargraves	Support	N/A	
OS24.2	Classic Builders Lakes District	Support	N/A	
OS29.24 & 30	Waikato Regional Council	Amendment sought	N/A	
OS31.1 & 9	Alistair Wilton	Support	N/A	
OS69.1	Lyndon Haugh	Amendment sought	N/A	
OS79.7	Cheal Consultants	Amendment sought	FS220.18 Federated Farmers of New Zealand	Support
OS91.8	Federated Farmers of New Zealand – Rotorua / Taupō	Amendment sought		
OS91.8	Contact Energy Limited	Support	FS209.153 Manawa Energy	Support
			FS211.16 Mercury NZ Limited S	Support
OS115.18, 24 & 30	Te Kotahitanga o Ngāti Tuwharetoa	Amendment sought	N/A	

Table 1: List of submitters to the Plan Change 41

2.8 A summary of submissions was prepared and subsequently notified for further submissions on 17 March 2023 with the closing date for receiving further submissions being 7 April 2023. Seven further submissions were received.

2.9 We discuss these issues (and the submissions underpinning them) in greater detail under our key issue evaluation in Sections 3 and 4 of this report below.

Panel directions and procedures

2.10 The Panel issued a minute (Minute 1)⁹ to the parties to address various administrative and substantive matters in relation procedural matters for all six plan changes. This minute, and the others we issued through the course of the hearing and deliberations processes are available on Council's plan change website.¹⁰

2.11 Some minutes were in relation to all six plan changes of Bundle One and others related specifically to PC41. The following two minutes were specifically relevant to PC41.

a. Minute 7 (01.08.2023) – this covered:

- i. Confirmation that Panel will decide the outcomes of PC39 and PC41 'on the papers' and that a hearing will not be held
- ii. Set out matters that the Panel sought a response from the s42A author in relation to:
 - Confirmation of the Panels' understanding and representation of Council's approach to fault hazard planning in relation to structure

⁹ Minute 1 issued 15 June 2023

¹⁰ <https://www.taupodc.govt.nz/council/consultation/taupo-district-plan-changes-38-43>

- planning, subdivision and built development
- The quantum of developments that **fall in the 'gap' between the** District Plan provisions and the Building Act
- Clarification of the policy direction for guiding decisions on subdivision and development

b. Minute 23 (12.11.2023) – this covered:

- i. Further assessment of Options 1 and 2 in terms of the magnitude of mapping inaccuracies
- ii. Administrative implications of Options 1 and 3
- iii. Whether the adoption of Option 1 or 3 would preclude progressing Option 2 in the short to medium term
- iv. **Council's appetite** and or plans for progressing Option 2 as a medium to long term solution

2.12 The Council's **website contains copies of all of the Panel's minutes on the six plan changes.**

2.13 Responses were received to Minute 7 and Minute 23 on 6 October 2023 and 23 November 2023 respectively.

2.14 There were no site visits undertaken as the Panel did not deem this necessary.

Decision not to hold a hearing

2.15 A hearing for PC41 was originally scheduled for Friday 28 July 2023. Although there were eleven original submitters, of which some of these submitters requested to be heard at the hearing at the time of lodging their submission, the Council liaised with these submitters, to confirm whether their request to present to the hearing was still required. Furthermore, with the release of the Section 42A report it enabled submitters to see how their submissions had been addressed.

2.16 As a result, all the submitters consequently confirmed they were happy to forgo their actual attendance at a hearing, however, all submitters were given the opportunity to table a written statement in support of their submission. Two submitters¹¹ provided a statement **for the Panel's consideration.**

2.17 EQC's statement concluded that:

"I am writing to confirm that Toka Tū Ake EQC are satisfied with the explanation of how the changed plan will prevent development on land at risk from fault rupture and no longer wish to oppose the plan change."¹²

2.18 Waikato Regional Council's response similarly concluded that:

"The Regional Council agree with the approach and the reasoning detailed in the Taupō District Council response and the subsequent EQC response and would now like to remove their opposition to Plan Change 41."¹³

2.19 On this basis, the Panel confirmed that the outcome of PC41 would therefore be decided **'on the papers'** in Minute 4.¹⁴ Final deliberations were conducted on 23 January 2024.

¹¹ EQC and Waikato Regional Council

¹² EQC Response, dated 13 July 2023

¹³ Waikato Regional Council response, dated 5 June 2023

¹⁴ Minute 4, dated 20 July 2023

3 Issues raised by Plan Change and submissions

Outline of matters addressed in this section

3.1 In this section we provide relevant context around which our evaluation is based, including:

- a. summary of relevant provisions;
- b. themes raised in submissions;
- c. identification of key issues for our subsequent evaluation; and
- d. summary of key legislative changes since notification of the PC41.

Summary of relevant provisions

3.2 As indicated in paragraph 1.2 of this Recommendation Report, the relevant provisions we address relate to PC41: Removal of Fault Lines. The s42A report set out that an **assessment of the fault lines within the Taupō District undertaken in 2020 by the** Institute of Geological and Nuclear Sciences Limited (GNS)¹⁵ identified that fault hazard areas have changed from those currently identified in the TDP. The report also identified new classifications, mapped hazard areas, changes to fault alignments, the removal of some existing faults and the identification of some new fault lines.¹⁶

3.3 The s42A report stated **that "Importantly, the GNS 2020 Report identified that the fault lines currently contained on the TDP planning maps are outdated and should be removed"**¹⁷ However, on review of the list of Recommendations contained in the GNS report, as a Panel we found that this was not apparent and the first GNS recommendation states:

*"Replace any active fault datasets currently held and being used by Taupo District council with those from this study".*¹⁸

3.4 The GNS Report does acknowledge that there are several faults that they have removed **from their mapping as "there is no evidence of them"**¹⁹ however, it does not explicitly state that fault lines should be removed in their entirety. We return to this conundrum later in this report.

3.5 In the meantime, we record that PC41 seeks to remove the following from the TDP:

- Section 3q: Mapara Valley Structure Plan Area: Policy 3q.2.3 vii
- Section 4e District Wide Rules: Rule 4e.10.1 and associated assessment criteria
- Planning Maps: Currently mapped fault lines including associated legend descriptions.

¹⁵GNS Report – Active fault hazards in the Taupo District, dated August 2020

¹⁶S42A Report, PC42, prepared by Rowan Sapsford, para 14, page 4, dated 29 Jun2 2023

¹⁷S42A Report, PC42, prepared by Rowan Sapsford, para 14, page 4, dated 29 Jun2 2023

¹⁸GNS Report – Active fault hazards in the Taupo District, dated August 2020, Section 6, page 69

¹⁹GNS Report – Active fault hazards in the Taupo District, dated August 2020, Section 4.3, page 35

3.6 The relevant provisions in relation to PC41 are as follows:

Chapter	PC41 provisions
Section 3q Marpara Valley Structure Plan Area	Policy 3q.2.3 vii. – delete
4e. District Wide Rules	<i>Section Index</i> 4e.10 – Fault Line Hazard Area – delete 4e.10.1 – Discretionary Rule - delete
Planning Maps	<i>Legend – Hazards</i> Fault Lines (District Plan) – delete <i>All Planning Maps</i> Remove the geographical information systems layer that depicts fault lines on the district plan maps.

3.7 The s42A report states that the purpose of removing the Fault Line Mapping and associated provisions set out in PC41 is to:

- a. remove outdated and inaccurate fault line data from TDP
- b. there is a range of statutory tools available to the Council under the RMA and the Building Act to suitably address the risk posed by the fault lines identified in GNS 2020 Report within the District; and
- c. managing the risk of fault lines from activities and development within TDC are more accurately controlled through the Building Act and Building Code and through existing TDP provisions for subdivision and large developments.

Themes raised in submissions

3.8 Without detracting from the finer detail provided in the submissions, the matters raised in those submissions to the Plan Change fall into one of more of the following categories, as set out in the s42A report:

- a. Retaining Mapped Fault Lines and associated Rules in the TDP
- b. Recognition of Regional and National Planning Documents
- c. Recognition of Te Kaupapa Kaitiaki and Te Tiriti²⁰

3.9 Submissions pertaining to 3.8a. above were the basis of our substantive evaluation and were the subject of our further inquiries through Minute 7 and Minute 23 Issue 1 below. Submissions pertaining to 3.8b. and 3.8c. are discussed in Issue 2.

²⁰ S42A Report, PC42, prepared by Rowan Sapsford, para 32, page 7, dated 29 Jun2 2023

Identification of key issues for our subsequent evaluation

3.10 We have organised the key issues that emerged from the submissions and our two substantive inquiries as set out above into the following categories which relate to our sections of the evaluation below.

- Issue 1: Retention of mapped fault lines and associated rules in the District Plan?
- Issue 2: Other matters raised by submitters no longer in contention

3.11 Some of these matters feature more prominently than others in our evaluation below, but we record that all submissions on the provisions relating to PC41 have been taken into account in our deliberations. In general, submissions in support of PC41 have not been discussed but are accepted or accepted in part. More detailed descriptions of the submissions and key issues can be found in Appendix 1 of the s42A report, which are available on the **Council's** website.

Summary of key legislative change since notification of PC41

3.12 Of relevance to Plan Change 41 is the Proposed National Policy Statement for Natural Hazards Decision-making which was released for consultation on 18 September 2023 (NPS-NHD).

3.13 Given that NPS-NHD was released as a draft during our deliberations, it does not have legal weighting but is still a relevant matter for our decision-making, in particular Section 3.3 "Best Information"²¹

- (1) In giving effect to this National Policy Statement, decision-makers must use the best information available at the time, which means, if practicable, using complete and scientifically robust data.*
- (2) In the absence of complete and scientifically robust data, the best information may include information obtained from modelling, as well as partial data, local knowledge, and information obtained from other sources, but in this case decision-makers must: (a) prefer sources of information that provide the greatest level of certainty; and (b) take all practicable steps to reduce uncertainty (such as through monitoring or the validation of models used).*
- (3) A local authority:*
 - (a) must not delay making decisions solely because of uncertainty about the quality or quantity of the information available; and*
 - (b) if the information is uncertain, must interpret it in the way that will best give effect to this National Policy Statement.*

3.14 PC41 would not adequately give effect to s3.3 (1) of the Proposed NPS-NHD given the Council has updated hazard mapping data but has chosen not to update the planning maps. However, given that the NPS-NHD is only a draft, we cannot place any weight on this matter during our evaluation of the options before us.

3.15 Irrespective of the current legal weighting of the NPS-NHD **we sought Council's** views on this matter during our deliberations and this is discussed further in Sections 4 and 5.

²¹ Proposed National Policy Statement for Natural Hazard Decision-making – consultation document, September 2023

4. Evaluation

Preamble

4.1 As set out above in paragraph 3.11 our evaluation is based on key issues raised by submitters and our subsequent inquiries to gain clarification on matters raised, rather than assessing each issue on a submitter-by-submitter basis. Our decision should be read in conjunction with the s42A report²² which addresses all the submissions and further submissions received on PC41.

4.2 Our evaluation **and deliberations has been carried out 'on the papers' for reasons set out** above in paragraph 2.15-2.19.

Key issues outline

4.3 Submissions on PC41 were split in their views on whether to retain or remove the mapped fault lines and associated rules, with the EQC original submission²³ seeking retention of the maps in the District Plan but subsequently withdrawing their opposition.²⁴

4.4 Other submitters²⁵ sought some reference be retained within the District Plan to ensure plan users were aware of the fault lines presence. One submitter supported the removal of the mapped fault lines.²⁶

4.5 A key component of our evaluation has relied on two lines of inquiry in which we sought further clarification by means of an additional s32 evaluation from the Council's reporting officer (Mr Sapsford) . This was through Minute 7 and Minute 23.

4.6 **The split in submitters' views over whether the fault line mapping and associated provisions should be retained or removed raised our own concerns over which was the most efficient and effective mechanism to meet the purpose of the Act.**

4.7 The following key issues were the focus of our deliberations:

a. Issue 1: Retention of mapping fault lines and associated rules in the District Plan

i. *What are the respective merits of Option 1 vs Option 3*

ii. *How subdivision and land use would be managed under PC41*

b. Issue 2: Other matters raised by submitters no longer in contention

4.8 In order to assist us with these two issues, our first inquiry (set out in Minute 7), sought a greater understanding of, in the proposed absence of any fault line provisions in the District Plan (i.e. mapping and rules), what type and quantum of development could potentially fall through the gap between those activities that are controlled by the District Plan and those structures that need authorisation under the Building Act. In particular:

a. For both subdivision and land use, but particularly land use, what policy direction is provided for guiding resource consents on land that may still be subject to actual fault hazards despite the removal of fault lines from the District Plan? and

b. In the absence of fault line provisions being in the District Plan (and particularly for land uses) what is the quantum of risk in terms of acting and not acting?

²² S42A Report, prepared by Rowan Sapsford, dated 3 July 2023

²³ OS16.1&2

²⁴ Letter from EQC to TDC, dated 13 July 2023

²⁵ OS79.7 and OS91.8

²⁶ OS069.1

- 4.9 The response to Minute 7 by Mr Sapsford partially answered our concerns but there was ultimately still a gap in our understanding in relation to our fundamental s32 inquiry in that minute; namely around the efficiency and effectiveness, and quantum of risk associated with the potential adoption of PC41. The resultant gap produced a second line of inquiry by the Panel through Minute 23.
- 4.10 The response by Mr Sapsford to Minute 23 produced a bespoke s32 evaluation regarding Options 1 and 2 as an alternative to Option 3, which provided us with sufficient information, for comparative purposes, to tease out the merits of acting verses not acting.
- 4.11 We evaluate Options 1 and 2 against Option 3 in further detail in Issue 1 below.

[Inventory of information used by the Panel during deliberations](#)

- 4.12 The Panel was provided with the following information which we utilised to inform our recommendations:
- Section 32 Report
 - GNS Report 2020
 - Ministry for the Environment Guidance "*Planning for development of land on or close to active faults*" 2003
 - Submissions and further submissions
 - Submitter evidence
 - Section 42A Report and Council evidence
 - Council response to Panel Minute 7 and Panel Minute 23
 - Proposed National Policy Statement for Natural Hazard Decision-making 2023
- 4.13 The following evaluations of Issues 1 and 2 outlined above make reference to these documents where we have specifically drawn on these in shaping our overall recommendations.

Issue 1: Retention of mapped fault lines and associated rules in the District Plan?

[Overview](#)

[Scope of our decision-making mandate](#)

- 4.14 Before we set out our evaluation on Issue 1, we wish to explicitly record for clarity the parameters of our decision-making mandate. Simply put, we can either approve or not approve, with or without amendments, what was notified as PC41. The scope for amendments is limited by the relief sought in submissions which can be either accepted in part or in full.
- 4.15 Significantly, we do not have the ability to recommend an alternative option put forward in the s32 evaluation, which was not publicly notified as this would have implications regarding fairness and natural justice. However, what is within scope is our assessment of all options **against the merits of approving or not approving the Plan Change, being 'Option 3' in the s32 evaluation.**
- 4.16 Therefore, we wish to explicitly record for clarity, that updating the District Plan with the updated GNS data maps (being Option 2 set out in the s32 evaluation is not in scope of our decision-making mandate. **It was however, a very important 'straw person' or 'devil's advocate' option** against which we could consider the merits (or otherwise) of approving the plan change as notified (Option 3) or declining the Plan Change and retaining the status quo (Option 1).

Further assessment sought during deliberations

- 4.17 Upon completion of our initial deliberations as a Panel, we were not convinced that the s32 evaluation assessed that the method adopted by PC41 (i.e. Option 3 – removal of fault lines from the District Plan maps) is the most effective and efficient or the most appropriate mechanism to meet the purpose of the Act, the provisions of relevant higher order documents or the objectives and policies of the operative District Plan.
- 4.18 We needed to more fully understand the risk and have certainty regarding the s32 evaluation. As a result we asked for an updated and bespoke s32 evaluation that carefully compared Option 2 and Option 3 in terms of the s32 tests – particularly in terms of the efficiency and effectiveness arguments and the risks of acting and not acting (with particular regard to not including the new hazard area maps into the District Plan with attached policies and rules which could form part of Option 2).
- 4.19 Accordingly, and during our deliberations we sought clarification on our fundamental enquiry about the rationale and mechanics for/of this Plan Change through Minute 7.²⁷ Essentially Minute 7 requested the following two levels of analysis:
- a. Fundamental analysis of:
 - i. The rationale for choosing Option 3 as notified for PC41; and
 - ii. The regulatory mechanics for managing fault hazard risk for subdivision and land use under PC41 and the resultant quantum of risk.
 - b. Context setting analysis of:
 - i. Comparison of approach with other Councils
 - ii. LiDAR fault identification work programme
 - iii. What are the provisions for earthquake risk management for subdivision in the operative plan
 - iv. The role Building Act plays in managing risk for buildings in close proximity to fault lines/areas
 - v. The role of the non-regulatory map layer
 - vi. The role of LIMs in the identification of fault hazards

Further assessment received during our deliberations

- 4.20 Mr Sapsford responded²⁸ to Minute 7, which usefully **confirmed the Panel's assumptions** on how PC41 approach and key issues that would embody.
- 4.21 Mr Sapsford **response provided the following answers to the 'context setting' analysis:**
- a. *"The approach taken by Taupō District Council is not a common approach when compared to the more contemporary district plans in the wider country.*
 - b. *TDC has no plans at present, to contract GNS to develop fault mapping of rural areas using the new LiDAR data.*
 - c. *Within the Rural Environment, under the Operative District Plan, subdivision creating lots smaller than 10ha would be a discretionary activity. For discretionary and non-complying activities, S106 (1) (a) still applies and the policies in Section 3L, Natural Hazards, are also applied. [Objective 3L2.1 and Policies i & ii]*
 - d. *For one off consents for single complying buildings, reliance on the Building Act process, is the primary and potentially only mechanism that is applied. I say potentially as any prior subdivision process associated with the allotment may have required consideration of the fault risk under S106 (1) (a) or TDP policy. For more complex land use consents that have Discretionary or Non-Complying*

²⁷Minute 7, dated 1 August 2023

²⁸ Response to Minute 7, prepared by Mr Sapsford, dated 6 October 2023.
Hearings Panel Recommendation Report 3 – PC41: Removal of Fault Lines

activity status, the resource consent process, (i.e. s104) enables consideration of the Objectives and Policies in 3L of the TDP. These provisions are set out in my response to Question 3 and allow TDC to consider the risk posed by hazards and act accordingly.

- e. This is information which is shown on the TDC online District Plan mapping system, which is not associated with a rule in the District Plan.*
- f. It is my view that hazard information that is not contained in the District Plan is not required to be contained within a LIM, however it is not precluded from being so. So councils are able to include district plan hazard **information in LIM's if they choose**²⁹*

4.22 The above responses were helpful to the Panel for contextual purposes, but Mr Sapsford did not provide an answer to our fundamental questions, which left a gap in our understanding regarding the s32 evaluation.

4.23 This resulted in the Panel issuing a second line of inquiry through Minute 23³⁰, which sought a forensic assessment of Options 1 and 2 against Option 3 for s32 evaluation purposes.

4.24 Minute 23 sought the following:

- a. **Provide a 'forensic' assessment of Option 1 and 2 in terms of:***
 - i. For Option 1; outline the scale and magnitude of the existing fault line mapping Inaccuracies; and*
 - ii. Mapped and dimensioned examples of typical inaccuracies of fault lines of Option 1 compared with Option 2 mapping.*
- b. **Identify what the 'pros and cons' of Options 1 and 2 in the manner of a s32 evaluation. When identifying these consider matters such as what the inaccuracies are and how fatal are they?***

4.25 On the basis of the answers provided to Minute 7 detailed above, Minute 23 also sought answers to the following questions:

- a. **If either Option 1 or Option 3 were adopted as part of our recommended decision as an 'interim measure', what would be the implications on administration of the regime under each regime (particularly for Option 1; and***
- b. **Would the adoption of either option (i.e. Option 1 or Option 3) as part of our recommended decision preclude Option 2 being implemented in the short to medium term (again though a First Schedule process)?***
- c. **What is the Council's appetite and /or plans for progressing Option 2 as a medium to long term solution in light of the content of the draft NPS Natural Hazards which promotes a precautionary approach toward hazard planning.***³¹

4.26 Mr Sapsford provided a fulsome response to the above questions and distilled the following matters for the Panel:

- a. Overall, the GNS data [Option 2] is more extensive (i.e. there are more faults in more locations) and reliable than the operative fault information [Option 1].*³²

²⁹ Response to Minute 7, prepared by Mr Sapsford, dated 6 October 2023

³⁰ Minute 23, dated 12 November 2023

³¹ Minute 23, dated 12 November 2023

³² Response to Minute 23, prepared by Mr Sapsford, page 2, dated 23 November 2023.
Hearings Panel Recommendation Report 3-49C41: Removal of Fault Lines

- b. As well as showing faults in the wrong location, the operative fault information also shows inactive faults. The orange square in Figure 1 below illustrates a large area of inactive faults that are currently mapping in the ODP.
- c. The Option 2 data better reflects the extent of the faulting hazard within the **Taupō District**.... Option 1 requires resource consents in locations where the fault or hazard no longer exists, and therefore is totally unreliable as a basis to trigger a consent.³³

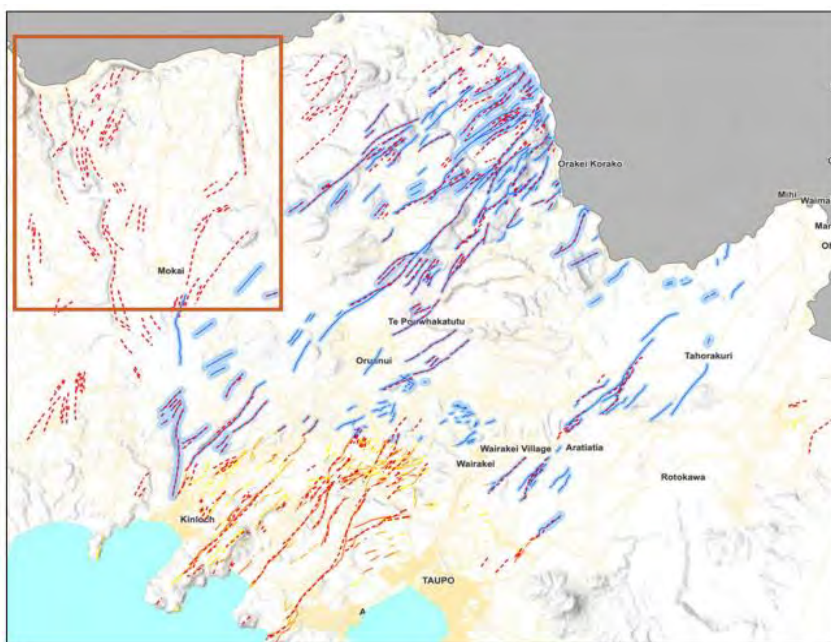


Figure 1: Operative (shown as red dotted Lines) and GNS Fault Data (shown as blue, orange and yellow lines) for the Northern Taupō District.³⁴

4.27 On the basis of the answers above, Mr Sapsford provided further analysis concluding that:

- a. Even though the data is known to be inaccurate and there may not be a fault present, a resource consent process could still be required to be initiated, under Option 1. The potentially unnecessary cost of this application would be unreasonably borne by the applicant.
- b. Adopting Option 1 or 3 would not preclude Option 2 being implemented in the short to medium term.³⁵
- c. On review of the current draft of the NPS-NH, TDC would be required to undertake a plan change [to implement a precautionary approach] as soon as reasonably practicable.³⁶

4.28 Overall, the combination of Mr Sapsford's response to Minute 7 and Minute 23, provided us with sufficient clarity to inform our deliberations in order to carry out our deliberations and our recommendation.

³³ Response to Minute 23, prepared by Mr Sapsford, page 7, dated 23 November 2023

³⁴ Response to Minute 23, prepared by Mr Sapsford, Figure 1, page 3, dated 23 November 2023

³⁵ Response to Minute 23, prepared by Mr Sapsford, page 8, dated 23 November 2023

³⁶ Response to Minute 23, prepared by Mr Sapsford, page 9, dated 23 November 2023

4.29 With our fundamental information requirements now satisfied, we now set out our evaluation of the two crucial sub-issues of Issue 1 as set out above being:

- a. *What are the respective merits of Option 1 vs Option 3*
- b. *How subdivision and land use would be managed under PC41*




4.30 By answering the two sub-issues above, the proceeding evaluation provides us with the overarching answer to Issue 1, whether the fault line mapping and provisions should be retained or deleted, concluding in paragraph 4.56 below.

Evaluation and Recommendation

What are the merits of Option 1 vs Option 3

4.31 As set out earlier, our determination is limited to either to approve or not approve PC41, which in terms of the s32 evaluation is to either adopt with Option 1, being status quo and not approve PC41 or approve PC41, which is Option 3. In balancing these two options, we needed to fully understand how these two options measure up in terms of efficiency and effectiveness and the quantum of risk of acting and not acting against Option 2. Therefore, assessing Option 2 in a s32 sense was a useful 'straw person' comparator to tease out the merits of Options 1 and 3.

4.32 Mr Sapsford essentially provided a retrofitted s32 evaluation, comparing Options 1 and 2 against Option 3, which we have assimilated into a colour coded Table 2 below. Table 2 depicts the following:

	Sub-optimal against Option 3
	Neutral against Option 3
	Optimal against Option 3

Compared against Option 3: PC41	Benefits and Costs of Effects (s32(2)(a))	Effectiveness and Efficiency (s32(1)(b)(ii))	Risk of acting or not acting if there is uncertain or insufficient information (s32(2)(c))
Option 1: Status Quo	The unreliability and inaccuracy of the Operative fault data means that there are significant costs to applicants under Option 1 when compared to Option 3.	Does not have a responsive policy framework which reflects the nature of the hazard data but this remains the same for Option 3.	Higher risk than Option 3 given the inaccuracy and unreliability of the operative fault information.
Option 2: Updating maps and provisions	There are fewer costs associated with Option 2 however given the ability of the newer information to be able to be considered in both options, the social and economic benefits from assessing and managing the risk posed by the hazard is similar.	More likely to achieve the objectives of the Plan and is the better option. This is primarily due to the accuracy of the Option 2 fault data. Neither option has a responsive policy framework which reflects the nature of the hazard data.	There is a higher risk associated with Option 1. While the GNS data means there is less risk associated with Option 2, there would be a risk associated with how this information is expressed through the rule framework.

Table 2: Summary of s32 Evaluation of Options 1 and 2 when compared to Option 3.

- 4.33 As the table above shows, on the face of it Option 2 seems to achieve the s32 tests more readily when compared with what PC41 proposes but this option was not pursued, despite **appearing to be the 'optimal option'**. This is in spite of being more effective in dealing with land use and development on land subject to the revised fault hazard areas.
- 4.34 What is importantly depicted by Table 2 above, is that Option 1 is clearly sub-optimal to Option 3. This is on the basis of the erroneous nature of the existing mapping in the District Plan, which ultimately results in unnecessary consenting requirements. This would impose unnecessary financial costs to the applicant and are an inefficient use of Council and landowner resources.
- 4.35 However, we need to reiterate the parameters of our decision-making powers as set out in paragraphs 4.14 - 4.16 above; namely, that despite Option 2 appearing to achieve the purpose of the Act better than Option 1, in not adopting the Plan Change (Option 3) Option 1 would remain and as the above table demonstrates that this is clearly not appropriate in a s32 sense.
- 4.36 Table 2 above has distilled our key consideration that our evaluation hinges on the risks of acting vs not acting between Options 1 and 3, which we set out below.

How would subdivision and land use managed under PC41?

- 4.37 In testing whether Option 3 is the most appropriate option in a s32 sense, we then turned **our mind to the second key question of 'what are the risks of acting vs not acting'** in relation to both subdivision and land use if such was to occur in areas that are currently subject to fault lines but would not be under PC41.
- 4.38 We now set out our evaluation of the following two activities below:
- *Subdivision*
 - *Land use*

Subdivision

- 4.39 In respect to subdivision, Mr Sapsford's response³⁷ set out clearly that the mechanisms available to Council when processing subdivision applications which would capture land that is subject to fault hazard under PC41 (Option 3):
- s106(1)(a) – consent authority may reuse or grant consent subject to conditions if there is a significant risk from natural hazards.
 - s6(h)³⁸ – matters of national importance with respect to natural hazards.
 - the entry activity status is controlled and there are there are matters of discretion in relation to natural hazards for both controlled and restricted discretionary activities.
 - Where a subdivision is deemed a discretionary or non-complying activity under the District Plan, fault hazard risk would be captured as any matter can be considered **'on the table'** for assessment and therefore the Council can exercise their powers to ensure that a proposed subdivision mitigates/avoids the effects of fault hazards
 - There is also objective³⁹ and policy⁴⁰ direction contained within the ODP which seeks to protect effects from natural hazards.
- 4.40 On that basis, the above mechanisms demonstrates that Council has the ability to either approve a subdivision application with conditions or decline it. This provides us with some

³⁷ Response to Minute 23 from Rowan Sapsford, dated 23 November 2023

³⁸ RMA, Section 6 (h) matters of national importance – Natural Hazards

³⁹ Objective 3L2.1

⁴⁰ Policies 3L2.1 i. and ii.

confidence that despite removing the fault hazard maps and associated provisions (adopting Option 3 as notified by PC41), the fault hazard would still be adequately addressed and therefore the risk of acting and not acting are potentially equal under Options 1 and 3. In other words for subdivision at least the risks are no greater under option 3 than the status quo of Option 1.

Land use

- 4.41 The management of land use development has been our key matter of concern throughout this entire process. For Option 3 we were concerned that there was a sole reliance on the Building Act to address hazards associated with fault lines which in turn meant that many activities could be authorised as a permitted activity or with a low level resource consent (i.e. controlled or restricted discretionary) even though they might be in an area subject to a fault line. This was highlighted by Council in the original s32 evaluation from Mr Smith where he acknowledged that:

*"The TDP is a reasonably permissible district plan, for development in rural areas. It is reasonable to expect a range of development including industrial development, such as a milk processing plant, or a power plant, or facilities using second hand geothermal heat, next to a power plant in the rural area. Given that the Taupō District is also a tourist destination, and there is potential for accommodation or lodges in the rural environment where there might be fault hazards."*⁴¹

- 4.42 We pointed the above out in Minute 7 and requested Mr Sapsford to address the risk associated with an absence of land use controls associated with fault lines and a sole reliance on the Building Act.⁴² This would result in a situation where land use consent is not required (or even where it is required for a reason other than a fault hazard matter) by the District Plan the Council is able to rely on the November 2021 amendment to the Building Act which enables Councils to refuse building consent on land subject to natural hazards (presumably using the maps that will sit outside the Plan showing areas affected by fault hazard areas).⁴³
- 4.43 However, Mr Sapsford's response to Minute 7 referred back to Mr Smith's evidence where he stated that:

*"In the Rural Environment, where fault hazard areas are not mapped in detail TDC has the wide fault awareness areas. Geotech is required as standard practice to ensure a suitable building platform in these areas to meet the Building Act. The fault awareness areas identified in GNS 2020 will be noted in the project information memorandum (PIM). A Geotech assessment will be expected to identify if the building site is suitable given the potential for a fault to be in the area."*⁴⁴

- 4.44 Furthermore, Mr Sapsford reiterated **"For one off consents for single complying buildings, reliance on the Building Act process, is the primary and potentially only mechanism that is applied."**⁴⁵ but he did not comment on the risks of this approach.
- 4.45 Minute 23 therefore reiterated Panel's need for further understanding of this matter.
- 4.46 Mr Sapsford responded that with **"the presence of this new information [GNS data] and its ability to be considered in Building Act and other RMA processes means that there are**

⁴¹ Planning Evidence, prepared by Mr Adian Smith, para 13, page 2-3, dated 23 June 2023

⁴² Question 13.b Minute 7, dated 1 August 2023

⁴³ Question 13.c.iii., Minute 7, dated 1 August 2023

⁴⁴ Planning Evidence, prepared by Mr Adian Smith, para 16, page 3, dated 23 June 2023

⁴⁵ Response to Minute 7, para 4, page 3, dated 6 October 2023

*safeguards in place to ensure that the level of risk associated with new development is able to be assessed.*⁴⁶

4.47 Our key concern remained that there is little ability for Council to address the risk of fault hazard, where a land use development does not involve subdivision, other than what is managed through the Building Act. This could result in an authorisation being given per permitted or low level land use consent to only then be rejected under the Building Act. This raises the fundamental question of whether it is effective and appropriate to allow a land use to occur (either by permitted activity rule or land use consent) in a recognised hazard area only to potentially have the building consent for it declined at a later stage.

4.48 We posed several further questions in Minute 23 to tease out the quantum of inaccuracies and the risk of acting and not acting between the three options, particularly where subdivision is not involved, seeking a response to the following:

*"Can you confirm that the Building Act / building consent process would be the sole mechanism for managing the risks associated with building in close proximity to the revised hazard area/fault lines. The term "primary" is used in the s32 evaluation under Option 3 on page 13. Primary potentially suggests more than one mechanism is available when in reality PC41 appears to be relying solely on the Building Act / building consent process"*⁴⁷

4.49 Mr Sapsford's response provide the following fs32 evaluation in terms of 'risk of acting or not acting' and set out the following conclusions in Figure 1 below:

Risk of acting or not acting if there is uncertain or insufficient information (s32(2)(c))	
With the presence of newer and more accurate information (the GNS Data), there is a risk associated with acting, i.e. the adoption of Option 1. This risk is higher when considering the wider RMA processes and Building Act tools available that support the GNS Data being applied to new developments.	The risk of acting on this occasion is less than Option 1 due to the accuracy of the information available. There is still a degree of uncertainty associated with the information which has not been assessed by LIDAR. This uncertainty is however much less than Option 1. Option 2 does not however respond to this uncertainty in the proposed planning framework, instead it would adopt the existing operative policy and rule framework which does not reflect the nature of the fault data mapped. The risk of acting in this instance is that the rule framework in the TDP would not reflect the accuracy or type of hazard information meaning that FAZ and FAA would have the same activity status.

Figure 1: Response to Minute 23, s32 evaluation, Page 6.

4.50 Despite the conclusion in Figure 1 above, what Mr Sapsford's additional s32 evaluation highlighted to us is that for both Options 1 and 3, they ultimately have the same sub-optimal outcome with respect to managing the risks of fault hazards where a development does not involve subdivision. What he rightly pointed out, is that the point of difference lies with the potential for unnecessary cost of an application that would arise under the Option 1 scenario and that the operative TDP rule framework would not reflect the updated mapping information. This would result in the requirement for an unnecessary application process and costs borne by the applicant from incorrect fault hazard data. Under Option 3, being the PC41 proposal, the need to consent and the associated costs would not occur and therefore in the Option 1 vs Option 3 contest in terms of costs Option 3 is the more optimal option.

⁴⁶ Response to Minute 23, prepared by Mr Sapsford, dated 23 November 2023

⁴⁷ Minute 23, Question 19.d, dated 12 November 2023

4.51 On balance, we ultimately agree with Mr Sapsford view that:

"Option 1 requires resource consents in locations where the fault or hazard no longer exists, and therefore is totally unreliable as a basis to trigger a consent. So, the consent is unwarranted, and the associated costs are unreasonable. As can be seen on the attached maps this problem is widespread throughout the District. I consider this to be a fatal element of Option 1. [emphasis added] The key challenge with adopting Option 2 is the risks associated with the regulatory framework not reflecting the accuracy of the new data. This represents an inefficient response to the new information."

4.52 Overall, when faced with all the evidence in front of us, it is clear that Option 2 has fewer costs, more benefits and is more efficient and effective when compared to Option 3. However, we reiterate again, choosing Option 2 is not within our remit. What the evidence does illustrate to us is that in the Option 1 vs Option 3 contest, Option 3 is the most appropriate in a s32 sense.

4.53 With this in mind, we posed the following question in Minute 23 to ascertain the timeframes for Council to implement Option 2

"What is the Council's appetite and /or plans for progressing Option 2 as a medium to long term solution in light of the content of the draft NPS Natural Hazards which promotes a precautionary approach toward hazard planning."

4.54 Mr Sapsford response provided us with a level of comfort that progressing Option 2 would reduce the risks of acting vs not acting in the medium term by stating that:

*"On review of the current draft of the NPS-NH, TDC would be required to undertake a plan change as soon as reasonably practicable. The NPS requires council to use the best information they have at the time which includes information which may be incomplete or not scientifically robust. The NPS does not refer to processes or tools under other legislation, such as the Building Act, so it is my view that it is requiring an approach which is reliant on a RMA focused response. This response would require TDC to initiate a First Schedule process that would likely involve adding the most up-to-date fault data into the Plan along with a **relevant policy framework**."⁴⁸*

Recommendation

Issue 1: Retention of mapped fault lines and associated rules in the District Plan

4.55 Therefore, on balance we recommend that PC41, Option 3 be adopted and the mapped fault lines and associated rules in the District Plan be deleted.

4.56 However, our decision comes with a strong recommendation to Council, alluded to earlier that **a priority for 'Bundle Two' changes should include a full provision and mapping update** in relation to Natural Hazards which is aligned with the emerging Natural Hazard NPS and **GNS's recommendation to replace any active fault datasets currently held and being used by Taupō District Council with those identified in their 2020 study and/or subsequent updated fault line mapping.**⁴⁹

⁴⁸ Response to Minute 23, prepared by Mr Sapsford, page 9, dated 23 November 2023

⁴⁹ GNS Report – Active fault hazards in the Taupo District, dated August 2020, Section 6, page 69

Issue 2: Other matters raised by Submitters

Overview

4.57 Two key matters were raised by submitters in relation to:

- *Recognition of Regional and National Planning Documents*⁵⁰
- *Sub-Issue 6b: Recognition of Te Kaupapa Kaitiaki and Te Tiriti*⁵¹

4.58 These matters were not in contention, and we **accept and adopt Mr Sapsford's s42A** evaluation on these submissions. However, for completeness, we briefly address each of these matters in turn below.

Evaluation and Recommendation

Recognition of Regional and National Planning Documents

4.59 Waikato Regional Council submission⁵² made reference more generally to the approach taken to rezoning of areas of Rural Lifestyle where there were potentially affected to natural hazards rather than specifically in relation to PC41. Overall, the submission sought to give regard to Change 1 to the Waikato Regional Policy Statement to align with the NPS-UD and should also be formatted to align with the format of the National Planning Standards.

4.60 **Mr Sapsford's s42** report addressed the submission point in respect to the rezoning areas potentially affected by natural hazards by stating that:

*"the TDP contains a range of provisions that will enable the risk posed by fault lines to be considered in the event of proposed intensified urban development."*⁵³

4.61 With respect to the submission point seeking that the 'Bundle One' should align with the National Planning Standard format, we agree and accept Mr Sapsford response and rejection of this submission. Mr Sapsford stated that:

*"for the purposes of these Plan Changes there is not a mandatory requirement to amend provisions in accordance with the requirements of the National Planning Standards. To do so risks unintended consequences within the architecture of the TDP outside a more **fulsome or complete review**."*⁵⁴

4.62 As set out earlier, Waikato Regional Council provided a statement in lieu of attending a hearing which stated:

*"The Regional Council agree with the approach and the reasoning detailed in the Taupo District Council response and the subsequent EQC response and would now like to remove their opposition on to Plan Change 41."*⁵⁵

4.63 Overall, we consider that PC41 and all plan changes of Bundle One are not inconsistent with Regional and National Planning Documents. We address this further in Section 5 for clarity.

⁵⁰ OS29.24 and OS29.30

⁵¹ OS115.18 and OS115.24

⁵² OS29

⁵³ S42A Report, prepared by Mr Sapsford, para 58, page 11, dated 29 June 2023

⁵⁴ S42A Report, prepared by Mr Sapsford, para 61, page 11, dated 29 June 2023

⁵⁵ Statement from Waikato Regional Council prepared by Mr Josh Rush of GMD consultants, dated 5 June 2023

Recognition of Te Kaupapa Kaitiaki and Te Tiriti⁵⁶

- 4.64 Te **Kotahitanga o Ngāti Tuwharetoa**⁵⁷ submission sought that all proposed plan changes of **'Bundle One'**⁵⁸ recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki and reflect a genuine understanding of the principles of Te Tiriti.
- 4.65 We accept and adopt Mr Sapsford's assessment and recommendation to accept this submission in part in which he stated:

*"The approach taken by TDC is a pragmatic one which considers the nature of the information available and the impact on landowners and the wider community. This included considering the impacts on those who may be living on the land affected by fault lines. This approach was discussed with iwi during the plan change development process with no specific feedback given. Given the nature and scope of PC41, I consider that Te Kaupapa Kaitiaki and the principles of Te Tiriti have been **appropriately considered.**"⁵⁹*

Recommendation

Issue 2: Other matters raised by Submitters

- 4.66 For reasons set out above, we accept and **adopt Mr Sapsford's assessment and** associated recommendations to accept or reject the submissions. We consider that the matters raised in those submissions have been adequately addressed and supports our overall recommendation to adopt PC41 as set out above in paragraphs 4.55 - 56.

⁵⁶ OS115.18 and OS115.24

⁵⁷ OS115

⁵⁸ PC39-43

⁵⁹ S42A Report, prepared by Mr Sapsford, para 65, page 13, dated 29 June 2023

5. Statutory Considerations

Summary of statutory requirements

- 5.1 The statutory requirements for the preparation and consideration of the contents of a District Plan are set out in s31, 32, and 72-77D of the RMA.
- 5.2 In *Colonial Vineyard Ltd v Marlborough District Council*⁶⁰, the Environment Court updated the framework of matters to be evaluated when preparing a plan, albeit by reference to the version of the RMA that applied prior to 3 December 2013. The RMA has been amended a number of times since that date, the most relevant for our purposes being the substantial rewriting of s32 and the introduction of s32AA and the National Planning Standard. Other minor amendments to words and phrases have also been made.
- 5.3 In these circumstances we prefer to set out the statutory requirements that we consider apply specifically to the preparation and consideration of PC43, drawing on *Colonial Vineyard*, where it is appropriate to do so, but supplementing as necessary where amendments have been made.

Part 2 of the RMA

- 5.4 **The Act's purpose and principles are set out in Part 2 of the Act.**
- 5.5 Section 5 explains **that the Act's purpose is to promote the sustainable management of natural and physical resources.**
- 5.6 The Panel accepts and adopts the initial evaluation of Part 2 matters in the s32 which reflect the importance of Part 2 of the RMA specifically, Sections 5, 6 (h), Section 74, 75(3) and section 75(4) and Section 8.
- 5.7 Furthermore, there was no evidence before us to suggest that there are areas of invalidity, incomplete coverage or uncertainty in the Plans or intervening statutory documents such that any detailed evaluation of Part 2 is required.

Council's function and purpose of PC41

- 5.8 The Council has extensive functions under s31 of the RMA for the purpose of giving effect to the **Act's** sustainable management purpose, as follows:
 - (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (section 31(1)(a)).*
 - (aa) *The establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (section 31(1)(aa)).*
 - (b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *repealed*
 - (iia) *the prevention or mitigation of any adverse effects of the development,*

⁶⁰ ENV-2012-CHC-108, [2014] NZEnvC 55

- subdivision, or use of contaminated land:*
- (iii) the maintenance of indigenous biodiversity:*
- (c) Repealed*
- (d) the control of the emission of noise and mitigation of the effects of noise:*
- (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes*
- (f) any other functions specified in this Act (section 31(1)(b)).*

(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision (section 31(2)).

- 5.9 In respect to the above, the purpose of PC41 seeks to remove the fault lines from the planning maps and remove references to the Fault Line Hazard Area from the District Plan provisions, which are incorrect and not fit for purpose. In this respect, PC41 is considered to be in accordance with s31(a) and (b) as managing development near fault lines is achieving integrated management of the effects of the use and development of the natural resources of the district and the control of any actual or potential effects of use or development.⁶¹

Relevant Policy Considerations

- 5.10 We have also given consideration to PC41 consistency with Section 75(1) of the RMA, which requires a District Plan to state the objectives for the District, any policies to implement the objectives, and the rules (if any) to implement the policies.
- 5.11 As discussed in our evaluation above, the Panel is cognisant in the absence of specific provisions in relation to Fault Lines, there was still adequate objective and policy direction to manage the risk from fault hazard; particularly for the subdivision of land.
- 5.12 We therefore accept and adopt Mr Sapsford's assessment of this matter provided in his response to Minute 7 which sets out that PC41 is consistent with the ODP objectives and policies and "enables consideration of the Objectives and Policies in 3L of the TDP"⁶²

National Policy Statements

- 5.13 When Bundle One Plan Changes were notified on 14 October 2022, the following National Policy Statements (NPSs) were in force:
- NPS for Renewable Electricity Generation 2011;
 - New Zealand Coastal Policy Statement 2010;
 - NPS on Electricity Transmission 2008; and
 - NPS for Freshwater Management 2020;
 - NPS on Urban Development 2020
- 5.14 By virtue of s75(3) of the RMA, PC41 is required to give effect to the provisions of these documents, where relevant.
- 5.15 As set out above earlier, the draft NPS-NHD was released for consultation on 18 September 2023.
- 5.16 During our deliberations we sought further clarification on this matter in Minute 23, seeking a response to the following question with regard to the Proposed NPS-NHD:

"What is the Council's appetite and /or plans for progressing Option 2 as a medium to long term solution in light of the content of the draft NPS Natural Hazards which promotes

⁶¹ PC41, S32 Evaluation page 4, undated

⁶² Response to Minute 7, prepared by Mr Sapsford, page 3, dated 6 October 2023

*a precautionary approach toward hazard planning.*⁶³

5.17 Mr Sapsford's response on this matter stated that:

*"On review of the current draft of the NPS-NH, TDC would be required to undertake a plan change as soon as reasonably practicable. The NPS requires council to use the best information they have at the time which includes information which may be incomplete or not scientifically robust."*⁶⁴

5.18 We are satisfied that Council is abreast of the potential future requirements of NPS-NHD and that PC41 does not preclude the draft provisions being given effect to at the appropriate time.

The Regional Policy Statements

5.19 As with the NPS', the Regional Policy Statements (RPS) must be given effect to by PC41.

5.20 We acknowledge that there is a level of complexity in relation to these documents given that **there are four relevant RPS's in relation to the six Plan Changes as follows:**

- Waikato Regional Policy Statement
- Horizons Regional Policy Statement
- Bay of Plenty Regional Policy Statement
- Hawkes Bay Regional Policy Statement

5.21 **No additional evidence was lodged in respect of the assessment of RPS's.**

5.22 In the absence of any further evidence, we must accept the findings of the s32 report in relation to the relevant **RPS's** and the comprehensive assessment of the relevant objectives and policies of the four regional policy statements set out in Appendix 2 of s32 report.⁶⁵

National Environmental Standards

5.23 There are nine National Environmental Standards (NESs) currently in force:

- NES for Storing Tyres Outdoors 2021;
- NES for Freshwater 2020;
- NES for Marine Aquaculture 2020;
- NES for Plantation Forestry 2017;
- NES for Telecommunication Facilities 2016;
- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
- NES for Electricity Transmission Activities 2009;
- NES for Sources of Human Drinking Water 2007; and
- NES for Air Quality 2004.

5.24 The s32 Evaluation did not canvas these but the Panel accepts **that none of the above NES's** are directly relevant, or inconsistent with PC41.

Other statutory considerations

5.25 The requirement under s74 of the RMA to give regard to matters when preparing a plan extends beyond those documents referred to above to include:

- National Planning Standards;

⁶³ Minute 23, dated 23 November 2023

⁶⁴ Response to Minute 23, prepared by Mr Sapsford, dated 23 November 2023

⁶⁵ PC41 s32 Evaluation, section 2.2, pages 4-5 – PC42,. Undated

- Management plans and strategies prepared under other Acts;
 - Relevant entries on the New Zealand Heritage List / **Rārangi Kōrero**;
 - The plans or proposed plans of adjacent territorial authorities; and
 - Iwi management plans.
 - Building Act
- 5.26 The Council has demonstrated its regard to these matters in preparing PC41 and the s42A Report of the RMA has specifically detailed relevant information relating to s74 matters, and the Panel has also had regard to the relevant matters to the extent relevant to our role.
- 5.27 The purpose of the first set of National Planning Standards that came into force in 2019 is to improve the efficiency and effectiveness of New Zealand's planning system by providing a nationally consistent structure, format, definitions, noise and vibration metrics and electronic functionality and accessibility for district and other RMA plans.
- 5.28 **Within the Taupō District there are the following iwi management plans:**
- **Central North Island Forests Iwi Collective (CNI) He Mahere Pūtahitanga (2018)**
 - Te Arawa River Iwi Trust (TARIT) Environmental Management Plan (2021)
 - **Ngāti Tūwharetoa Environmental Iwi Management Plan (EIMP) (2003)**
 - Ngāti Tahu - Ngāti Whaoa Iwi Environmental Management Plan (IEMP): Rising above the mist - Te aranga ake i te taimahatanga (2019)
 - Raukawa Environmental Management Plan: Te Rautaki Taiao a Raukawa (2015)
- 5.29 The s32 evaluation of PC41 sets out the analysis of how each of the Iwi Management Plans, **Taupō District 2050 – Taupō's Growth Management Strategy**, the Regional Plan and the Building Act have been taken into account and we accept and adopt that PC41 is consistent with the iwi management plans listed above.⁶⁶

Summary of Statutory Requirements

- 5.30 We accept and adopt the s32 **and additional responses provided to the Panel's** Minutes 7 and 23. However, our assessment was somewhat limited based on the evidence before us, particularly in relation to the relevant RPS's and NPS-NHD. Overall, we consider that whilst PC41 may not be fully consistent with the emerging policy framework of the relevant **NPS's, RPS's, iwi management plans**, the Building Act and the Resource Management Amendment Act, there was no evidence to signal to us that the risk of the acting would be greater than the risk of not acting.

Concluding comment

- 5.31 We said earlier in this report that we were facing a conundrum and that our recommendation was made with reluctance. The conundrum is principally that the optimal solution (Option 2) is not able to be pursued/implemented at this point in time leaving it a choice between two sub-optimal options (Option 1 and 3). The status quo (Option 1) is flawed and the Council preferred option (Option 3) which in our view inappropriately defers the control of hazard planning from the District Plan to the Building Act.
- 5.32 Neither option can be said to be efficient or effective and neither gives effect to the draft NPS.
- 5.33 In the end it came down to the choice of two sub-optimal options and the selection was based on the option that poses the least risk - that is Option 3 – the Council preferred option. Significantly, in reporting on that option, GNS did not explicitly state that fault lines should be removed from the District Plan in their entirety.

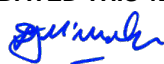
⁶⁶Plan Change 41: s32 Evaluation Report, PC38 Sections 4.8 and 4.9, undated

- 5.34 For Option 3, whilst there are some belts and braces in the District Plan for subdivision, from a land use perspective the reliance on the Building Act to manage hazards represents to us the ambulance at the bottom of the cliff; but at least it is there until the matter is **hopefully addressed in 'Bundle 2' of the review of the District Plan.**

6. Conclusion and recommended decision

- 6.1 For the reasons summarised above, we recommend the deletion of the Fault Lines from the planning maps and provisions as notified by PC41.
- 6.2 We would like to express that whilst we are recommending that Council adopts PC41 in full, this is by no means the most optimal outcome. However, as set out in paragraph 4.14 above our decision-making powers were limited, with the most optimal outcome being Option 2, but this option was not publicly notified and therefore beyond our scope to recommend.
- 6.3 However, we would strongly urge Council to progress Option 2 in full as a high priority in the next tranche of plan changes to ensure that it tracks towards the framework set out in Proposed National Policy Statement for Natural Hazard Decision-making.⁶⁷
- 6.4 In the absence of the ability to recommend an option that provides a fully optimal result, we find that PC41 is more efficient than not adopting PC41, particularly that adopting PC41 will:
- Reduce the number of resource consent requirements where the operative TDP identifies fault lines that are incorrect,
 - Eliminate development cost borne applicants where consent is triggered by the operative TDP mapping and associated provisions that are incorrect,
 - Reduce Council workload in processing unnecessary consents trigger by incorrect mapping,
 - Where subdivision is involved, the operative TDP adequately manages risks from Fault Hazards; and
 - The Building Act sufficiently manages risk from Natural Hazard where resource consent is not triggered or does not involve subdivision.
- 6.5 Our recommended decisions, except as outlined in this report where they vary from the 42a recommendations, in terms of the acceptance or rejection of submissions are shown in Appendix 1.
- 6.6 Appendix 2 contains the amended provisions as notified and accepted by the Panel.

DATED THIS 12th DAY OF March 2024



DJ McMahon
Chair



EA Burge
Independent Commissioner



YJ Westerman – Councillor

⁶⁷ Proposed National Policy Statement for Natural Hazard Decision-making, Sept 2023

Appendix 1 – 42a Table of Recommendations on Submissions

Submissi on ID	Submitter Name	Provision	Position	Decision Sought	Officers Recommen- dation	Section of the Report	Further Sub ID	Further Submitter	Position	Further Sub Reason	Officers Recommended Response
OS16.1	Toka Tū Ake EQC	4-Plan Change 41 - Removal of Fault lines	Oppose	Toka Tu Ake EQC request that the Taupo District Council retain regulatory fault overlay maps in the district plan, as well as all rules in the district plan that pertain to the fault hazard overlay.	Not Accept	4.2	FS220.16	Federated Farmers of New Zealand	Support	The inclusion of fault lines in the District Plan provides a level of certainty to landowners and potential landowners.	Not Accept
							FS211.14	Mercury NZ Limited	Oppose	Mercury supports the Council approach of relying on the Building Act as the primary mechanism for ensuring that the risks posed to buildings from potential fault lines are mitigated. Mercury opposes the re-introduction of the discretionary activity rule (4e.10) without having the opportunity to review the fault line overlay on the planning maps from which the 20m setback would be measured.	Accept
OS16.2	Toka Tū Ake EQC	4-Plan Change 41 - Removal of Fault lines	Oppose	Toka Tu Ake EQC request that the Taupo District Council retain regulatory fault overlay maps in the district plan, as well as all rules in the district plan that pertain to the fault hazard overlay. We request that Taupo District Council follow the recommendations of GNS Science in Litchfield et al's (2020) report Active fault hazards in the Taupo district, and replace the fault lines in the operative Taupo District Plan with the new and more accurate fault lines mapped in said report.	Not Accept	4.2	FS212.2	Waikato Regional Council	Support in Part	WRC agrees with the submitter that there must be provisions in the plan managing fault lines and that applicants should rely on more updated information such as the GNS reports. However, we consider that retaining the current information or updating the district plan with the more accurate mapping is not the best approach. We consider that there should be regulations in the proposed plan managing fault lines and that in terms of mapped fault lines, applicants should rely on the most updated information provided by GNS. To this effect, we consider it more efficient to direct applicants to the most updated GNS report or on-site investigation instead of having a rigid overlay in the district plan. This will ensure that applicant will always have access to the most updated information. District plans have a 10-year lifespan and there is a risk the fault lines information will become redundant and then conflict with more updated information.	Accept in Part
							FS220.17	Federated Farmers of New Zealand	Support	The inclusion of fault lines in the District Plan provides a level of certainty to landowners and potential landowners.	Not Accept
OS17.6	Jennifer Molloy-Hargraves	4-Plan Change 41 - Removal of Fault lines	Support	Retain Plan Change 41 as notified.	Accept	4.1.1					
OS24.2	Classic Builders Lakes District	4-Plan Change 41 - Removal of Fault lines	Support	Delete the fault lines from the plan as notified.	Accept	4.1.1					
OS29.24	Waikato Regional Council	4-Plan Change 41 - Removal of Fault lines	Seek amend- ment	Give regard to Change 1 to the WRPS as a 'proposed policy statement' in the proposed plan changes.	Accept	4.3					
OS29.30	Waikato Regional Council	4-Plan Change 41 - Removal of Fault lines	Seek amend- ment	Update PPPC38-43 to the new plan format provided with the National Planning Standards 2019	Not Accept	4.3					

Submission ID	Submitter Name	Provision	Position	Decision Sought	Officers Recommendation	Section of the Report	Further Sub ID	Further Submitter	Position	Further Sub Reason	Officers Recommended Response
OS31.1	Alistair Wilton	4-Plan Change 41 - Removal of Fault lines	Support	Support the removal of the faultlines, however seeks that site specific geotechnical reports be accepted over and above the GNS data.	Accept in Part	4.1.1					
OS61.9	Alistair Wilton	4-Plan Change 41 - Removal of Fault lines 4.3	Support	Retain.	Accept	4.1.1					
OS69.1	Lyndon Haugh	4-Plan Change 41 - Removal of Fault lines	Seek amendment	Plan change 41 wording specifically encompasses not just the August 2020 GNS report but also any changes to the report conclusions arising from improved information from the recent LIDAR Survey. Plan change 41 also includes a requirement for a regular (every 5? Years) review by GNS of the current knowledge of faultlines in the District so that any Resource Consents that need to consider faultlines are reviewed with information as current as possible at the time of Consent.	Accept in Part	4.2					
OS79.7	Cheal Consultants	4-Plan Change 41 - Removal of Fault lines 4.2- Plan Change Provisions	Seek amendment	At a minimum there should still be reference in 'other information' to fault lines. An alternative could be a permitted activity rule to build near or on fault lines identified with the provision of a supportive geotechnical report. This rule would really reinforce the building act requirements and push everyone to the geotechnical report early	Accept in Part	4.2	FS220.18	Federated Farmers of New Zealand	Support	The inclusion of fault lines in the District Plan provides a level of certainty to landowners and potential landowners.	Not accept
OS91.8	Federated Farmers of New Zealand – Rotorua / Taupō	4-Plan Change 41 - Removal of Fault lines	Seek amendment	(a) the retention of a reference in the district plan that tells plan users where they can access the up-to-date data on fault lines; and b) that the Council provides access to the up-to-date fault line data from the GNZ report to district plan users; and (c) any consequential amendments required as a result of the relief sought.	Accept in Part	4.2					
OS93.22	Contact Energy Limited	4-Plan Change 41 - Removal	Support	Contact seeks that Taupo District Council adopts PC41 as notified.	Accept	4.1.1	FS209.153	Manawa Energy	Support	Manawa Energy supports this submission	Accept

Submission ID	Submitter Name	Provision	Position	Decision Sought	Officers Recommendation	Section of the Report	Further Sub ID	Further Submitter	Position	Further Sub Reason	Officers Recommended Response
		of Fault lines					FS211.16	Mercury NZ Limited	Support	Mercury supports the Council approach of relying on the Building Act as the primary mechanism for ensuring that the risks posed to buildings from potential fault lines are mitigated. Mercury agrees with Contact Energy relief that PC41 be adopted as notified.	Accept
OS115.18	Te Kotahitanga o Ngāti Tuwharetoa	4-Plan Change 41 - Removal of Fault lines	Seek amendment	Amend PC41 recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki.	Accept in Part	4.4					
OS115.24	Te Kotahitanga o Ngāti Tuwharetoa	4-Plan Change 41 - Removal of Fault lines	Seek amendment	Amend Plan Change 41 to respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Accept in Part	4.4					
OS115.30	Te Kotahitanga o Ngāti Tuwharetoa	4-Plan Change 41 - Removal of Fault lines	Seek amendment	Amend Plan Change 41 to reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Not Accept	4.3					

Appendix 2 – Plan Change 41 Provisions

The PC41 is seeking the following amendment to the Proposed Taupō District Plan as follows (amendment shown in ~~red strikethrough~~):

Section 3q Mapara Valley Structure Plan Area	
3q.2.3	<p>Policies</p> <p>vii. Development should not be undertaken within 20 metres of an identified fault line.</p>
4e District Wide Rules	
Section Index 4e.10	Fault Line Hazard Area
4e.10.1	<p>Any structure excluding network utility lines, cables, and pipelines, (including support structures), within 20 metres of a fault line identified on the Planning Maps, is a discretionary activity.</p> <p>ASSESSMENT CRITERIA</p> <p>a. Degree to which building, structural or design work to be undertaken can avoid or mitigate the effects of the natural hazard.</p> <p>b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which other people are put at risk as a result of the activity.</p> <p>c. The type and nature of ground rupture or ground deformation likely to occur as a result of movement along the fault line.</p> <p>d. The distance of any proposed structure from the fault line.</p>
Planning Maps	
Legend	<p>Delete from Legend:</p> <p>Fault Lines (District Plan)</p>
All planning maps	Remove the geographical information systems layer that depicts fault lines on the district plan maps.

Taupō District Council

Recommendations of the Independent Hearings Panel

Recommendation Report 6

Plan Change 43: Taupō Industrial Land

15 February 2024

This report is one of a suite of reports in relation to 'Bundle One' Plan Changes to the Operative Taupō District Plan. It addresses submissions to Plan Change 43: Taupō Industrial Land (PC43).

This report should be read in conjunction with the **Index Report** and **Recommendation Report 2**.

The **Index Report** contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations *per se*.

Recommendation Report 2 contains the Panel's recommendations on Plan Change 38 (PC38) dealing with Strategic Direction Objectives.

This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: 42a Summary table of recommendations on each submission point

Appendix 3: Recommended amendments to PC43 - Tracked from notified version (provisions not consequentially renumbered)

Appendix 4: Recommended amendments to PC43 - Accepted version

The Hearings Panel for the purposes of hearing submissions and further submissions on all the Proposed Plan Changes including PC43 comprised Commissioner David McMahon (Chair), Commissioner Elizabeth Burge and Councillor Yvonne Westerman.

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Recommendation Report 6

Plan Change 43: Taupō Industrial Land

1 Introduction

Report purpose

- 1.1 This report considers the provisions, and records our recommendations on the submissions, relating to Plan Change 43: Taupō Industrial Land (PC43) which, as notified, rezones two additional areas from Rural Environment Zone to Taupō Industrial Environment Zone, being:
 - a. **Area 4:** Broadlands Road West (63 Broadland Road, being Part of Section SO 438782 and Part of Lot 1 DP 445148); and
 - b. **Area 7:** Napier Road (189 Napier Road, being Lots 1 and 2 DP 499406).
- 1.2 This report is the sixth report in relation to Plan Change 'Bundle One' to the Operative Taupō District Plan (TDP), which consists of six separate Plan Changes, in relation to the following:
 - Plan Change 38: Strategic Directions (the subject of **Recommendation Report 2**)
 - Plan Change 39: Residential Building Coverage (**Recommendation Report 1**)
 - Plan Change 40: Taupō Town Centre (**Recommendation Report 3**)
 - Plan Change 41: Removal of Fault Lines (**Recommendation Report 4**)
 - Plan Change 42: General Rural and Rural Lifestyle Environments (**Recommendation Report 5**)
 - Plan Change 43: Taupō Industrial Land (**Recommendation Report 6**)
- 1.3 We were appointed as Hearings Panel members by Council on 27 April 2023¹. Our delegation included all necessary powers under the RMA² to hear the submissions made on the 'Bundle One' Plan Changes and to make recommendations to the Council on the provisions contained within each of the six Plan Changes on all matters raised in those submissions to each relevant Plan Change.
- 1.4 The full background to the Bundle One Plan Changes is provided in an overarching **Index Report**. The purpose of this report on PC43 and the reports relating to each of the other five Plan Changes included in 'Bundle One' is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.5 We will canvass the Plan Change background in due course. It has been the subject of a s32² report³, consultation with stakeholders, and, of course, public notification and a hearing, and culminating in our recommendations.
- 1.6 Before setting out the details of the Plan Change, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

¹ Delegated authority under s34A of the RMA, Council resolution dated 27 April 2023. Commissioner McMahon subsequently declared a potential conflict of interest in relation to submissions relating to Area 7 as he had acted as a commissioner on applications in 2008 for resource consents relating to the development of the site in question. For this reason, he did not participate in deliberations on submissions relating to Area 7.

² Section 32 of the RMA sets out the requirements for preparing reports that evaluate the appropriateness of a plan change.

³ Section 32 Evaluation Report – Taupō Industrial Rezoning – Plan Change 43, undated

Role and report outline

- 1.7 Our role is to make a recommendation about the outcome of the Plan Change on the Council's behalf. The authority delegated to us by the Council includes all necessary powers under the RMA to hear and recommend on the submissions received on the Plan Change.
- 1.8 As mentioned, the purpose of this report is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.9 Having familiarised ourselves with the Plan Change and its associated background material, and read all submissions, we hereby record our recommendation.
- 1.10 In this respect, our report is broadly organised into the following two parts:
- a. Factual context for the Plan Change:
This non-evaluative section (comprising **Section 2** in this report) is largely factual and contains an overview of the land subject to the Plan Change and an outline of the background to the Plan Change and the relevant sequence of events. It also outlines the main components of the Plan Change as notified. This background section provides the relevant context for considering the issues raised in submissions to the Plan Change. Here, we also briefly describe the submissions received to the Plan Change and provide a summary account of the post notification process itself and our subsequent deliberations. We also consider here various procedural matters associated with the submissions received.
 - b. Evaluation of key issues:
The second part of our report (comprising **Sections 3 to 5**) contains an assessment of the main issues raised in submissions to the Plan Change and, where relevant, we record the evidence/statements presented as relevant to our deliberations (in **Section 3**). We conclude with our recommended decisions (in **Section 5**), having had regard to the necessary statutory considerations that underpin our evaluation of the submissions (in **Section 4**). All these parts of the report are evaluative, and collectively record the substantive results of our deliberations.
- 1.11 This Recommendation Report contains the following appendices:
- a. **Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.
 - b. **Appendix 2: 42a Summary table of recommendations on each submission point.** This is the Council's s42A Report table containing recommendations on each submission, commonly referred to as the accept/reject table. The Council, upon receipt of the Panel's recommendations, has decided not to update the s42A table to reflect the Panel's recommendation/Council's decisions.

Instead, the Council records that the Panel has accepted all those recommendations in the s42A Report table except as otherwise identified in this decision and as noted in Appendix 3 (recommended provisions) to this decision. It should be noted that there were also changes in recommendations following the s42A Report and through the hearing process. These recommendations and the associated changes are outlined within the s42A Reply Statement and ultimately culminated in Appendix 3 in the recommended provisions.

- c. **Appendix 3: Recommended amendments to PC43 – Tracked from notified version.** This sets out the final amendments we recommend be made to PC43 provisions. The amendments show the specific wording of the amendments we have recommended and are shown in an amended text format showing changes from the notified version of PC43 for ease of reference. Additions to the notified provisions are shown as underlined and deleted provisions are shown as ~~struck-out~~.

Where whole provisions have been deleted or added, we have used the original numbering of provisions in the notified version, to maintain the integrity of how the submitters and s42A Report authors have referred to specific provisions.

- d. **Appendix 4: Recommended amendments to PC43 – Accepted version.** This is a 'clean copy' of the recommended amendments to provisions. It accepts all the changes we have recommended to the provision wording from the notified version of the PC43 as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have recommended.

- 1.12 The requirements in clause 10 of the First Schedule of the Act and section 32AA are relevant to our considerations of the submissions to PC43 provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of PC43 and its s32 reports;
- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our recommendations are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.

- 1.13 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's s42A Report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Reports and/or Council Reply Reports. Those reports are part of the public record and are available on the Council website. In one instance, where our recommendation differs from the s42A Report authors' recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

- 1.14 A fuller discussion of our approach in this respect is set out in the **Index Report**.

Comments on the parties' assistance to us

- 1.1 In advance of setting out the Plan Change context, we would like to record our

appreciation at the manner in which the proceedings were conducted by all the parties taking part.

- 1.2 The further information provided to us through Panel minutes assisted us in assessing and determining the issues, and in delivering our recommended decision.
- 1.3 These initial thoughts recorded, we now set out the factual background to the Plan Change.

2 Summary of Plan Change, submissions and procedural matters

Outline of matters addressed in this section

- 2.1 In this section we provide relevant context around which our evaluation is based, including:
- a. summary of relevant provisions;
 - b. purpose of the Plan Change;
 - c. themes raised in submissions;
 - d. Panel directions and procedures;
 - e. procedural matters we were obliged to make a determination on; and
 - f. summary of key legislative changes since notification of PC43.

Summary of relevant provisions

- 2.2 As indicated in paragraph 1.1 of this Recommendation Report, the relevant provisions we address relate to PC43: Taupō Industrial Land. Also as noted in that paragraph, PC43, as notified, rezones two additional areas from Rural Environment Zone to Taupō Industrial Environment Zone, being:
- a. Broadlands Road West (63 Broadland Road, being Part of Section SO 438782 and Part of Lot 1 DP 445148); and
 - b. Napier Road (189 Napier Road, being Lots 1 and 2 DP 499406).
- 2.3 As noted previously, in their reporting on PC43, Council officers have referred to the two areas as 'Area 4' and 'Area 7', respectively. These are the identifiers that we use in this Recommendation Report.
- 2.4 The areas concerned are illustrated in **Figures 1 and 2** on the following page.
- 2.5 Area 4 is some 20 ha. in area and is proximate to both a Hot Ground Hazard Area and associated Significant Natural Area (SNA180) to the north-east (as illustrated in **Figure 1**).
- 2.6 Area 7 is 3.5 ha. in area and represents an extension to the Taupō Industrial Environment Zone located on the north side of Napier Road (as illustrated in **Figure 2**).
- 2.7 As notified, PC43 primarily involves proposed changes to the TDP Maps. Additionally, PC43 involves a proposed amendment to Rule 4h.3.7, which categorises the subdivision of land identified as 'sensitive' within the Taupō Industrial Environment Zone as a discretionary activity and indicates that such proposals will be subject to the recommendations of appropriate technical assessments including, but not limited to, a geotechnical assessment, and an ecological assessment (where the activity affects land identified as a Significant Natural Area).
- 2.8 PC43 would amend that rule to make reference to the 'Sensitive Land Overlay' applying with respect to Area 4, and require that assessments must be informed by deep

geotechnical investigation including, but not be limited to:

- establishing a ground temperature profile starting from the margins of the Hot Ground Hazard Area (TDP Maps);
- determination of the groundwater profile and susceptibility to liquefaction and risk of subsurface water flows;
- establishing an understanding of the most likely future state of thermal features; and
- a stormwater management plan.

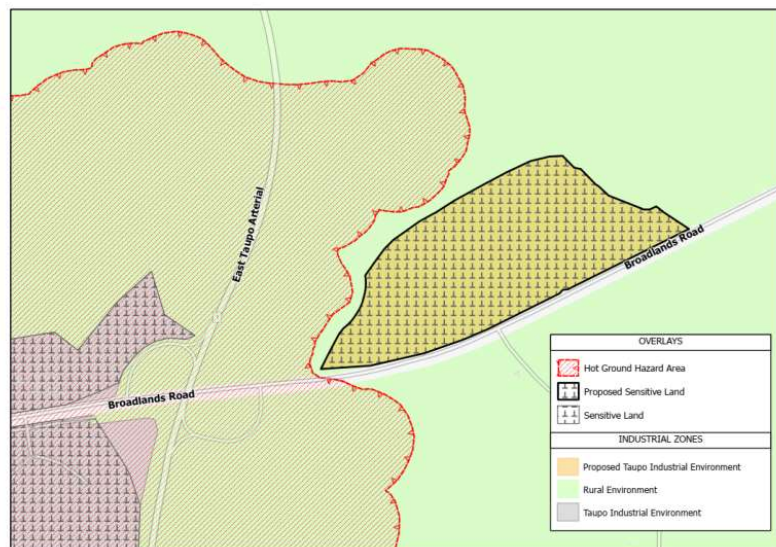


Figure 1: Area 4 (Source: PC43)



Figure 2: Area 7 (Source: PC43)

Purpose of the Plan Change

- 2.9 The purpose of PC43 as stated in the Plan Change materials is:

"... to assist Taupō District Council meet its obligations under the National Policy Statement for Urban Development (2020) and requirements under the Resource Management Act 1991 in terms of Industrial land supply over the long term.

Industrial employment in Taupō is expected to continue growing out to 2052, and to account for almost 4,800 employees, almost a 1,000 more employees than 2020.

To support that growth in Industrial employment, Taupō District Council needs to ensure that it enables a variety of business opportunities for different business sectors, as well as locations and scale over the short (3 year), medium (10 year) and long term (30 years).

The Taupō District, through extensive Industrial zoned land (such as at the Miro Street area, Centennial Industrial and Crown Road areas, Taupo Airport and Wairakei Industrial areas) has some 1.083ha of Industrial land. Of this some 38ha remains vacant, serviced and ready for Industrial use which provides for the short- and medium-term demand (out to 2033). However, there is a need to provide for additional long-term supply."

- 2.10 In this context, the PC43 materials note that "Broadlands Road West [Area 4] is identified as an Urban Growth Area in Section 3e of the District Plan" and that "[g]eotechnical advice has identified that whilst the area as a whole is not subject to intolerable risk, there may be parts of the site that require specific assessment and associated management, including engineering mitigation." Hence the proposed amendment to Rule 4h.3.7 described above.
- 2.11 The PC43 materials go on to posit that Napier Road (Area 7) "... provides a logical and discrete extension to the Crown Road Taupō Industrial Zone, as contained within the Eastern Taupo Arterial (ETA). As this site has urban uses on three sides, and the ETA on the fourth, a Taupō Industrial Zone is more appropriate than the existing Rural Environment as this site is located within the urban area."

Notification and submissions

- 2.12 The 'Bundle One' group of plan changes was publicly notified on 14 October 2022. The closing date for submissions was 9 December 2022.
- 2.13 A total of 19 submissions on PC43 were received by the Council representing a total of 38 submission points.
- 2.14 A summary of submissions was prepared and subsequently notified for further submissions on 17 March 2023 with the closing date for receiving further submissions being 7 April 2023. Twenty-five further submissions were received, representing five further submitters⁴.
- 2.15 One submission, from Enviro NZ⁵, was missed from the original summary of submissions, but was subsequently addressed by Council officers and has been included in our considerations.
- 2.16 **Table 1** below provides a list of submitters to the proposed Plan Change, together with their broad positions. We provide a full summary of the submissions received in **Appendix 2**, including our decisions on the relief sought by each submitter.

⁴ Mega Foods (FS203), Contact Energy Ltd (FS229), TIEL (FS232), Warren Ladbrook - Advance Properties Group Ltd (FS208), Enviro NZ (FS238)

⁵ Previously EnviroWaste Services Ltd

Table 1: List of submitters to PC43

Submission point	Submitter	Position
OS10.2	Anna Pol	Oppose industrial zoning in the vicinity of Titan Way
OS17.7	Jennifer Molloy-Hargraves	Support PC43 in its entirety
OS19.1	Taupo Industrial Estate Ltd (TIEL)	Support rezoning of Area 7
OS21.1 - .5	Mega Food Services Ltd (Mega Foods)	Support with amendments in relation to Area 4
OS29.19, .20, .26, .32	Waikato Regional Council	Oppose and seek amendments in relation to Areas 4 and 7
OS39.24	Enviro NZ	Oppose rezoning of Area 4 and seek amendments
OS41.18	Rangatira Block Trusts	Seek amendments to rezone Rangatira E land for industry
OS46.5, .14, .15	Tukairangi Trust	Oppose and seek amendments in relation to Area 4; also oppose industrial zoning of land at Poihipi Road
OS47.1	Wairarapa Moana Incorporation Ltd	Seek amendments to rezone land at Mangakino for industry
OS55.6	Rick Keehan - Amplify	Support PC43 in its entirety
OS62.1 - .5	Alana Delich	Seek amendments in relation to Area 4
OS67.1	Warren Ladbrook - Advance Properties Group Ltd (APGL)	Oppose rezoning of Area 7
OS79.8	Cheal Consultants	Seek amendments in relation to Area 7
OS89.21	Department of Conservation	Seek amendments in relation to Area 4
OS91.22	Federated Farmers	Support PC43 in entirety
OS93.77, .82	Contact Energy Ltd	Support rezoning of Area 7 Oppose rezoning of Area 4
OS101.10	Lakes and Waterways Action Group Trust (LWAG)	Support in relation to Area 4
OS113.37	Waka Kotahi	Seek amendments in relation to Areas 4 and 7
OS114.14. - .17	Taupō Climate Action Group	Seek amendments in relation to Area 4 Oppose rezoning of Area 7
OS115.20, .26, .32	Te Kotahitanga o Ngati Tuwharetoa	Seek amendments to PC43

Matters raised in submissions

- 2.17 Without taking away from the finer detail provided in the submissions, the matters raised in those submissions to the Plan Change fall into one of more of the following categories:
- miscellaneous matters, including matters potentially outside the scope of submissions or opposition to areas that are not rezoned within PC43;
 - the statutory framework for PC43;
 - servicing considerations, including stormwater and transport;
 - amendments sought in relation to Area 7;
 - opposition to the rezoning of Area 7;

- f. support for the rezoning of Area 7;
 - g. amendments sought in relation to Area 4;
 - h. opposition to the rezoning of Area 4;
 - i. support for the rezoning of Area 4;
 - j. support for PC43 as notified in full;
 - k. opposition to PC43 as notified in full; and
 - l. requests to rezone other areas for industry.
- 2.18 This list of matters largely aligns with that set out in the s42A Report, paragraph 116, albeit with the addition of h. above. We address the first issue in a. above as a procedural matter we are obliged to make a determination on in paragraphs 2.40 to 2.41 below.
- 2.19 We discuss the remaining matters raised in submissions in greater detail under our key issue evaluation in **Section 3** of this report. Our identification (and subsequent evaluation) of the key issues arising in submissions is largely based on those that remained in contention during the course of the hearing and that were specifically addressed in evidence from the relevant parties. A list of the key matters is set out at the start of **Section 3**. Accordingly, some of the matters raised in submissions feature more prominently than others in our evaluation section, but we record that all submissions on the PC43 provisions have been taken into account in our deliberations. In general, submissions in support of PC43 are not discussed but are accepted or accepted in part in that section.
- 2.20 More detailed descriptions of the submissions and key issues can be found in the relevant s42A Report and written Reply Statements, which are available on the Council's website.

Panel directions and hearing procedures

- 2.21 The Panel issued a minute (**Minute 1**) to the parties to address various administrative and substantive matters in relation procedural matters for all six plan changes⁶. This minute, and the others we issued through the course of the hearing and deliberations processes are available on Council's plan change website⁷.
- 2.22 Some minutes were in relation to all six plan changes associated with 'Bundle One' and others related specifically to PC43.
- 2.23 The website contains a list and copies of all of the Panel's minutes on the six plan changes. The following Minutes are of general and/or specific relevance to PC43:

a. Minute 1 (15.06.2023) – this covered:

- i. Introduction of the hearings panel;
- ii. Procedural matters;
- iii. Date and venue of hearings;
- iv. Circulation dates for evidence before the hearing;
- v. Brief summary of the hearing process;
- vi. Panels approach to site visits;

⁶ Minute 1 issued 15 June 2023

⁷ <https://www.taupodc.govt.nz/council/consultation/taupo-district-plan-changes-38-43>

- vii. Process for further communication and questions.
- b. Minute 2** (04.07.2023) – this covered:
 - i. Clarification on expert evidence and legal submissions;
 - ii. Process for next steps.
- c. Minute 3** (12.07.2023) – this covered:
 - i. Grant of extension with respect to the s42A Report for PC43 to enable consideration of the newly gazetted National Policy Statement for Indigenous Biodiversity (NPS-IB)⁸.
- d. Minute 5** (26.07.2023) – this covered:
 - i. Confirmation of date by which submitters had to confirm attendance arrangements.
- e. Minute 8** (08.08.2023) – this covered:
 - i. Notification of missed original submission by Enviro NZ to PC43 and process outcome to ensure it is considered by the appropriate parties;
 - ii. Release of a draft hearing schedule for PC43.
- f. Minute 9** (13.08.2023) – this covered:
 - i. Grant of request by submitter Mega Foods for extension of time for the provision of evidence on PC43.
- g. Minute 11** (16.08.2023) – this covered:
 - i. Confirmation of receipt of joint legal statement regarding a potential scope matter and fairness/natural justice matters in response to **Minute 9**.
- h. Minute 13** (20.08.2023) – this covered:
 - i. General update on proceedings.
- i. Minute 15** (22.08.2023) – this covered:
 - i. The mandate of entities to speak in support of joint submissions by the Rangatira Block Trusts on PC43 and other plan changes.
- j. Minute 16** (28.08.2023) – this covered:
 - i. Confirmation of hearing date for PC43.
- k. Minute 18** (18.09.2023) – this covered:
 - i. Direction to the planners representing the Council and Mega Foods to conference on potential options for hybrid land use and subdivision provisions for Area 4 and prepare a joint witnesses statement;
 - ii. Provision of an opportunity to the consultants representing Mega Foods to provide an optimum site layout for Area 4;
 - iii. Request to the planners representing the Council, APGL and TIEL to conference on the adequacy of existing TDP provisions in addressing the management of the interface between the Industrial and Residential Environments in relation to Area 7 and whether altered or additional provisions are necessary;
 - iv. Confirmation of the date for the Council's written reply for PC43.
- l. Minute 21** (09.10.2023) – this covered:

⁸ Gazetted on 7 July 2023 and coming into force 4 August 2023

- i. Response to memorandum from legal counsel for TIEL outlining trade competition concerns with respect to the APGL submission and position on wider environmental effects arising from the Industrial and Residential Environment interface, as addressed in **Minute 18**;
- m. **Minute 22** (25.10.2023) – this covered:
 - ii. Response to further memorandum from legal counsel for TIEL requesting the participation of the planner for Contact Energy Ltd in conferencing relating to Area 7 as covered in **Minute 18**.
- 2.24 The hearing of submissions on PC43 (and also PC40) took place on 11 – 12 September 2023 at the Suncourt Hotel in Taupō. We subsequently adjourned the hearing to enable the actions set out in **Minutes 18 and 21** above to occur.
- 2.25 In the lead up to our deliberations, the following reports and evidence were available to the Panel:
 - a. Overarching s42A Report for Plan Changes 38-42, prepared by Council Planner, Hilary Samuel, dated 3 July 2023;
 - b. The s42A Report for PC43, prepared by Consultant Planner, Matt Bonis, dated 13 July 2023, and incorporating the evidence of Tim Heath (economics), Dave Smith (transportation), Maddison Phillips (geotechnical) and Willie Shaw (ecology);
 - c. Evidence on behalf of TIEL from Gareth Moran (planning) and Judith Makinson (transportation) dated 7 August 2023;
 - d. A letter tabled by Anna Delich dated 8 August 2023;
 - e. Evidence on behalf of APGL from Joanne Lewis (planning) dated 9 August 2023;
 - f. Evidence on behalf on Contact Energy Ltd from Mark Chrisp (planning) dated 9 August 2023 and Jeremy Williams (corporate) dated 10 August 2023;
 - g. An addendum to Mr Bonis's s42A Report dated 14 August 2023, relating to Enviro NZ's missed submission (covered in **Minute 8** above);
 - h. A letter tabled by Waikato Regional Council dated 14 August 2023;
 - i. Evidence on behalf of Enviro NZ from Kaaren Rosser (planning) dated 15 August 2023;
 - j. A joint memorandum of counsel on behalf of the Council and Mega Foods, dated 15 August 2023, in response to **Minute 9** above⁹;
 - k. Evidence on behalf of Mega Foods from Darren Clark (planning) dated 16 August 2023 and Jerome Feuillade (corporate) dated 7 September 2023;
 - l. Legal submissions on behalf of TIEL by Marianne Mackintosh dated 8 September 2023;
 - m. Evidence on behalf of APGL from Warren Ladbrook (corporate) dated 12 September 2023;
 - n. A memorandum of counsel on behalf of TIEL by Ms Mackintosh dated 6 October 2023 and relating to the direction for planner conferencing and preparation of a joint witness statement in **Minute 18** above;
 - o. A letter tabled on behalf of Mega Foods by Mr Feuillade dated 9 October 2023 and relating to the opportunity to provide an optimum site layout for Area 4 covered in **Minute 18** above;
 - p. A joint witness statement arising from planner expert conferencing by Mr Bonis (for the Council), Mr Morgan (for TIEL) and Ms Lewis (for APGL) dated 3 November 2023;

⁹ James Winchester and Joanna Beresford, respectively

- q. A joint witness statement arising from planner expert conferencing by Mr Bonis (for the Council) and Mr Clark (for Mega Foods) dated 8 November 2023;
- r. Legal submissions on behalf of APGL and Warren Ladbrook by Matthew Lawson, undated;
- s. Speaking notes provided by John Lenihan on behalf of Rangatira Block Trusts; and
- t. A response to Panel requests and presented evidence prepared by the s42A Report author, Mr Bonis, dated 13 November 2023, and incorporating a memorandum from Mr Heath (economics).

2.26 All of the above material can be found on the Council web page for PC43.

2.27 We undertook site familiarisation visits to both Area 4 and Area 7 prior to the commencement of the hearing and supplemented those visits with specific visits following the closure of the hearing.

2.28 We formally closed the hearing on 23 February 2023.

Procedural matters we were obliged to make a determination on

2.29 There are three procedural matters that we are obliged to make a determination on:

- a. whether the submission by APGL¹⁰ in relation to Area 7 breaches RMA constraints on submissions and would provide the submitter with an advantage in trade competition terms;
- b. the scope of further amendments to PC43 as recommended in the s42A Report, whether they could have been envisaged as a reasonable outcome of submissions lodged and, consequently, whether they raise fairness and natural justice issues; and
- c. whether submissions opposed to the zoning or rezoning of areas for industrial purposes not subject to the provisions of PC43 fall within the scope of the Plan Change.

2.30 We deal with each of these matters in turn below.

Trade competition matter

2.31 In his s42A Report, Mr Bonis sought to alert the Panel to his view that he considered that the submission by APGL opposed to the rezoning of Area 7 potentially breached provisions in the RMA¹¹ proscribing the involvement of trade competitors, while acknowledging that a determination on this matter ultimately rested with us¹². Mr Bonis noted that Area 7 was subject to resource consent applications to operate a Bunnings outlet¹³ and that Mr Ladbrook was both a director of APGL and Caboo Properties Ltd; the latter is the owner of land leased to an established Mitre 10 outlet. Mr Bonis indicated that he retained these concerns at the conclusion of the hearing¹⁴.

2.32 Mr Lawson addressed this matter in legal submissions on behalf of APGL¹⁵. It was his position that as the land owned by Mr Ladbrook was already substantially tenanted

¹⁰ Submission OS67.1

¹¹ s75(4) and clauses 6(3) and (4), Schedule 1, RMA

¹² Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 106 to 113

¹³ During the course of our deliberations on PC43 we were made aware that the Council had approved these applications (RM230135 to RM230137 refer).

¹⁴ Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, paras 35 to 37

¹⁵ Synopsis of Legal Submissions on behalf of Advance Properties Group Limited and Warren Ladbrook, undated, paras 27 to 31

(including to Mitre 10) there was *"no competitive advantage that [Mr Ladbrook or APGL] could gain one way or another from opposing or supporting plan change 43."*¹⁶

- 2.33 Ms Mackintosh advanced the position in legal submissions on behalf of TIEL that in potentially allowing the APGL submission (and the further submission by Mr Ladbrook¹⁷) and in directing planner caucusing, the Panel would be conflating a 'concern' as expressed by the submitters about potential industrial-residential interface effects as constituting a wider environmental effect and, as such, was at risk of making an error of law¹⁸. Ms Mackintosh's conclusion was that the submitters had no role to play in commenting on interface effects and in her view were *"ostensibly using the PC43 process to secure commercial gain by keeping competitors out the relevant market."*¹⁹ Consequently, Ms Mackintosh questioned the value of planner caucusing on the issue. We acknowledged at the time that we were yet to make a determination with respect to the trade competition matter but that potential effects arising from the industrial-residential interface remained a 'live' issue and we continued to encourage caucusing, accordingly²⁰.
- 2.34 On the trade competition matter we conclude that it is not possible to categorically make a finding that the submitters are acting as trade competitors or in a trade competitive manner. While the matter has been disputed by the parties concerned at a high level, the absence of detail we have available to us does not provide us with a robust basis to make a positive determination. We acknowledge and accept Mr Lawson's observation that (on the face of it) neither APGL nor Mr Ladbrook can be considered a trade competitor in a sense that they are not large format retailers. Beyond that and in the absence of further evidence, we are unable to speculate about the nature of the relationship between the submitters and their tenants.
- 2.35 In light of the above, we find that we have no practical alternative to considering the submission concerned. Accordingly, we address the content of that submission inclusive of the merits of rezoning the area concerned and the adequacy of proposed controls relating to the industrial-residential interface under 'Issue 3a' and 'Issue 3b', respectively, in **Section 3** of this report.

Scope of amendments and fairness and natural justice issues

- 2.36 As noted at f. in paragraph 2.23 above, **Minute 9** granted a request by submitter Mega Foods²¹ for an extension of time for the provision of evidence on PC43. In part, this request was made on the basis that the s42A Report recommended the inclusion of new provisions relating to geothermal features and ecological values associated with the submitters' area of interest (Area 4) and that these amendments were significant (in the view of the requestor). At the time, and in agreeing to the request, we found that the new provisions did introduce a level of complexity that warranted additional time to facilitate the preparation of evidence.
- 2.37 It was the nature of the amendments that also led us to issue a direction to counsel for Mega Foods and the Council to conference regarding potential scope and fairness and natural justice matters arising from their recommended inclusion in the Plan Change. Specifically, we asked the two parties to consider whether the recommended amendments in the s42A Report could have been envisaged as a reasonable outcome of the submissions lodged.

¹⁶ *Ibid*, para 30

¹⁷ Further submission FS208

¹⁸ *Memorandum of counsel on behalf of the Taupo Industrial Estate Limited ("TIEL") in relation to Hearing Panel direction for Planner Caucusing/Joint Witness Statement affecting Site 7*, 6 October 2023

¹⁹ *Ibid*, para 9

²⁰ Refer **Minute 21**, 9 October 2023

²¹ Submission OS21 and further submission FS203

- 2.38 The result was a Joint Memorandum of Counsel (JMoC) which indicated that Mr Winchester (for Council) and Ms Beresford (for Mega Foods) had come to a common view, being that they did not consider that scope or natural justice issues arose from the recommendation contained in Council's s42A Report²². From counsels' perspective, the central issues for us were likely related to the merits of the positions of the different participants on the Plan Change, rather than any procedural complaints about fairness or natural justice.
- 2.39 We acknowledged receipt of the JMoC via **Minute 10**, and at this juncture we would like to express our appreciation for the efforts counsel for the parties went to in urgently conferencing on the matters above. As neither counsel have raised any procedural concerns, we deal with the substantive matters arising from the recommended provisions under 'Issue 2b' in **Section 3** of this report.

Scope of submissions

- 2.40 As noted in **Table 1** on page 10 of this report, PC43 attracted two submissions opposed to the rezoning of areas for industry in the vicinity of Titan Way and Poihipi Road²³. As Mr Bonis noted, however, PC43 does not seek to rezone these areas for industry as they fell out of contention during the s32 exercise.
- 2.41 On this basis the submissions are out of scope of the Plan Change, we therefore endorse Mr Bonis's recommendation that they be rejected²⁴. The submitters concerned should nevertheless feel considerable assurance from the fact that the areas concerned retain a Rural Environment zoning in the operative TDP.

Summary of key legislative change since notification of PC43

- 2.42 As noted at c. in paragraph 2.23 above, the NPS-IB was gazetted in the lead up to the PC43 hearing. It came into force on 4 August 2023.
- 2.43 Earlier, towards the end of 2022, a new NPS on Highly Productive Land (NPS-HPL) was gazetted (on 19 September 2022). The NPS-HPL came into force on 17 October 2022.
- 2.44 Despite the NPS-HPL only coming into effect three days after the notification of all Plan Changes, and prior to receipt of submissions thereon, and the NPS-IB only coming into effect in the period between the close of submissions and the commencement of the hearing, the obligation in s75(3) of the RMA to give effect to any NPS remains a relevant consideration where PC43 is concerned.
- 2.45 Both the NPS-HPL and NPS-IB are covered in our overall statutory evaluation in **Section 4**.

²² Joint Memorandum of Counsel on Behalf of Taupō District Council and Mega Food Services Limited, 15 August 2023

²³ Submissions OS10 and OS46

²⁴ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 118 and 119

3. Evaluation of key issues

Preamble

- 3.1 For the purpose of this Section, we have grouped our discussion based on common, key issues raised by submitters that remained in contention during the course of the hearing and that were specifically addressed in evidence from the relevant parties, rather than assessing each issue on a submitter-by-submitter basis.
- 3.2 At this point, and before we begin our consideration of these key issues remaining in contention, we must record that, with one minor exception, Mr Bonis concluded that no other amendments to PC43 in response to submissions and further submissions unrelated to these key issues were warranted. We accept his recommendations in that regard for the reasons set out at relevant points in his s42A Report. The exception relates to his recommendation that a minor error in the legal description relating to Area 4 in the chapeau to Rule 4h.3.7 is corrected; we accept this recommendation for obvious reasons²⁵. Scope to make this correction is provided courtesy of a submission by the Regional Council²⁶. We note that we have also identified another correction that is required to Rule 4h.4.2 (refer to paragraph 3.37 in this report).
- 3.3 The following key issues remained in contention during the course of the hearing:
- a. Some matters relating to PC43 as a whole (**'Issue 1'**);
 - b. Matters relating to Area 4, namely:
 - i. whether land owned by Contact Energy Ltd should be rezoned for industrial purposes, or not (**'Issue 2a'**);
 - ii. the nature and mechanics of provisions relating to geothermal features and ecological values (**'Issue 2b'**);
 - iii. potential reverse sensitivity issues arising from the proposed rezoning of the area concerned (**'Issue 2c'**);
 - c. Matters relating to Area 7, namely:
 - i. overall, the merits of rezoning the area concerned (**'Issue 3a'**);
 - ii. the adequacy of proposed controls relating to the industrial-residential interface (**'Issue 3b'**);
 - d. Other requests to rezone areas for industrial purposes, namely:
 - i. the land proposed by Rangatira E (**'Issue 4a'**); and
 - ii. land at Mangakino (**'Issue 4b'**).
- 3.4 We provide our evaluation in further detail in relation to each of these issues in the following sub-sections.

²⁵ *Ibid*, para 162

²⁶ Submission OS29.20

Issue 1: Matters relating to PC43 as a whole

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.5 Mr Bonis's s42A Report addresses a number of submissions that can be categorised as being on the Plan Change as a whole, as opposed to being focused on Area 4, Area 7 or other specific areas for which an industrial rezoning is sought (which are dealt with under 'Issue 2a' through 'Issue 4b' in this report).
- 3.6 These broader or non-site-specific submissions can be further grouped as follows:
- a submission seeking mitigation of environmental effects through the creation of an indigenous dominant buffer and increased resilience of geothermal ecosystems²⁷;
 - submissions relating to the statutory framework for PC43²⁸;
 - submissions relating to the servicing of industrial areas²⁹;
 - submissions supportive of the Plan Change as a whole³⁰; and
 - submissions opposed to the Plan Change as a whole³¹.
- 3.7 As the broad considerations and requests arising from the submission referred to in a. above relate to the matters addressed under 'Issue 2b' below, we deal with them there.
- 3.8 With respect to submissions relating to the statutory framework, we endorse the Council officer's recommendation that all but one be rejected for the reasons he outlines in his s42A Report. We must also recommend the rejection of the remaining submission³² requesting that the Plan Change be amended to reflect the ratified Natural and Built Environment and Spatial Planning Acts, as in the intervening period the incoming Government has repealed the legislation. We otherwise refer the reader to **Section 4** of this report, wherein we have given appropriate regard to the statutory framework that underpins our considerations.
- 3.9 With respect to submissions relating to the servicing of industrial areas, Mr Bonis identified no need for further amendments. On the matter of effective and efficient provision of transport infrastructure and implications of selected industrial areas in terms of traffic emissions, consolidated urban form and active modes³³, Mr Bonis relied on the advice of Mr Smith, for the Council, who noted that both notified sites for rezoning had scored well in locational terms during the s32 exercise³⁴. We note that the submitter concerned did not challenge this in evidence. We therefore accept Mr Bonis's conclusion that the submission be rejected for the reasons he outlined.
- 3.10 We endorse Mr Bonis's recommendation that submissions supportive of PC43 and seeking

²⁷ *Ibid*, paras 120 to 128

²⁸ *Ibid*, paras 129 to 150

²⁹ *Ibid*, paras 151 to 157

³⁰ *Ibid*, paras 215 to 216

³¹ *Ibid*, paras 217 to 221

³² Submission OS115.32


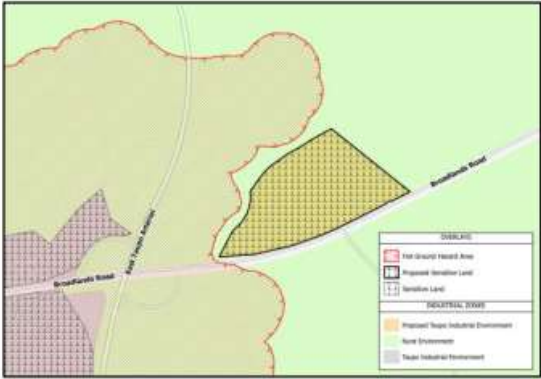
³³ The subject of submission OS113.37

³⁴ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, para 155

its retention be accepted in part, to the extent that we otherwise recommend amendments to the Plan Change elsewhere in this report. Finally, we also agree with the recommendation of the Council officer that a submission³⁵ effectively opposed to the rezoning of both areas be rejected on the basis that the concerns raised relating to geological features and ecological values are effectively addressed via recommended amendments to the Plan Change (as discussed under 'Issue 2b' below)³⁶.

Issue 2a: Rezoning of Contact Energy land

Overview

Provision(s)	Panel recommendations
Proposed Appendix 11: Broadlands Road West Outline Development Plan	<ul style="list-style-type: none"> Amend the plan in Appendix 11 to include the following version (absent Contact Energy Ltd owned land):  <ul style="list-style-type: none"> Amend Planning Maps to include the following version (absent Contact Energy Ltd owned land): 

Amendments and reasons

- 3.11 Contact Energy Ltd sought that the part of Area 4 owned by the company retain its Rural Environment zoning and not be rezoned for industrial purposes³⁷.

³⁵ Submission OS29.19

³⁶ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 219 to 221

³⁷ Submission OS93.82

- 3.12 Mr Bonis recommended the rejection of this submission on the grounds that PC43 sought to provide sufficient development capacity over the long-term and that over this 30-year period the intent of the landowner might well change³⁸. In response to a query from us during the hearing, Mr Bonis sought advice from Mr Heath and responded that were the approximately 6ha area concerned not rezoned it would equate to a two-year reduction in industrial land supply³⁹. For context we note that the 6ha portion equates to 30% of the overall 20ha site proposed for rezoning.
- 3.13 In our view, Contact Energy made a strong case at the hearing in support of its submission. Mr Williams, for Contact Energy, noted that the subject land forms part of Contact's landholdings on which the Te Huka Power Station is located. Mr Williams stated that Contact Energy *has no intention to develop (or allow others to develop) this part of its property for industrial purposes (at least in the foreseeable future)*.⁴⁰ Mr Chrisp, also for Contact Energy, considered that the Council would be better advised to identify areas for industrial development *"where the relevant landowner(s) is/are willing to make their land available for industrial development. Only in those circumstances will demand actually be met."*⁴¹
- 3.14 In his written reply, Mr Bonis sought to assuage the concerns of the submitter with respect to rating values. Overall, having further discussed the matter with Mr Heath, he concluded that 'agglomeration benefits' would likely accrue were the broader site rezoned as a whole, with respect to the spread of infrastructure investment. However; he acknowledged that the matter was *"finely balanced"* and on that basis helpfully sought to provide us with plan provisions catering for both inclusion and exclusion of the Contract Energy land⁴².
- 3.15 On balance, we recommend that Contact Energy's submission is accepted and that its land be excluded from the broader area to be rezoned. To our minds, the company's lack of enthusiasm for the industrial development of its land over the 'foreseeable future' is a fatal flaw.
- 3.16 In s32AA terms, we consider that it is a more efficient and effective means of achieving the objectives of the Plan Change and the Council's obligations and requirements under s31(1)(aa) of the RMA and the NPS-UD to exclude, from the rezoning of Area 4, a portion of the land for which there is essentially no prospect of redevelopment for industrial purposes. As the prospects of redevelopment are largely curtailed, we consider that the environmental, economic, social and cultural effects arising from a theoretical 'reduction' in opportunities for economic growth and employment as a result of the portion's exclusion from the Plan Change are inconsequential (considerations under s32AA(1)(b) and s32(2) and (3) refer).
- 3.17 The obvious implication is that the Council will need to look elsewhere to make up the difference to close the two-year supply gap which, in our view, is not that significant within the context of a 30-year planning horizon.

³⁸ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 200 to 204

³⁹ Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, para 11

⁴⁰ Statement of Evidence of Jeremy Williams On Behalf Of Contact Energy Limited – Corporate, 10 August 2023, para 16

⁴¹ Statement of Evidence of Mark Bulpitt Chrisp on behalf of Contact Energy Limited – Planning, 9 August 2023, para 21

⁴² Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, paras 30 to 34

Issue 2b: Nature and mechanics of provisions relating to geothermal features and ecological values

Overview

Provision(s)	Panel recommendations
New Provisions	<ul style="list-style-type: none"> Insert additional land use rules (4h.4.1) for the Broadlands Road West Outline Development Plan area that make a range of minor, listed 'disturbance' activities in or within 20m of any Geothermal Significant Natural Areas identified in new Appendix 11 permitted activities, that categorise all other 'disturbance' activities as restricted discretionary activities, and that with respect to the latter, set out six matters over which the Council reserves its discretion.
New Provisions	<ul style="list-style-type: none"> Insert additional subdivision rules (4h.4.2) for the Broadlands Road West Outline Development Plan area that make subdivision a restricted discretionary activity, and that, with respect to the latter, set out three matters over which the Council reserves its discretion.
New Provisions	<ul style="list-style-type: none"> Insert a new Appendix 11 comprising the Broadlands Road West Outline Development Plan.

Amendments and reasons

- 3.18 The starting point for our consideration of this issue is the submission by Alana Delich seeking mitigation of environmental effects through the creation of an indigenous dominant buffer and increased resilience of geothermal ecosystems⁴³, as signaled in a. under paragraph 3.6 above. Ms Delich sought the creation of a 20m buffer from any identified geothermal ecosystem featuring dominant indigenous vegetation within which industrial activities and vehicles would be excluded and indigenous planting and weed and animal pest control would be required.
- 3.19 In his s42A Report⁴⁴ Mr Bonis noted that while the submission was framed in broad terms, Ms Delich's concern related particularly to the implications of rezoning Area 4 and, as such, the relief sought by Ms Delich was opposed by Mega Foods, Contract Energy Ltd and TIEL⁴⁵.
- 3.20 Mr Bonis went on to observe that while no geothermal features or ecological values had been previously identified with respect to Area 4, a detailed site survey commissioned by Council from Mr Shaw (Wildlands Consultants) in response to submissions had identified geothermal kanuka as threatened – naturally endangered and geothermal ecosystems as critically endangered and that these features warranted recognition based on nationally and regionally applicable criteria⁴⁶. For illustrative purposes the areas identified by Mr Shaw are reproduced in **Figure 3** below. Those he considered warranted identification and protected via a 20m buffer are annotated with the numbers '1' and '2', within the industrial zoned area outlined in blue to the right.

⁴³ Submission OS62.2 (among other submissions)

⁴⁴ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, para 120

⁴⁵ Further submissions FS203.5, FS229.10 and FS232.3, respectively

⁴⁶ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 122 to 123

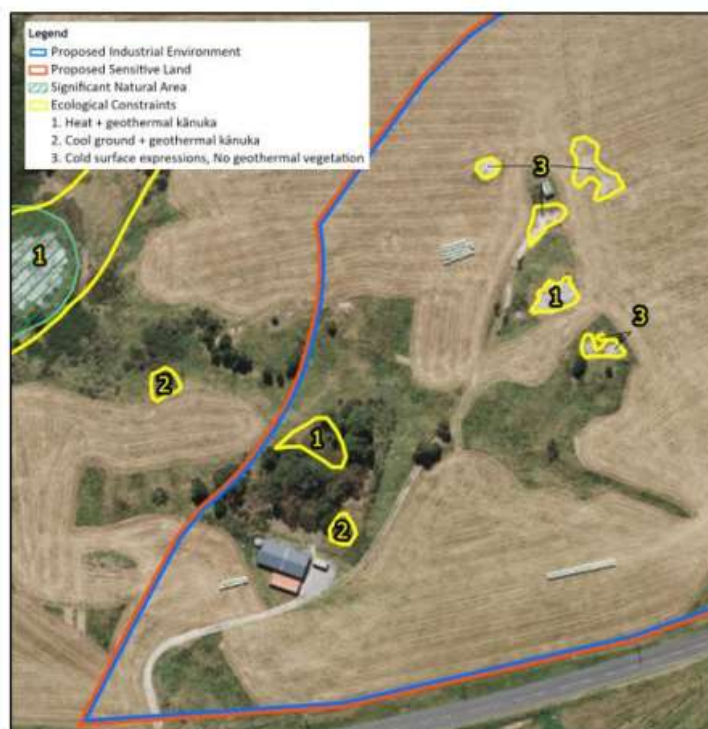


Figure 3: Significant geothermal features associated with Area 4 (Source: s42A Report)

- 3.21 In his s42A Report, Mr Bonis took the position that a 20m buffer distance from such features was justified on the basis of advice from Mr Shaw and recommended that a suite of provisions providing both land use and subdivision controls be inserted into the Plan Change; the effect of this being to introduce:
- a. a non-complying status for land use activities involving disturbance in mapped buffer areas; and
 - b. a restricted discretionary status for subdivision in the broader area zoned for industry, reserving discretion over the contents of an accompanying ecological management plan, among other matters⁴⁷.
- 3.22 Mr Bonis considered the recommended provisions to be effective and efficient and recommended the acceptance of Ms Delich's submission, in part, on that basis⁴⁸.
- 3.23 At the hearing we heard evidence from Mr Feuillade and Mr Clark for Mega Foods, relating their concerns over the implications of Mr Bonis's recommendations for the developability of the company's land within Area 4. Mr Feuillade referred to the plans Mega Foods is advancing to build a large logistics and distribution centre as well as accommodating other businesses on that land and suggested that the recommended provisions were overly directive and potentially onerous and would potentially frustrate the company's plans⁴⁹. Essentially, the problem as identified by Mr Feuillade is that modern logistics and distribution centres occupy a large physical footprint and feature large-scale buildings and

⁴⁷ *Ibid*, paras 124 to 125

⁴⁸ *Ibid*, paras 125, 192, 196 and 199

⁴⁹ *Statement of Evidence of Jerome Philippe Philippe Feuillade for Mega Food Services Ltd*, 7 September 2023

extensive traffic circulation areas free from site-specific constraints, and the 'sectioning out' of geothermal features and associated buffer areas could comprise the company's intended use of the site.

- 3.24 From a planning perspective, Mr Clark concluded that the Council's consideration of the costs and benefits of the recommended provisions and evaluation of alternatives had not been sufficiently robust (in terms of the onus imposed by s32AA of the RMA), would undermine the Council's intent of using PC43 to meet its obligations under the National Policy Statement for Urban Development 2020 (NPS-UD) to meet demand for industrial land supply, and did not follow the directive statutory framework as set out in the NPS-IB and the Waikato Regional Policy Statement (RPS). In his view, a more thoughtful and comprehensive approach was required and that in the absence of such, the existing, operative planning framework should remain in place⁵⁰.
- 3.25 Given that the geothermal features and associated ecological values were central to this issue, we took the opportunity during the hearing to question Mr Shaw as to their significance and the need for their protection. Mr Shaw was adamant that the values represented in the areas annotated with the numbers '1' and '2' identified in **Figure 3** above met the criteria for ecological significance in the RPS and NPS-IB. He acknowledged that these areas may have already been modified; however, in his view, this did not diminish their overall significance in terms of s6(c) of the RMA. For illustrative purposes, the areas for protection identified by Mr Shaw as shown in **Figure 3** are replicated in **Figure 4** below accompanied by their respective 20m buffers (within the industrial zoned area outlined in blue to the right).

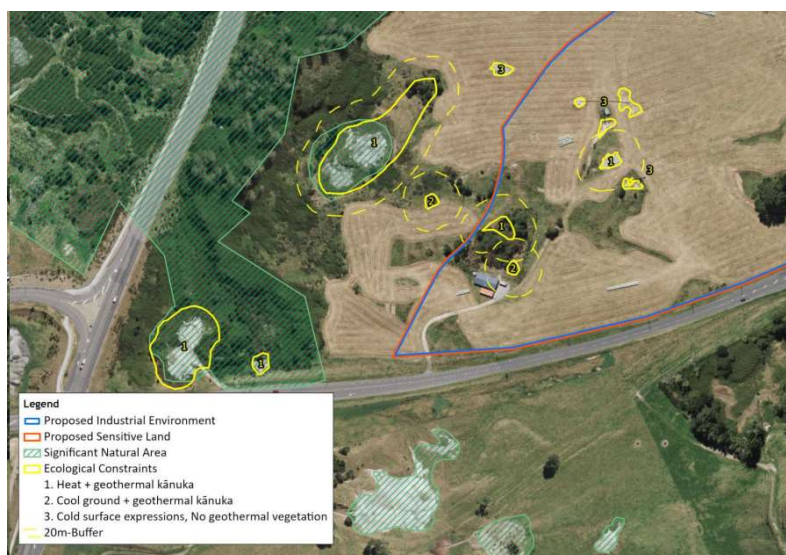


Figure 4: Significant geothermal features associated with Area 4 accompanied by respective 20m buffers (Source: s42A Report⁵¹)

- 3.26 Significantly for us, Mr Shaw's evidence remained unchallenged in this regard, and we therefore must accept (as indeed did the witnesses for Mega Foods) that the values (and areas) so identified warrant protection. Given what we had heard from the other

⁵⁰ Statement of Evidence of Darren Paul Clark for Mega Food Services Limited (Planning), 16 August 2023

⁵¹ Excerpt from Figure 1, Attachment 1 to Statement of Evidence of William Bruce Shaw on Behalf of Taupō District Council – Ecology, 11 July 2023, in turn attached as Attachment F to the s42A Report

witnesses, however, we remained interested in establishing whether there existed (or could be brought into existence) a viable consenting pathway to facilitate the development of the remainder of the land.

3.27 Consequently, and following the hearing, we invited the planning witnesses, Mr Clark (for Mega Foods) and Mr Bonis (for the Council) to conference on a range of options for land use and subdivision provisions to address the identified need for protection, together with areas of agreement and remaining disagreement⁵².

3.28 The output from this conferencing was a Joint Witness Statement (JWS), dated 8 November 2023. The JWS reported on the outcome of an evaluation of four options, as follows:

- a. retention of Plan Change provisions as notified, with a consequential reliance on operative TDP Rule 4h.3.7, which would employ a discretionary activity status for subdivision as a basis for imposing any protective and management mechanisms ('Option 1');
- b. adoption of the s42A Report recommendations, as summarised in paragraph 3.19 above ('Option 2');
- c. a 'hybrid' approach incorporating a lesser restricted discretionary activity status for land use and a more directive approach to the wording of associated matters of discretion for both land use and subdivision ('Option 3'); and
- d. another 'hybrid' approach involving amendments to TDP provisions, requiring the preparation of an ecological assessment to accompany applications for subdivision and land use within the 'Sensitive Land Overlay' ('Option 4').

3.29 The planners noted that they agreed that Mr Shaw's evidence as to the significance of the values identified was not in dispute, that the values so identified necessitated protection, and that both subdivision and land use provisions would form the basis for a suitable approach, among other matters of congruence. We endorse the planners' other point of agreement; that the provisions must strike an appropriate balance between protection and establishing a flexible development regime for the broader site.

3.30 However; Mr Clark and Mr Bonis disagreed as to the optimal planning solution. Mr Clark favoured Option 4, as in essentially leaving the identification of ecologically significant areas to the point of application, it could account for physical changes to the geothermal resource over time together with the outcomes of a district-wide response to the Council's obligations under the NPS-IB. Having said that, Mr Clark did acknowledge that Option 3 would go some way towards addressing his concerns, by providing a more enabling rule framework for industrial land use that continued to protect geothermal ecology⁵³.

3.31 Mr Bonis favoured Option 3, considering it to be more effective in terms of its prior 'pre-emptive' identification of ecologically significant areas, its direct and more immediate addressing of NPS-IB obligations and the certainty it would provide TDP users. Ultimately, however, Mr Bonis conceded that either Option 3 or Option 4 provided an appropriate means of reconciling the competing aims of industrial development and ecological protection⁵⁴.

3.32 We thank Messrs Clark and Bonis for their considered response to our direction.

3.33 At the same time that we directed the planners to conference, we also invited Mr Feuillade

⁵² Via **Minute 18**, 18 September 2023

⁵³ *Joint Statement Arising from Planner Expert Caucusing*, 8 November 2023, para 19

⁵⁴ *Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic]*, 13 November 2023, para 18

to provide an illustration of an optimum layout for a prospective logistics and distribution centre on Area 4 taking account of the proposed restrictions relating to geothermal ecology⁵⁵. Mr Feuillade indicated in response that he was unable to do so as a considerable amount of additional site investigation and design work would be required to produce a realistic, meaningful and comprehensive layout⁵⁶; presumably (and understandably) not achievable within the tight constraints of a Plan Change hearing.

- 3.34 We would observe that the issue in play, together with options for resolving it, have been considerably advanced in the time since Mega Foods first purchased the land, prior to the development of the Plan Change. At that stage, the land was zoned for rural purposes and the geological / ecological values were unknown. Even at the time of notification, those values remained unrecorded.
- 3.35 As a result of Ms Delich's prompt and Mr Shaw's work those values are now known and they, their vulnerability, and the need for protection are accepted by the parties involved and have not been contested. These values cannot be ignored and that fact leads to our recommendation as to an optimum planning response. We agree with the planning witnesses that either Option 3 or Option 4 would lay down a viable consenting pathway. Ultimately, we favour Option 3 as it is based on the direct and immediate application of survey information identifying known and accepted, uncontested values. Further, in defining a restricted discretionary activity status for both land use within the buffer areas and for subdivision over the broader area, accompanied by focused matters of discretion, and the required submission of a project-specific ecological assessment, Option 3 provides an efficient and effective means of catering to and considering development proposals. To our minds, Option 4 simply prolongs a resolution to issues that are sufficiently understood at this time.
- 3.36 Having said that, we acknowledge that without a suitably adjusted land use activity status as proposed via Option 3, the prospects for the development of the broader area would be questionable. We also acknowledge that there remains residual uncertainty as to whether an optimum layout for the logistics and distribution centre is able to be configured given identified ecological constraints and what impact the potentially reduced development potential of Area 4 as a result of these ecological constraints may have on the ability of the Council to meet its obligations under the NPS-UD and RMA. However, that uncertainty would stand under both Option 3 and Option 4. It is on this basis that we recommend the amendment of the Plan Change in accordance with Attachment A (Option 3) to the JWS and the accompanying s32AA evaluation with one exception, as follows.
- 3.37 We note that proposed new Rules 4h.4.1 and Rule 4h.4.2 as set out under Option 3 contain a couple of errors. The chapeau to Rule 4h.4.1 refers to 'permeable surfaces' when it was clearly intended to refer to 'impermeable surfaces'⁵⁷. Rule 4h.4.2 refers to three 'matters over which the Council reserves control for the purposes of assessment'; this should refer to 'matters over which the Council reserves discretion' given the intended restricted discretionary activity status of the activities concerned. We recommend the further amendment of proposed Rule 4h.4.2 to reflect this. As these are minor corrections we do not consider they necessitate a s32AA evaluation.

⁵⁵ Via **Minute 18**, 18 September 2023

⁵⁶ *Response to request from Minute 18 of the Taupō Plan Change 43 (Industrial) Independent Hearing Panel*, 9 October 2023

⁵⁷ The intended wording is clear from our reading of para 6.(e)ii. in the *Joint Statement Arising from Planner Expert Caucusing*, 8 November 2023, the panel has also made changes to ensure consistency between the terms impermeable and impervious.

Issue 2c: Potential reverse sensitivity issues

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.38 Reverse sensitivity issues associated with Area 4 were raised in a submission by Enviro NZ⁵⁸. Unfortunately, that submission was inadvertently omitted from the Council's summary of submissions. To rectify this, TDC separately notified the submission, which drew a further submission in opposition from Mega Foods⁵⁹. We acknowledged this process in **Minute 8**⁶⁰, wherein we directed the Council reporting officer to address the submission via an addendum to his s42A Report and granted the submitter more time to provide their evidence in response to the addendum.
- 3.39 Enviro NZ was opposed to the rezoning of Area 4 for industrial purposes as it was concerned about the area's proximity to its waste and recycling facility at 132 Broadlands Road and the prospect that certain activities seeking to locate in the new zone would be exposed to adverse environmental and amenity 'reverse sensitivity' effects, potentially compromising the ability of Enviro NZ to operate its facility in the future.
- 3.40 In his s42A Report addendum, Mr Bonis recommended that the submission be rejected, on the basis that:
- the 550m separate distance exceeded Australian EPA guidelines for sensitive activities (in the absence of equivalent New Zealand guidelines);
 - the industrial zoning did not permit sensitive activities of the type envisaged by the submitter;
 - the waste and recycling facility was visually screened from the area proposed for rezoning; and
 - the facility operator was subject to an express resource consent founded duty to internalize dust and odour effects⁶¹.
- 3.41 While Mr Bonis understood the premise for the concerns expressed in the submission, he indicated that he was not assisted by the absence of an evidential foundation on behalf of the submitter⁶².
- 3.42 For us, this absence remained present during the course of the hearing. We appreciate Ms Rosser's efforts, on behalf of Enviro NZ, to characterise the issue in planning terms, and the expression of her concerns regarding the (limited) extent to which the industrial zoning would 'shut the gate' with respect to sensitive receivers, together with her outlining of two planning methods by which those receivers could be managed in future⁶³. Ultimately, however, Enviro NZ's position remained unaccompanied or unsupported by technical evidence relating to key theoretical nuisances such as noise or odour and therefore we are only able to give it limited weight.

⁵⁸ Submission OS39.24

⁵⁹ Further submission FS240

⁶⁰ Dated 8 August 2023

⁶¹ Section 42A Report Addendum – Submitter 39 Enviro Waste Services Ltd – Taupō Industrial Land, 14 August 2023

⁶² Ibid, para 8

⁶³ Statement of Evidence of Kaaren Rosser (Planning) on Behalf of Envirowaste Ltd (now Enviro NZ) – Submitter (OS39) – Further Submitter (FS238), 15 August 2023

- 3.43 Ms Rosser did further suggest in evidence that the operative TDP Industrial Environment provisions did not provide a sufficient basis for addressing reverse sensitive effects in relation to the company's operations⁶⁴. This prompted us to ask Mr Bonis whether he thought there was a need for a specific policy to address reverse sensitivity effects arising from (sensitive) activities undertaken in industrial areas.
- 3.44 Mr Bonis addressed this question by drawing our attention to the recommendation of Council officers to insert a new sub-clause to Strategic Directions Policy 2.3.3.10 so that consideration of "*[undue] conflict with existing activities on adjoining properties and the surrounding areas*" is brought to bear in the consideration of subdivision, use and development proposals⁶⁵. In his view this ensured there would be no policy lacuna with respect to the consideration of reverse sensitivity effects; we concur.
- 3.45 We are not as convinced as Mr Bonis appears to be that non-industrial and potentially sensitive activities such as office activities, residential dwellings, retail activities and accommodation activities would be suitably dissuaded from seeking a location in the Industrial Environment, given that the consent status accorded such activities rests at the discretionary activity level. We might be more convinced were the resting status of such activities set at the level of a non-complying activity, thereby allowing greater weight to be given to the anticipated policy referred to above. However, it is not within our scope to critique the broader consent and policy settings in the TDP, outside the ambit of PC43.
- 3.46 That aside, and while acknowledging the practical importance of the waste and recycling facility, we have not been presented with any technical evidence that would lead us to conclude that Enviro NZ's continued operation of its facility is likely to be compromised by the prospective, future location of sensitive activities in an industrial zone at considerable physical remove. We therefore agree with Mr Bonis that Enviro NZ's submission be rejected.

Issue 3a: Overall merits of rezoning Area 7

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.47 We earlier made a determination that we had no alternative to accepting the submissions from APGL and Mr Ladbrook in part opposed to the rezoning of Area 7. Accordingly, in the first instance we need to address the content of those submissions inclusive of the merits of rezoning the area concerned.
- 3.48 Part of the argument advanced by Ms Lewis on behalf of the submitters is that an effect of the Plan Change would be to place industrial activities next to inherently incompatible residential environments. In her view, the lack of a buffer area or appropriate standards would lead to potentially significant adverse effects on adjoining residentially zoned land, an outcome contrary to the relevant TDP objective and policies relating to the management of the industrial-residential interface and amenity values and character of local (and residential) environments. Ms Lewis was also of the opinion that the East Urban Lands (EUL) land use consent and associated consent notices registered on the title of the land only countenanced the residential development of the site and legally precluded its

⁶⁴ *Ibid*, para 7.2

⁶⁵ This is an additional policy that we support – refer to **Recommendation Report 2**

development for industrial purposes⁶⁶.

3.49 Mr Bonis's response to these points can be summarized as follows:

- a. the consent notice provisions are the subject to a separate regulatory regime and do not impose a constraint to rezoning⁶⁷;
- b. APGL has not provided any expert technical evidence to substantiate its position as to why the rezoning would be so wholly incompatible with the adjoining residential area to render it inappropriate in terms of s32(1)(b); and
- c. the need for improvements to industrial-residential interface provisions is acknowledged and the resulting recommendations will ensure that the effects Ms Lewis alludes to will be mitigated⁶⁸.

3.50 We also note with favour Mr Moran's evidence on behalf of TIEL, wherein he observes that the EUL consent remains unimplemented since its granting in 2008⁶⁹.

3.51 It is our observation that, in general terms and with reference to s32 of the RMA, the Council has undertaken a suitably rigorous approach to identifying, evaluating and either confirming or dispensing with candidate sites for inclusion in the Plan Change. We consider the case for the inclusion of Area 7 in the Plan Change has been made by the Council, with the support of TIEL, with reference to the planning evidence of Mr Bonis and Mr Moran, and the supporting technical evidence of Mr Heath (for the Council) on economics and Mr Smith (for the Council) and Ms Makinson (for TIEL) on transportation.

3.52 We tend to agree with Mr Bonis that the juxta positioning of industrial and residential activities does not automatically give rise to a fundamental incompatibility or conflict between these land uses. It remains to be seen whether the interface provisions, as notified or as latterly recommended for enhancement and amendment provide a suitable basis for addressing adverse effects. This we turn our minds to under 'Issue 3b' below. However, at a fundamental level, we find ourselves satisfied that the merits of rezoning Area 7 for industrial purposes outweigh any suggested potential disbenefits.

Issue 3b: Adequacy of proposed controls relating to the industrial-residential interface

Overview

Provision(s)	Panel recommendations
Rule 4h.1.4 Landscaping	<ul style="list-style-type: none"> Insert new standard requiring the provision of a 3m wide planted landscaping strip on sites adjoining a Residential Environment.
New provisions	<ul style="list-style-type: none"> Insert a new standard (4h.1.13) relating to the control of exterior lighting inclusive of a maximum artificial light level and control on the direction of lighting.
New provisions	<ul style="list-style-type: none"> Insert additional assessment criteria (4h.4.13) relating to artificial light.

⁶⁶ Statement of Evidence of Joanne Lewis on behalf of Advance Properties Group Limited, 9 August 2023

⁶⁷ During the course of our deliberations on PC43 we were made aware that, as part of approving resource consent applications relating to the development of part of Area 7, the Council had approved a related request to cancel the relevant consent notices (RM230137 refers).

⁶⁸ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 166 to 171 and Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, para 37

⁶⁹ Statement of Evidence of Gareth Elliot Moran on behalf of Taupō Industrial Estate Limited (Planning), 7 August 2023, para 10

Amendments and reasons

- 3.53 PC43 as notified did not include any additional controls (beyond those contained in the operative TDP) to address the industrial-residential interface associated with Area 7. Neither did Mr Bonis initially recommend any amendments to the Plan Change provisions in response to submissions⁷⁰; considering as he did that reliance was appropriately placed on the operative provisions in the TDP, inclusive of building setback and noise controls⁷¹.
- 3.54 It was evident to us following the discussion that occurred at the hearing that more work was required on the adequacy of potential industrial-residential interface controls relating to Area 7. We signaled as much in **Minute 18**, wherein we directed Mr Bonis, Mr Moran and Ms Lewis to conference and produce a JWS on the matter⁷². Specifically, we asked the planning witnesses to focus on the existing TDP bulk and location provisions and other controls⁷³ that manage this interface and whether altered or additional provisions⁷⁴ might be necessary to address any identified gaps.
- 3.55 To us, the key district plan interface methods in terms of providing a basis for mitigating effects relate to landscaping and noise; others of relevance relate to building placement and lighting / glare. We deal with each of these four sets of methods in turn.
- 3.56 Before we do so, we would just note that there was some debate amongst the planners, as reported in the JWS, over the likely nature and profile of activities seeking to locate in Area 7 and how this might go to what types of industrial activity adjoining residential areas are 'exposed' to⁷⁵. It may be Mssrs Bonis's and Moran's expectation that Area 7 will accommodate 'light' industry in comparison with the Centennial Industrial Zone, which is intended for 'heavy' industry, but we accept Ms Lewis's point that there is little to distinguish the relative plan provisions in terms of performance standards⁷⁶. To our minds this simply puts further emphasis on the importance of getting the interface controls right.
- 3.57 Turning now to the merits of **landscaping treatment** at the interface, we note that the planners have confirmed that no requirement presently applies at the boundary with the Residential Environment.
- 3.58 Both Mr Bonis and Mr Moran acknowledged that an explicit additional requirement for a landscaped buffer was warranted as a means of screening and softening built form. Mr Bonis was of the view that this should take the form of a requirement to provide a 3m tree-planted landscaped strip on industrially-zoned land adjacent to the boundary, whereas Mr Moran considered that in practice the existence of an overland flow path on the adjoining Residential Environment obviated the need to impose a formal requirement on industry⁷⁷. Ms Lewis favoured a 5m wide landscaped strip applying to industrially-zoned land⁷⁸.
- 3.59 As a starting point, we agree with Mr Bonis and Ms Lewis that, for reasons of certainty and equity, any requirement for landscaping should be firmly placed on the owners of industrially-zoned land, as a basis for internalising effects generated on their properties. Further, it is our view that the functions of an overland flow path and a landscaped strip are not necessarily congruent.

⁷⁰ Primarily OS79.8 (Cheal Consultants)

⁷¹ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 159 to 161

⁷² We acknowledge that Ms Lewis's participation in conferencing on these matters was on a non-prejudicial basis, given her view that the rezoning was fundamentally inappropriate (a matter we have settled under 'Issue 3a').

⁷³ For example, landscaping requirements, building setbacks, building height limits and noise limits

⁷⁴ For example, supplementary landscaping requirements, height in relation to boundary controls and ultimately a prescribed buffer

⁷⁵ Joint Statement Arising from Planner Expert Caucusing, 3 November 2023, paras 9 to 12

⁷⁶ Notwithstanding our awareness that during the course of our deliberations on PC43 the Council had approved applications for a Bunnings trade outlet on Area 7 (Consents RM230135 to RM230137 refer).

⁷⁷ Joint Statement Arising from Planner Expert Caucusing, 3 November 2023, paras 27 and 30 to 33

⁷⁸ Ibid, paras 38 to 40

- 3.60 We note that all versions of the performance standards as proposed by the planners would require that an average of one specimen tree per 7m is planted. This compares to a ratio of 1 tree per 10m that applies on site boundaries fronting the East Taupō Arterial Road. The standard does not specify what other planting is required within the landscaped strip, so it is reasonable to assume that only the trees will have a mitigating effect in terms of building bulk and only outside winter months, if deciduous species are selected. That limitation aside, an additional couple of metres as proposed by Ms Lewis would not in our view fundamentally increase the density of planting or alter its overall appearance and mitigating effect. We also consider that any landscaping requirement needs to be seen in conjunction with all other interface controls, such as building setback (which remains at 5m).
- 3.61 On that basis we favour the imposition of a 3m landscaped strip as proposed by Mr Bonis and recommend the adoption of the wording for the standard set out in Attachment C to the JWS and the accompanying s32AA evaluation, accordingly.
- 3.62 We now turn to the merits of imposing recession planes with respect to the **placement of buildings**, as incorporated into height in relation to boundary controls.
- 3.63 Mssrs Bonis and Moran considered that existing building height and building setback provisions are sufficient in combination with additional landscaping / tree planting requirements, in lieu of an explicit recession plane requirement⁷⁹. Ms Lewis acknowledged that the existing building controls provide some degree of protection of adjoining amenity, but considered that a specific recession plane performance standard consistent with that applying in the adjoining Residential Environment would provide a better outcome⁸⁰.
- 3.64 We note that the planners own assessment of other district plans found that they generally impose explicit recession plane requirements on industrially-zoned land at the industrial-residential interface⁸¹. We take the point, however, that the operative TDP building height and setback controls in combination effectively if not explicitly impose a recession plane and, ultimately, we concur with Mssrs Bonis and Moran that, in the event of a non-compliance with either of these two controls, respective assessment matters relating to dominance, bulk and shading would be brought to bear⁸². On balance, then, we do not consider that an explicit height in relation to boundary control is necessary in this instance.
- 3.65 Mr Bonis proposed a new **light and glare** performance standard which imposes a maximum artificial light level (as received within any adjoining Residential Environment) as well as a qualitative requirement that exterior lighting be directed away from the windows of habitable spaces within those adjoining Environments, thereby addressing glare⁸³.
- 3.66 Mr Moran did not support the standard beyond its control of potential glare; he was concerned that the proposed limit on artificial light levels (8 lux) was not supported by any expert input⁸⁴. Ms Lewis considered that the two-pronged settings proposed by Mr Bonis were appropriate⁸⁵.
- 3.67 We note that the 8 lux maximum recommended by Mr Bonis and supported by Ms Lewis is equivalent to the operative TDP control that applies to sites within the Residential Environment, and that was presumably informed by expert input at the time of its

⁷⁹ *Ibid*, paras 28 and 34

⁸⁰ *Ibid*, paras 41 and 42

⁸¹ *Ibid*, Attachment B

⁸² *Ibid*, para 28

⁸³ *Ibid*, Attachment C

⁸⁴ *Ibid*, para 35

⁸⁵ *Ibid*, para 43

adoption. In our minds it is appropriate and reasonable to expect industry in adjoining sites to achieve this standard, also. Not to do so would be to undermine the night-time amenity of Residential Environments. In our experience, advances in lighting technology have assisted in achieving compliance with such standards. We therefore recommend the adoption of the standard as proposed by Mr Bonis, as set out in Attachment C to the JWS and the accompanying s32AA evaluation.

- 3.68 Finally, we consider the merits of imposing differentiated **noise** controls on industrial activities adjacent to the interface. In the operative TDP, noise levels as measured within boundary of any Residential Environment site are not to exceed 55dBA L_{eq} between 7am and 10pm, and 45dBA L_{eq} and 75dBA L_{max} between 10pm and 7am⁸⁶. This standard must be met by activities in any (adjoining) Industrial Environment. As such, these requirements differ from those that apply to activities within a Residential Environment, which as Ms Lewis noted, are set at a more stringent level i.e. 50dBA L_{eq} between 7.00am and 7.00pm, 45dBA L_{eq} between 7.00pm and 10.00pm, and 40dBA L_{eq} and 70dBA L_{max} between 10.00pm and 7.00am⁸⁷.
- 3.69 Mr Bonis did not propose anything additional in this respect, and Mr Moran indicated he was opposed to any controls over and above that already provided for in the operative TDP⁸⁸. Ms Lewis considered this to be insufficient, noting with favour that some district plans require that noise measured in residential zones (but generated by adjacent industrial zone activities) meet the same or similar maximum limit that applies within those residential zones⁸⁹. She sought that industrial activities comply with the Residential Environment standard and proposed amendments to the rule accordingly, as set out in Attachment D to the JWS.
- 3.70 In our view it would run at cross-purposes to the architecture of operative TDP if we were to accept Ms Lewis's approach. We consider that industrial emitters of noise received at boundary of residential sites cannot be held to the same standard that is internal to a Residential Environment. In this respect, we perhaps deviate from the position we take where cross-boundary light spill is concerned above, and where technological fixes may be more readily available. However, such a deviation is warranted in our view given it would be inappropriate to make *ad hoc* changes to the district wide provisions affecting noise levels. The rationale for any amendments would need to emerge from a holistic review of noise provisions in the District Plan. The current operative approach establishes a reasonable expectation and provides a reasonable degree of control where cross-boundary effects are concerned. Certainly, there is not an absence of control on noise given that it is a key matter we identified ahead of our evaluation of interface controls above.
- 3.71 If the Council determines that the differentiated nature of the provisions that apply do need to be reviewed, this should be programmed on a comprehensive, district-wide basis and not in isolation via site-specific plan changes. In the meantime, and in the context of PC43, we recommend no changes to the way in which the operative TDP provisions apply to noise generated in Industrial Environments and received in Residential Environments.
- 3.72 Overall, we consider that a combination of operative building height, building setback and noise controls together with additional landscaping and lighting and glare controls will provide an adequate basis for addressing adverse effects otherwise arising at the industrial-residential interface. We thank the planning witnesses for their assistance in helping us arrive at this overall finding.

⁸⁶ By virtue of Rule 4h.1.8(b)

⁸⁷ By virtue of Rule 4a.1.18

⁸⁸ *Joint Statement Arising from Planner Expert Caucusing*, 3 November 2023, para 36

⁸⁹ *Ibid*, paras 45 to 47

Issue 4a: Rezoning of Rangatira E land

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.73 In its submission, Rangatira Block Trusts sought the rezoning of part of the Rangatira E block for industrial purposes⁹⁰.
- 3.74 Mr Bonis noted that the area in question had been canvassed as part of the s32 evaluation accompanying PC43, but had been discounted at that stage given infrastructure and geotechnical impediments, among other challenges. He acknowledged the iwi's interest in self-determination and the statutory obligations of the Council with respect to the relationship of Māori, iwi, hapū with their ancestral lands, but concluded that any rezoning would not be efficient or effective, given the site-specific limitations referred to above.⁹¹
- 3.75 Mr Lenihan, representing Rangatira Block Trusts⁹², presented to us at the hearing. He described the lands administered by the Trust and their plans and aspirations for it which included master/structure planning, rezoning of land and the provision of infrastructure. In Mr Lenihan's opinion, rezoning some land for industrial purposes at this point would enable Rangatira E to generate a much higher income relative to the current farming activity which would be re-invested into the longer-term substantial development of the master plan.
- 3.76 Mr Lenihan identified that an area of 76ha was sought to be rezoned but Stage 1 of the Trusts' proposed development consisted of 19ha located on the corner of Poihipi and Scoria Roads. In Mr Lenihan's opinion, if only the 19ha area were ranked using the Property Economics Multi-Criteria Analysis adopted by the Council, the outcome would be more favourable.
- 3.77 Having heard from Mr Lenihan, we asked Council officers to comment on the application and implications of the NPS-HPL on the reduced area of 19ha and whether any such consideration of it would lead to a different conclusion in terms of the s32 evaluation. It was Mr Heath's conclusion that, even at a reduced scale, the rezoning of the Rangatira E block would not give effect to the NPS-HPL and would not have altered the outcomes of the s32 options assessment⁹³. Mr Bonis remained of the view that the requested rezoning would be inappropriate⁹⁴.
- 3.78 We find we must agree with the Council officer on this matter i.e. that the request should not proceed. We note that we have otherwise rejected a companion request from the submitter to rezone other portions of the block for rural-residential purposes (refer to **Recommendation Report 3** in relation to PC42).
- 3.79 In our view, a comprehensive approach to the development of the block is required. With that in mind, we are comforted by the knowledge that work is underway in this respect.

⁹⁰ Submission OS41.18

⁹¹ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 222 to 231

⁹² With the exception of Paenoa te Akau Trust

⁹³ Property Economics Memorandum, 10 November 2023, Attachment B to the Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023

⁹⁴ Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, paras 25 to 29

In her strategic evidence relating to the Plan Change bundle on behalf of the Council, Ms Samuel informed us that the Council is working in partnership with the block owners on options for a 'Rangatira E and Paenao Te Akau Growth Area'⁹⁵.

Issue 4b: Rezoning of land at Mangakino

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none">• No change

Amendments and reasons

- 3.80 In its submission, Wairarapa Moana Incorporation Ltd sought an amendment to PC43 to rezone land at Mangakino to cater for future business growth⁹⁶.
- 3.81 No evidence was presented at the hearing on behalf of the submitter in support of its submission and therefore no further clarification was available to us in terms of the specific location of the area requested or any accompanying s32 assessment.
- 3.82 On that basis we have no option other than to accept Mr Bonis's recommendation that the submission be rejected⁹⁷.

⁹⁵ Section 42A of the RMA Report by Hilary Samuel, 3 July 2023, para 16

⁹⁶ Submission OS47.1

⁹⁷ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 232 to 234

4. Statutory considerations

Summary of statutory requirements

- 4.1 The statutory requirements for the preparation and consideration of the contents of a District Plan are set out in s31, 32, and 72-77D of the RMA.
- 4.2 In *Colonial Vineyard Ltd v Marlborough District Council*⁹⁸, the Environment Court updated the framework of matters to be evaluated when preparing a plan, albeit by reference to the version of the RMA that applied prior to 3 December 2013. The RMA has been amended a number of times since that date, the most relevant for our purposes being the substantial rewriting of s32 and the introduction of s32AA and the National Planning Standards 2019. Other minor amendments to words and phrases have also been made.
- 4.3 In these circumstances we prefer to set out the statutory requirements that we consider apply specifically to the preparation and consideration of PC43, drawing on *Colonial Vineyard*, where it is appropriate to do so, but supplementing as necessary where amendments have been made.

Part 2 of the RMA

- 4.4 The Act's purpose and principles are set out in Part 2 of the Act.
- 4.5 Section 5 explains that the Act's purpose is to promote the sustainable management of natural and physical resources.
- 4.6 The Panel accepts and adopts the initial evaluation of Part 2 matters in the s32, and the subsequent changes to PC43 recommended by the s42A Report and Reply Statements reflect the importance of Part 2 of the RMA specifically, sections 5, 6 (c) and 7 (b), (c), (d) and (f).
- 4.7 Furthermore, there was no evidence before us to suggest there are areas of invalidity, incomplete coverage or uncertainty in the relevant plans or intervening statutory documents such that any detailed evaluation of Part 2 is required.

Council's function and purpose of PC43

- 4.8 The Council has extensive functions under s31 of the RMA for the purpose of giving effect to the Act's sustainable management purpose, as follows:
- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (s31(1)(a)).*
- (aa) *The establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (s31(1)(aa)).*

⁹⁸ ENV-2012-CHC-108, [2014] NZEnvC 55

(b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*

- (i) *the avoidance or mitigation of natural hazards; and*
- (ii) *[repealed]*
- (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
- (iii) *the maintenance of indigenous biodiversity (s31(1)(b));*

(c) *[repealed]*

(d) *the control of the emission of noise and mitigation of the effects of noise (s31(1)(d));*

(e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes (s31(1)(e));*

(f) *any other functions specified in this Act (s31(1)(f)).*

(g) *The methods used to carry out any functions under subsection (1) may include the control of subdivision (s31(2)).*

4.9 As noted in paragraph 2.9 of this report, the primary purpose of PC43 is to assist the Council in meeting its obligations under the NPS-UD and requirements under the RMA in providing sufficient industrial (business) land supply over the long term. The purpose of the Plan Change goes directly to the Council's functions with respect to the provision of business land covered under s31(1)(aa). It should be clear from our consideration of the key issues in **Section 3** of our report that the final, recommended form of PC43 also addresses the functions of the Council in relation to:

- a. preventing or mitigating adverse effects (s31(1)(b)(iia));
- b. the maintenance of indigenous biological diversity (s31(1)(b)(iii)); and
- c. the achievement of integrated management and the protection of natural and physical resources (s31(1)(a)) more generally.

Relevant District Plan policy considerations

4.10 We have also given consideration to PC43 consistency with s75(1) of the RMA, which requires a District Plan to state the objectives for the District, any policies to implement the objectives, and the rules (if any) to implement the policies.

4.11 The Panel has been mindful throughout the hearings process that there was consistency between the provisions of PC43 and the Strategic Direction objectives and policies proposed for inclusion in the District Plan by way of Plan Change 38. We accept and adopt Mr Bonis's finding that the rezoning of Area 4 and Area 7 through PC43 contributes towards the achievement of the relevant Strategic Direction objectives and policies⁹⁹.

4.12 PC43 does seek to amend any operative TDP objectives or policies or insert any new provisions into the TDP at this level. The s42A Report contains a detailed assessment of PC43 against the relevant TDP objectives and policies¹⁰⁰. This assessment finds that PC43 will assist in achieving TDP objectives and related policies with respect to land development, industrial, transport and natural hazards and geotechnical risk topics. We

⁹⁹ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, Section 2.11

¹⁰⁰ Ibid, Section 2.10

accept and adopt these findings.

National Policy Statements

- 4.13 When Bundle One Plan Changes were notified on 14 October 2022, the following National Policy Statements (NPSs) were in force:
- NPS for Renewable Electricity Generation 2011 (NPS-REG);
 - New Zealand Coastal Policy Statement 2010 (NZCPS);
 - NPS on Electricity Transmission 2008 (NPS-ET);
 - NPS for Freshwater Management 2020 (NPS-FM); and
 - NPS on Urban Development 2020 (NPS-UD).
- 4.14 By virtue of s75(3) of the RMA, PC43 is required to give effect to the provisions of these documents, where relevant. We accept that the NZCPS has no relevance to the Taupō District. It is also reasonable to conclude that PC43 has no particular relevance where the NPS-REG and NPS-ET are concerned. Finally, we accept the view of Council officers that the proposed rezonings do not conflict with the relevant policies of the NPS-FM and that any effects on freshwater quality as a result of the development of the areas concerned can be adequately addressed through land use and regional consents¹⁰¹.
- 4.15 Obviously, the primary intent of PC43 is to assist the Council in meeting its obligations under the NPS-UD to supply sufficient development capacity to meet the District's long-term business needs. Certainly, on the evidence of Mr Heath and Mr Bonis, it is clear to us that the rezoning of Areas 4 and Area 7, as notified, would go a considerable way towards meeting this requirement. The recommended deletion of the Contact Energy land from Area 4 as addressed in paragraphs 3.11 to 3.17 of this report does mean that the Council will need to do more work to address the resulting shortfall over the long-term planning period. To a lesser extent, the potentially reduced development potential of Area 4 as a result of the adoption of the Geothermal Significant Natural Areas overlay as discussed in paragraphs 3.18 to 3.37 of this report may also add to that workload. However, this does not take away from the fact that PC43, as amended, still assists the Council towards achieving its NPS-UD targets.
- 4.16 As set out above in paragraphs 2.42 to 2.45, the NPS-HPL came into force on 17 October 2022, in the period between the close of submissions and the commencement of hearings of the Bundle One Plan Changes 2023, three days after the Plan Changes were notified. Therefore, it is a statutory requirement that PC43 must give effect to the NPS-HPL. In addition, the NPS-IB was also gazetted on 7 July 2023. Therefore, it is a statutory requirement that PC43 must give effect to the NPS-IB.
- 4.17 We accept the advice of Council officers that the NPS-HPL is not relevant to PC43, as notified, as the areas proposed for rezoning (Area 4 and Area 7) do not contain LUC 1, 2 or 3 land¹⁰². Where the requested rezoning of the Rangatira E block is concerned, we have already found that the NPS-HPL is relevant as the block contains LUC Class 3 land, and we have carried out an evaluation on that basis (refer paragraphs 3.73 to 3.79 in this report).

¹⁰¹ *Ibid*, paras 45 and 46

¹⁰² *Ibid*, para 43

- 4.18 As we have already signaled, the NPS-IB is relevant where the rezoning of Area 4 is concerned, given the confirmed presence of significant geothermal ecological values. We also accept that the identified values have met the criteria for ecological significance in the NPS-IB (refer paragraphs 3.25 and 3.26 in this report). This is not contested by the parties involved. Further, the amendments to PC43 that we recommend the adoption of will provide, in our view, the optimum basis for protecting those values while facilitating the development of Area 4.

The Regional Policy Statements

- 4.19 As with the NPS, the Regional Policy Statements (RPS) must be given effect to by PC43. Four relevant RPS apply in relation to the Taupō District; however, the areas proposed for rezoning are located in the Waikato Region and therefore only the Waikato RPS (inclusive of Plan Change 1) is relevant where PC43 is concerned.
- 4.20 In this regard, we accept Mr Bonis's finding that PC43 gives effect to the Waikato RPS and is consistent with the amendments to the RPS introduced by Plan Change 1¹⁰³.

National Environmental Standards

- 4.21 There are nine National Environmental Standards (NES) currently in force:
- NES for Storing Tyres Outdoors 2021;
 - NES for Freshwater 2020;
 - NES for Marine Aquaculture 2020;
 - NES for Plantation Forestry 2017;
 - NES for Telecommunication Facilities 2016;
 - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
 - NES for Electricity Transmission Activities 2009;
 - NES for Sources of Human Drinking Water 2007; and
 - NES for Air Quality 2004.
- 4.22 Each of these documents provides for nationally consistent management of the respective topics to which the standards relate and include technical standards and other methods. These standards will usually override provisions in a district or regional plan; however, the Act enables provisions in a plan or a resource consent to prevail in relation to certain uses and where expressly enabled by a particular NES.
- 4.23 The s32 Report accompanying PC43 contains a brief assessment against the relevant NES; we accept that this raises no fundamental issues with respect to the proposed rezoning¹⁰⁴.

Other statutory considerations

- 4.24 The requirement under s74 of the RMA to give regard to matters when preparing a plan extends beyond those documents referred to above to include:
- a. National Planning Standards;

¹⁰³ *Ibid*, paras 61 to 69 and 130 to 137

¹⁰⁴ *Section 32 Evaluation Report – Taupō Industrial Rezoning – Plan Change 43, Section 4.1.6*

- b. management plans and strategies prepared under other Acts;
 - c. relevant entries on the New Zealand Heritage List / Rārangī Kōrero;
 - d. the plans or proposed plans of adjacent territorial authorities; and
 - e. iwi management plans.
- 4.25 The purpose of the first set of National Planning Standards that came into force in 2019 is to improve the efficiency and effectiveness of New Zealand's planning system by providing a nationally consistent structure, format, definitions, noise and vibration metrics and electronic functionality and accessibility for district and other RMA plans. The s32 Report and s42A Report relating to PC43 conclude that there is no mandatory requirement to amend the provisions to accord with the 2019 Standards and that alignment is best achieved via the forthcoming District Plan review¹⁰⁵ We accept that position.
- 4.26 The s32 Report and s42A Report include assessments of PC43 against the *TD2050 – Growth Management Strategy* (2018) and *Taupō Long Term Plan*¹⁰⁶. We accept the conclusion of Council officers that PC43 broadly aligns with the intent of these strategies and plans, to the extent that they are relevant.
- 4.27 We understand that there are no known heritage values that would be affected as a result of the prospective rezoning of Area 4 and Area 7. The plans or proposed plans of adjacent territorial authorities are not relevant where PC43 is concerned.
- 4.28 Within the Taupō District there are the following iwi management plans:
- Central North Island Forests Iwi Collective He Mahere Pūtahitanga (2018)
 - Te Arawa River Iwi Trust Environmental Management Plan (2021)
 - Ngāti Tūwharetoa Environmental Iwi Management Plan (2003)
 - Ngati Tahu - Ngati Whaoa Iwi Environmental Management Plan: Rising above the mist - Te aranga ake i te taimahatanga (2019)
 - Raukawa Environmental Management Plan: Te Rautaki Taiao a Raukawa (2015)
- 4.29 The s32 Report and s42A Report for PC43 provide an analysis of how each of the above plans have been taken into account and we accept the conclusions those reports reach that there are no specific sites or values associated with ancestral lands, sites, waahi tapu and other taonga as represented by Area 4 and Area 7 that would render these areas inappropriate in terms of rezoning and that the relevant principles of the iwi management plans are appropriately accounted for¹⁰⁷.
- 4.30 Overall, the Council has demonstrated its regard to the relevant s74 matters in preparing PC43 and the Panel has also had regard to the relevant matters to the extent relevant to our role.

¹⁰⁵ Section 32 Evaluation Report – Taupō Industrial Rezoning – Plan Change 43, Section 4.1.5 and Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 138 to 140

¹⁰⁶ Ibid, Sections 4.1.9 and 2.12, respectively

¹⁰⁷ Ibid, Section 4.1.8 and 2.9, respectively

5. Conclusions and recommended decisions

- 5.1 For the reasons summarised at appropriate points in **Section 3** above, we recommend the adoption of a set of changes to the PC43 provisions. Our recommended amendments are shown in **Appendix 3** (tracked version) and **Appendix 4** (accepted version).
- 5.2 Overall, we find that these changes will ensure that PC43 better achieves the statutory requirements and national and district level policy directions and will improve its useability.
- 5.3 Our recommended decisions, except as outlined in this report where they vary from the 42a recommendations, in terms of the acceptance or rejection of submissions are shown in **Appendix 1**.

DATED THIS 26 DAY OF February 2024



DJ McMahon
Chair



EA Burge
Independent Commissioner



Y Westerman
Councillor

Appendix 1: Schedule of attendances**Present for the entire hearing were:**

- Commissioners: David McMahon (chair), Liz Burge, Councillor Yvonne Westerman.
- Taupō District Council Staff: Hilary Samuel and Haydee Wood
- Section 42a team: Matt Bonis (Planz Consulting), Tim Heath (Property Economics, Willie Shaw (online, Ecology).

Name	Organisation	In person/online
Nick Carroll	Taupō District Council	In person
Darren Clark	MegaFood New Zealand	In person (Submitter & speaker)
Joanne Beresford	Megafood New Zealand	In person (Submitter & speaker)
Louise Wood	Taupō District Council	In person
Hannah Lightfoot	Taupō District Council	In person
Tim Heath	Property Economics New Zealand	In person
Warren Ladbroke	Advanced Property Group	Online
Alan Lun	Megafood Owner	Online
Anita Skinner	Megafood Representative	Online
Joanne Lewis	Advanced Property Groups	Online
Rachel Helme	Taupō District Council	Online
Sue Slegers	Central Surveys Ltd	Online
Kirsteen McDonald	McKenzie & Co	Online
Heather Williams	Taupō District Council	Online
Jerome Feuillade	MegaFood, McKenzie & Co	In person (Submitter & speaker)
John Lenihan	Rangatira E Trust	Online (Submitter & speaker)
Gareth Moran	Taupō Industrial Estate	In person (Submitter & speaker)
Judith Makinson	Taupō Industrial Estate	In person (Submitter & speaker)
Marianne Mackintosh	Taupō Industrial Estate	In person (Submitter & speaker)
Jeremy Williams	Contact Energy	In person (Submitter & speaker)
Kevin Taylor	Taupō District Council	In person
Chris Lobb	EnviroNZ	Online (Submitter & speaker)
Warren Ladbroke	Advance Properties	In person (Submitter & speaker)

Kaaren Rosser	EnviroNZ	Online (Submitter & speaker)
Joanne Lewis	Advance Properties	In person (Submitter & speaker)
Matthew Lawson	Advance Properties	Online (Submitter & speaker)
Dave Smith	Abley New Zealand	Online
Kim Smillie	Taupō District Council	Online
Maddison Phillips	Williams Sale Partnership Limited (WSP)	Online
Wei Zhang		Online

Appendix 2: 42a Summary table of recommendations on each submission point

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS46.15	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Another strange Industrial Zone suggestion is on Poihipi Rd, it doesn't seem appropriate, given the premise to consolidate zones. It is out on a limb in a rural area. It would be easier to make an assessment as to its suitability for industrial zoning if land tenure and proposed use (if known) were made public when calling for submissions.	Do not zone Poihipi Road land as Industrial.	Reject	4.3
OS10.2	Anna Pol	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Submitter opposes the industrial area indicated on the map north and adjacent to Titan Way, due to the elevation and close proximity to rural lifestyle.	Submitter seeks the removal of the proposed industrial area indicated on the map north and adjacent to Titan Way.	Reject	4.3
OS62.2	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	Mitigation to create an indigenous dominant buffer and increase the resilience of a geothermal ecosystem include fencing to exclude vehicles and industrial encroachment, weed control, planting of native buffer vegetation, and animal pest control. Weed and pest control also critical	As the landholders will benefit financially from any plan change which re-zones this land to industrial land, it is prudent to think about the potential for future developers to contribute to ecological mitigation at this site. There are opportunities to improve the existing geothermal ecosystem from the current baseline, which would also increase the resilience of this ecosystem to any potential environmental effects.	Accept in part	4.3, Para 126)
FS203.5 Sub 62.2	Mega Food Services Limited		Oppose	Oppose	For any sort of financial mitigation to be considered, actual damage and adverse effect to the SNA would need to be established. Most of the site will remain in rural zoning and	Reject	4.3

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					only a portion of the site will be zoned industrial, therefore I am not convinced that there will be any adverse effect on the SNA and therefore maintenance of the asset falls to the land owner and other environmental funds that they can apply for. We note that only 11ha of the owned 20 ha in title Section 14 SO438782 (title) 631309 is proposed Industrial land and therefore sufficient buffer to SNA and geothermal features are already provided.		
FS229.10 62.2	Contact Energy Limited		Oppose	Oppose	The submitter is seeking amendments to provide for an indigenous buffer between geothermal ecosystems and industrial development. The submission relates to the proposed Industrial rezoning at Broadlands Road (and therefore appears to be a submission to Plan Change 43 not Plan Change 38). The principle of creating a buffer on industrial zoned land (and potentially rendering areas of industrial land unsuitable for development) is opposed; particularly in the absence of appropriate information and detail to understand the location and scale of the proposed buffer	Reject	4.3
FS232.3 Sub 62.2	Taupo Industrial Estate Limited (TIEL)		Oppose	Oppose	The HD Geotechnical Report concludes that Site 7 does not contain any evidence of hot springs, steam vents, steaming grounds or mud pools or any area that could be categorised as Significant Geothermal Feature or Significant Natural Area. On this basis, the additional	Reject	4.3

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					restrictions identified by the submitter are not necessary in how they relate to Site 7. Furthermore, it is inappropriate to include plan provisions that require the specific management and mitigation criteria outlined by the submitter. This level of detail (if required) is best managed through a resource consent process. On this basis; TIEL are in opposition to the relief sought by the submitter.		
OS29.26	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone	Seek amendment	Change 1 to the WRPS has been notified and so is a 'proposed policy statement'. District Councils are required, when preparing a change to the district plan, to have regard to the WRPS under section 74(2)(a)(i) of the RMA	Give regard to Change 1 to the WRPS as a 'proposed policy statement' in the proposed plan changes.	Reject	4.4
OS29.32	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone	Seek amendment	WRC considers that PPPC38-43 should follow the new plan format provided with the National Planning Standards.	Update PC43 to the new plan format provided with the National Planning Standards 2019	Reject	4.4
OS115.20	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That the objectives and policies of the strategic directions and Plan Changes 38 to 43 recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki as set out within Section 181 of the Settlement Act.	Amend PC43 to recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki.	Reject	4.4
OS115.26	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That the content and interpretation of the objectives, policies, rules and performance standards of Plan Changes 38-43 respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Amend Plan Changes 43 to respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Reject	4.4

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS115.32	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That TDC ensure that the content and interpretation of the objectives and policies of Plan Change 38-43 reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities	Amend Plan Change 43 to reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Accept in part	4.4
OS101.10	Jane Penton LWAG	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Support	Ref 4.h.37 & our previous comment: 'Low-impact design principles require monitoring and enforcing.	LWAG support the requirement for 'a stormwater management plan' and ask that these are enforceable.	Accept	4.5
OS113.37	Waka Kotahi NZ Transport Agency	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter appreciates that that the Taupō Future Industrial Land Option Economic Multi-Criteria Analysis 2022 indicates that there is a shortfall in industrial land supply. However, considers that not enough investigation has been undertaken against key documents to show the suitability of this rezoning. In order for these two locations (particularly Site 4 - Broadlands) to be considered suitable for rezoning as industrial land, further evaluation of the ability to reduce Vehicle kilometres travelled and service the sites with active and public transport should be undertaken.	The submitter seeks the following relief: For an assessment to be undertaken as to how Site 4 and Site 7 will align with the Waikato Regional Policy Statement - Change 1, the NZ Emissions Reduction Plan, reduction in vehicle kilometres travelled (VKT) and the provision of active and public transport. Subject to the assessments indicating that these measures can be achieved, provision should be made through the rules / standards to ensure delivery of these measures for Site 4 and Site 7.	Reject	4.5
FS203.7 Sub 113.37	Mega Food Services Limited		Oppose	Oppose	The details that NZTA seek form part of an application not a district plan change. Therefore this level of detail is likely to be uncovered when a specific land use is proposed. When an application is needed for land use, assessment against the regional plan can be undertaken at that time and consents sought if needed.	Accept	4.5

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
FS232.7 Sub 113.37	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	The reference to “key documents” by the submitter is vague and needs further explanation. However, as outlined within TIEL’s initial submission in support of the PC, from a transportation perspective, the proposed rezoning of Site 7 provides opportunities to maximise the investment value in the existing and planned transport networks. The PC will enable the relocation of industrial and ‘big box’ car-based retail outlets to locate adjacent to the arterial road network (State Highway 1 and 5), potentially removing these activities and their associated high car use and commercial vehicle needs from the town centre. Site 7 has potential to connect to the existing walking and cycling network along the Eastern Taupō Arterial and is well located in relation to other similar activities, existing and planned residential areas to provide employment opportunities as well as some everyday supporting services which reduces people’s overall need to travel TIEL is in opposition to this submission insofar as it relates to Site 7.	Accept	4.5
OS79.8	Cheal Consultants	Plan Change 43 - Taupō Industrial Zone > 4h Taupō Industrial Environment and Centennial Industrial Environment	Seek amendment	The provision of additional industrially zoned land is excellent to support industrial growth. Map 2 provides for an area of Industrial land in close proximity to Residential zoned land. Neither the subdivisions rules or the assessment criteria	Ensure that the future interface of Map 2 industrial zone with Residential zone, and the amenity of the Eastern gateway to Taupō is considered at the time of subdivision in particular if a controlled activity subdivision is proposed. Identifying the land	Reject	4.6

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				address this. There are provisions relating to avoiding non-industrial activities within the Industrial Zone and existing policy 3t.2.6 requires consideration of this matter. Careful consideration is required to ensure that this policy is sufficient for this location and is reflected in a controlled activity subdivision	as Sensitive with specific assessment criteria could address this. Or the addition of assessment criteria in 4h.4.12.		
OS29.20	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter opposes this provision in part and seeks an amendment.	Amend the rule 4h.3.7 as follows:In applying this Rule to the Sensitive Land Overlay within Section 14 SO 40438782 and Lot 1 DP 445148 and Lot 2 DP499406,...	Accept in part	4.6
FS238.24 Sub 29.2	Kaaren Rosser for EnviroNZ		Oppose	Oppose	Submitter prefers that Site 4 is not rezoned and that subdivision is discretionary within 1.5km buffer of landfill.	Reject	4.10
OS67.1	Advance Properties Group Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	The land proposed to be zoned for industrial purposes adjoins residentially zoned land. Residential and industrial land uses are considered to be inherently incompatible. The proposed rezoning is incompatible with the Consent Notice due to the notice limiting access onto Napier Taupō and the prescribed landuse which is a campus precinct. Although the s32 report supporting the Plan Change considers site constraints, the report does not refer to the Land Use Consent or the Consent Notice, nor does it assess the effects of the proposed rezoning on the land use outcomes intended through the EUL consent (including the range of	That the rezoning be disallowed	Reject	4.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				residential, accommodation, educational, and commercial activities provided for in The Campus Precinct).			
FS232.4 Sub 67.1	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL are in opposition to this submission, as the Taupō District Plan contemplates the interface between the Industrial Zone and Residential Zone land uses, by way of specific setbacks and landscaping requirements. Consent Notices on the Record of Title for the land within Site 7 are not relevant to the proposal to re-zone the land. Furthermore, consent notices may be removed by way of separate regulatory process pursuant to section 221 of the RMA.	Accept	4.7
OS114.17	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Submitter considers the inclusion of the site at 189 Napier Road from Rural to Industrial as inconsistent with 2.4 Strategic Direction Climate Change when there is already a large industrial area opposite this site.	The submitter seeks that the Industrial Zone at 189 Napier Road be removed.	Reject	4.7
FS232.8 Sub 114.17	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL is in opposition to this submission as TDC has confirmed in the S32 report that the existing land zoned industrial isn't sufficient to supply availability in 30 years plus (long term). The PC responds to the lack of sufficient industrial land supply and forecast growth of Taupō. Furthermore, the basis for the submitter's position regarding "Climate Change" is unclear and lacks explanation.	Accept	4.7
OS19.1	Taupō Industrial Estate Limited	Plan Change 43 - Taupō Industrial	Support	Support is for specifically the rezoning of the 4.5ha of land located at 189 Napier Road and	TIEL seek that that Plan Change 43 (PC43) as notified is approved by Taupō District Council. In	Accept	4.8

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Zone > Planning Maps		identified in Council's Section 32 analysis as 'Site 7' from Rural Environment to Taupō Industrial.	particular, TIEL seeks that the land identified in Council's 32 analysis as 'Napier Road' be rezoned from Rural Environment to Taupō Industrial.		
FS208.1 Sub 19.1	Warren Ladbrook		Oppose	Oppose	<p>The submission is opposed in its entirety;</p> <p>The reasons for opposing the submission are those set out in the submission of APGL (TDC submitter #67). The submission inappropriately downplays the significance of the Land Use Consent and Consent Notice (explained in my submission) that applies to the property, and applies regardless of the ownership of the property.</p> <p>Further, parts of their submission (eg paras 15 and 16) appear to misunderstand that the role of council as a consent authority is entirely separate to council as landowner. That distinction is a very significant one in terms of local authority transparency. The Napier Road site is required to be developed in accordance with the EUL land use consent until and unless that obligation is removed or varied through a future resource management process which council as consent authority (not landowner) will be responsible for. No rezoning should be contemplated until that process is firstly undertaken and unless the outcome of that process is consistent with the application of an Industrial Environment zoning for the site.</p>	Reject	4.8

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS93.77	Contact Energy Limited	Plan Change 43 - Taupō Industrial Zone	Support	Contact supports the proposed rezoning on Napier Road.	Contact seeks that Taupō District Council adopt PC43 as notified insofar as it relates to the 3.5 hectare block of land on the corner of Napier Road and the ETA, i.e. rezone it to Taupō Industrial Environment.	Accept	4.8
FS232.6 Sub93.77	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter is in full support with the PC as notified.	Accept	4.8
FS209.208 Sub 93.77	Manawa Energy Limited		Support	Allow	Manawa Energy supports this submission	Accept	4.8
OS21.2	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter acknowledges that it is appropriate for subdivision of 63 Broadlands Rd being a discretionary activity however seeks the addition of a definition for 'deep geotechnical investigation'.	Submitter seeks an amendment to add a definition for 'deep geotechnical investigation'.	Reject	4.9
OS21.5	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter has attached the Preliminary Geotechnical report undertaken for this site to this submission and no recommendation for a deep geotechnical investigation has been made in this report. The assessment must be informed by the deep geotechnical investigation following and shall also include, but not be limited to.	Amend - strike out the words 'the assessment must be informed by deep geotechnical investigation and shall also include'.	Reject	4.9
OS46.5	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > 4h Taupō Industrial Environment and Centennial Industrial Environment	Seek amendment	The Industrial Zones identified on Broadlands Rd, adjacent to Broadlands Geothermal Reserve an SNA vested to Iwi is inappropriate without some protection offered. In the past industrial businesses/properties bordering significant geothermal sites have used them as dumps, excavated within the SNAs or caused fires and damaged geothermal flora.	If industrial land is to be zoned by these areas a buffer zone should be afforded or vested for access for essential ecological work, businesses audited for incursion onto SNAs and business owners educated on the ecological significance/ importance and their responsibilities as neighbours to such sites.	Accept in part	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
FS203.2 Sub 46.5	Mega Food Services Limited		Oppose	Oppose	We note the comments made by Tukairangi Trust and agree that owners of land should act responsibly. Mega Foods Limited purchased the land off Taupō District Council approx 5 years ago and we are not aware of either land owner using the site as dumps and wonder if perhaps the general public have used them for such purpose in the past. Same too for any damage to the SNA adjoining the site.	Accept in part	4.9
OS46.14	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The Industrial Zones identified on Broadlands Rd, adjacent to Broadlands Geothermal Reserve an SNA vested to Iwi is inappropriate without some protection offered. In the past industrial businesses/properties bordering significant geothermal sites have used them as dumps, excavated within the SNAs or caused fires and damaged geothermal flora.	If industrial land is to be zoned by these areas a buffer zone should be afforded or vested for access for essential ecological work, businesses audited for incursion onto SNAs and business owners educated on the ecological significance/ importance and their responsibilities as neighbours to such sites.	Accept in part	4.9
FS203.3 Sub 46.14	Mega Food Services Limited		Oppose	Oppose	These are issues of concern but not in the scope of a plan change. Fly tipping and damage to SNAs are public nuisance issues and need to be dealt with by the appropriate council monitoring officer.	Accept in part	4.9
OS62.1	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	In New Zealand, areas of geothermal vegetation are classified as naturally uncommon ecosystems, as they were rare prior to human colonisation. Of the five geothermal ecosystem types that have been identified, three are found within Broadlands Road geothermal area. These are Heated Ground, Fumaroles and Hydrothermally	If "Broadlands West" is to be re-zoned, I suggest that the following bulleted additions to the text in plan change 43, 4h.3.7 would address the concerns of this submission: "...shall also include, but not be limited to: • Ecological assessment of potential geothermal features, • Ecological mitigation plan	Reject	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				altered ground – now cool. All three of these rare geothermal ecosystems have been described as a critically endangered (Holdaway et al. 2012, Wiser et al. 2013). Geothermal ecosystems require the correct surrounding geological conditions to exist. They cannot be created like a native forest or a wetland. That is why it is particularly important to protect the geothermal ecosystems we have left. Geothermal kanuka (Kunzea tenuicaulis) is the predominant geothermal vegetation at Broadlands Road geothermal area and is a Threatened – Nationally Endangered species (De Lange et al. 2017).	<ul style="list-style-type: none"> Hydrological assessment of effects of development on groundwater recharge.” 		
FS203.4 Sub 62.1	Mega Food Services Limited		Oppose	Oppose	We disagree that additional assessment is necessary as a significant buffer to the SNA has already been provided. Ecological assessment would normally be required when the SNA is on the site where the development will occur. The proposed re-zoned land will be located some distance from the SNA and Geothermal feature. We note that Broadlands Road Reserve has no Geothermal Water Features so therefore a hydrological assessment of the effects of development on groundwater recharge would not be necessary.	Accept	4.9
OS62.3	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	The S32 does review “Natural Values” within SNA108, and I note that “site 4” is set back 100m from SNA 108. However,	The S32 should review the Geothermal Module of the Waikato Regional Plan in the context of the Broadlands Road	Accept	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				the geothermal values have not been adequately taken into account. The 100m setback from SNA108 does not include the potential geothermal vents in the centre of the site (outlined in pink in the attached Figure 1 map).	West site, and Significant Geothermal Features are not mapped. (Most recent map, as per Wildlands 2021 included in Figure 1).		
OS62.4	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	There are relevant rules in the Geothermal Module to the proposed plan change 43 at Broadlands Road West. In particular section 7.6.6 – Surface Activities Affecting Significant Geothermal Features. The geothermal module of the regional plan does not seem to have been reviewed as part of this plan change.	Review the Geothermal Module as part of the section 32 for Plan Change 32.	Accept	4.9
OS62.5	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	The Broadlands Road West Site has not had adequate ecological assessment completed as part of this proposed plan change. Potential hot vents towards the centre of the site (likely geothermal heated ground, or hydrothermally altered ground now cool – both critically endangered ecosystems) have not been included in the 100m setback from SNA108.	These areas must be assessed by a qualified ecologist, and if found to be geothermal ecosystems, must be excluded from the plan change with an appropriate buffer (minimum 20m). Any development of this site must come with conditions of contributing to the restoration of the adjoining geothermal systems, in order to halt the on-going decline of these critically endangered ecosystems.	Accept	4.9
OS89.21	Department of Conservation	Plan Change 43 - Taupō Industrial Zone	Oppose	Identified Site 4 is proposed to be rezoned from Rural Environment to Industrial Land. There is a lack of detail in the Section 32 Evaluation Report for Plan Change 43 in relation to the potential adverse effects on SNA180 from the rezoning of Site 4 to Industrial Land.	Retain identified Site 4 at 63 Broadlands Road and 261 Broadlands Road, Taupō as Rural Environmental Zone. Alternatively, complete additional investigations to determine whether there are any adverse effects on SNA180 or any area that meets the criteria of a SNA or geothermal SNA from	Accept in part	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					the proposed rezoning of identified Site 4 to Industrial Land. Suggested relief includes, but is not limited to: 1. A suitably qualified ecologist confirms whether identified Site 4 qualifies as an SNA or a geothermal SNA. 2. Complete further investigation to determine if other aspects of the NPS-IB should be explored in relation to the proposed rezoning. The NPS-IB is expected to be gazetted in December 2022. 3. Provide an Ecological Assessment to determine the indigenous biodiversity values of SNA180 and the impact (if any) of the proposed Industrial Land rezoning on those values through the application of the effects management hierarchy.		
FS238.67 Sub 89.21	Kaaren Rosser for EnviroNZ		Support	Support	EnviroNZ supports the retention of the existing zoning but for reverse sensitivity reasons in relation to Taupō landfill.	Reject	4.9
FS203.6 Sub 89.21	Mega Food Services Limited		Oppose	Oppose	We believe that sufficient buffer to SNA has been provided. This is not shown very well in the plan change information. However approx 100m buffer has been provided and this will be sufficient to protect the SNA. We note that when the district wide performance standards are reviewed buffers to SNAs can be considered at that stage.	Reject	4.9
OS93.82	Contact Energy Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Contact opposes PC43 in part. The eastern half (approximately) of the Broadlands Road site is land owned by Contact. It is unclear	Contact seeks its land proposed as industrial zoning remain as rural.	Reject	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				as to why Taupō District Council is proposing to rezone Contact's land in this locality to Taupō Industrial Environment. Contact has previously advised Taupō District Council that it has no intention to develop (or allow others to develop) this part of its property for industrial purposes (at least in the foreseeable future). Contact is concerned that rezoning this land might create false expectations and the outcome will not assist Taupō District Council meet its obligations under the National Policy Statement on Urban Development 2020.			
FS203.9 Sub 93.82	Mega Food Services Limited		Support	Allow	Regarding 'Broadlands Road West' proposed re-zoning: We note that contact do not want their owned land re zoned. They want their land to remain in rural zone. We do not oppose this request. Their request relates to Lot 1 DP 445148, title 563557 which is located to the east of Mega Food Services site. The following snip from Grip shows the Contact land that this submission point relates to:	Reject	4.9
FS203.10 Sub 93.82	Mega Food Services Limited		Support	Allow	Keep Mega Food land in industrial plan change (title 621309) and if contact prefer to keep their owned land rural zoned remove their land from the proposed industrial zoning. We note that the remainder of the proposed industrial land should still be zoned Taupō Industrial. This is the land owned by the submitter and this is a map of the proposed	Reject	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					industrial land which includes contact land on the east side		
FS238.71 Sub 93.82	Kaaren Rosser for EnviroNZ		Support	Allow	This outcome would reduce reverse sensitivity effects to the Taupō landfill.	Reject	4.9
OS114.15	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	Submitter seeks that provisions include, but not be limited to an ecological mitigation plan	Accept in part	4.9
OS114.16	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	The submitter seeks that provisions include, but not be limited to a hydrological assessment of effects of development on groundwater recharge.	Reject	4.9
FS203.8 Sub 114.16	Mega Food Services Limited		Oppose	Oppose	The plan change information does not clearly show the large portion of the Broadlands Road West site that is not proposed for Industrial zoning. We note that only 11ha of the owned 20 ha in title Section 14 SO438782 (title) 631309 is proposed Industrial	Accept	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					land and therefore sufficient buffer to SNA and geothermal features are already provided. Therefore there is sufficient space on site for ground water recharge. See following map showing that the proposed industrial zoned land is not within the regional plan buffer setbacks to the geothermal features.		
OS114.14	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	The submitter seeks that provisions include, but not be limited to the inclusion of an ecological assessment of potential geothermal features,	Accept	4.9
OS21.1	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Submitter supports the inclusion of 63 Broadlands Road in the Taupō Industrial zone and seeks this be retained.	Submitter seeks 63 Broadlands Road be retained as industrial land as notified.	Accept	4.10
FS238.3 Sub 21.1	Kaaren Rosser for EnviroNZ		Oppose	Oppose	63 Broadlands Road is sufficiently close to the landfill to be potentially exposed to adverse effects from the operation of the landfill.	Reject	4.10
OS21.3	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Section 32	Support	The submitter supports the section 32 and its recommendation to include 63 Broadlands Road as Taupō Industrial Environment.	Retain the s32 report and retain its recommendation to include 63 Broadlands Road as Taupō Industrial Land.	Accept	4.10
FS238.4 Sub 21.3	Kaaren Rosser for EnviroNZ		Oppose	Oppose	63 Broadlands Road is sufficiently close to the landfill to be potentially exposed to adverse	Reject	4.10

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					effects from the operation of the landfill.		
OS21.4	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Submitter supports the planning maps including 63 Broadlands Road as Taupō Industrial with the sensitive land overlay and seeks this be retained.	Retain the planning maps inclusion of 63 Broadlands Road as Taupō Industrial Environment with the sensitive land overlay.	Accept	4.10
OS55.6	Enterprise Great Lake Taupō trading as Amplify	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Amplify supports the changes. We agree that there is a demand and need for additional industrial land within the Taupō District. It is important for the economic growth and development of the region that a suitable supply of appropriate land is available and support the plan to rezone land to either Taupō or Centennial Industrial Environment. We would encourage more industrial land to be made available than just the proposed areas for assessment. This would assist to provide simplicity for development in the future.	Retain	Accept in part	4.11
FS232.2 Sub 55.6	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter is in full support of the PC has notified. The submitter agrees that there is a demand and need for additional industrial land within the Taupō District. It is important for the economic growth and development of the region that a suitable supply of appropriate land is available and support the plan to rezone land to either Taupō or Centennial Industrial Environment.	Accept in part	4.11
OS17.7	Jennifer Molloy-Hargreaves	Plan Change 43 - Taupō Industrial Zone	Support	Submitter is fully supportive of Plan Change 43.	Retain Plan Change 43 as notified.	Accept in part	4.11

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS91.22	Federated Farmers of New Zealand – Rotorua / Taupō	Plan Change 43 - Taupō Industrial Zone	Support	Federated Farmers supports proposed plan change 43 in its entirety. The new land to be rezoned is located adjacent to the existing industrial zone which should allow for easy access to the required infrastructure. The industrial zone is located on the edge of Taupō, and it makes sense to rezone land next to the existing zone rather than locating a new industrial zone elsewhere where it could impact on the rural environment.	(d) the retention of the proposed plan change as currently drafted or with wording to similar effect; and (e) any consequential amendments required as a result of the relief sought	Accept	
FS232.5 Sub 91.22	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter supports proposed plan change 43 in its entirety, noting that the new land to be rezoned is suitably located near existing industrial zones and adjacent to key transportation networks.	Accept	4.11
OS29.19	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	WRC opposes the proposed rezoning of sites 4 and 7 for industrial development. We recommend TDC to assess areas for development that do not pose risks for Significant Natural Areas (SNAs) and for Significant Geothermal Features (SGFs) and are free from geothermal hazards as these can pose risks for human health.	That site 4 and site 7 are not rezoned for industrial purposes. This is our preferred relief. If not possible to assess other areas for industrial development, that TDC only rezones parts of the sites that are free from geothermal hazards and provide strict controls to manage development within and adjoining sites 4 and 7, including planted buffers protecting the SNAs and SGFs from development and buffers to mitigate air quality issues as well as setbacks from the hot ground overlay. Further, plan provisions must only allow for light commercial activities as permitted activities.	Reject	4.12

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
FS203.1 Sub 29.19	Mega Food Services Limited		Oppose	Oppose	We submit that Broadlands Road West should be re-zoned Taupō Industrial. Council has gone through an options appraisal in 2017 with the Growth Management Strategy where it identified a number of other pieces of land for industrial rezoning, but they have decided to proceed with just these two sites. Geothermal areas cover much of the Taupō town. Geotechnical testing provides sufficient detail to assess what actual hazards exist on site. We have provided preliminary geotechnical testing report to council during their s42a analysis for them to be satisfied that 63 Broadlands Road is suitable for development. Detailed geotechnical testing will occur at time of building consent. The Waikato Regional Plan has a setback rule regarding the Geothermal Feature on site. This already provides for sufficient setback from the geothermal feature on site.	Accept	4.12
FS232.1 Sub 29.19	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL have commissioned an independent geotechnical report prepared by HD Geo to provide a preliminary geotechnical investigation for Site 7. The scope of this assessment included an evaluation of the actual and potential geothermal activity on the site. The key findings of this assessment conclude that the site does not contain any Significant Geothermal Features. On this basis the planted buffers and additional setbacks	Accept	4.12

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					requested by the submitter are not necessary. Furthermore, given Site 7 is held in pasture, the area does not contain land which could be categorised as 'Significant Natural Area' (SNA). On this basis, TIEL seeks that the PC is approved as notified.		
OS41.18	Rangatira Block Trusts	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The new provisions of the RMA and other relevant legislation has recognised that Māori are entitled, within certain limits, to develop practices and exploit their resources by acquiring and adapting new skills and technology in the same way as other communities	Amend to zone part of the Rangatira E land as industrial as the section 32 evaluation & methodology are flawed and had no regard for the RMA requirement to consider the development of maori owned land as to the following.	Reject	4.13
OS47.1	Wairarapa Moana Incorporation Ltd	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	There is a lack of provision for Industrially zoned land in Mangakino. We note that the scope of the Industrial Plan Change and the S32 assessment does not include assessment of industrial needs of Mangakino and the surrounding area.	To amend the Industrial zoning to include in this plan change provision for Industrial zoned land in Mangakino for future business growth to support Mangakino and surrounding areas	Reject	4.13

Appendix 3: Recommended amendments to PC43 - Tracked from notified version (provisions not consequentially renumbered)

Additions to the notified provisions are shown as underlined and deleted provisions are shown as ~~struck-out~~.

4h.1 Performance Standards ...

4h.1.4 Landscaping

- a. Landscaping must be established and maintained on any industrial site according to the following provisions:
- i. An average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points.
 - ii. On any site boundary fronting the East Taupō Arterial Road (to become State Highway 1), a 3 metre wide planted landscaping strip and an average of 1 specimen tree per 10 metres of road boundary, with a minimum of 3 trees per 30 metres.
 - iii. For the Taupō Industrial Environment identified on Planning Map DX on sites adjoining a Residential Environment a 3-metre-wide planted landscaping strip shall be provided and an average of 1 Specimen Tree per 7 metres shall be planted.
 - iv. iv. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
 - v. v. Specimen trees must be one of the species listed in Appendix 7 and planted according to the specifications within Appendix 7.

4h.1.13 Light and Glare Taupō Industrial Environment identified on Planning Map DX only

- a. Any exterior lighting:
- i. shall not exceed a Maximum Artificial Light level of 8 Lux as received within any adjoining Residential Environment; and
 - ii. shall, as far as practicable, be aimed, adjusted and/or screened to direct lighting away from the windows of habitable spaces within any adjoining Residential Environment.

4h.3 Subdivision Rules

4h.3.7

Any subdivision of land identified as "Sensitive" within the Taupō Industrial Environment is a discretionary activity and will be subject to the recommendations of appropriate technical assessments including, but not limited to: a geotechnical assessment, and an ecological assessment where the activity affects land identified as a Significant Natural Area. In applying this Rule to the Sensitive Land Overlay within Section 14 SO 40 438782 and Lot 1 DP 445148, the assessment must be informed by deep geotechnical investigation and shall also include, but not be limited to:

- establishing a ground temperature profile starting from the margins of the Hot Ground Hazard Area (District Plan maps);
- determination of the groundwater profile and susceptibility to liquefaction and risk of subsurface water flows;
- establishing an understanding of the most likely future state of thermal

- features; and
- a stormwater management plan.

Insert as 4h.4 and renumber accordingly...

4h.4 Broadlands Road West Outline Development Plan area Rules

Also refer to the General and Subdivision Rules for the Taupo Industrial Environment

Additional Land use Rules for the Broadlands Road West Outline Development Plan area

Rule 4h.4.1	<p>The following activities in or within 20m of any Geothermal Significant Natural Areas identified in the Broadlands Road West – Outline Development Plan on Appendix 11 are permitted. Any other activity, involving soil disturbance, vegetation removal or establishment of impermeable surfaces, except as provided by Rule 4h.4.2 is a restricted discretionary activity:</p> <ol style="list-style-type: none"> <u>Vegetation clearance of invasive exotic plants.</u> <u>Soil disturbance associated with fencing to protect the feature.</u> <u>The sustainable customary use of indigenous biodiversity conducted in accordance with tikanga.</u> <u>Replacement, and maintenance of existing buildings, landscaping and impermeable surfaces within their existing footprint as of [the date that part of the rule becomes operative].</u> <p>The matters over which the Council reserves discretion for the purposes of assessment are:</p> <ol style="list-style-type: none"> <u>The extent to which adverse effects on the ecological values of the Significant Natural Areas identified in Appendix 11 will be avoided, remedied or mitigated and if mitigated how this will be achieved, for example 'like for like' enhancement.</u> <u>The extent to which the activity mitigates pre-existing adverse effects on the Significant Natural Areas identified in Appendix 11.</u> <u>The extent to which associated infrastructure such as structures, pipelines and wells will be designed, constructed and placed to avoid, remedy or mitigate adverse effects on ecological values.</u> <u>The expected duration of the activity.</u> <u>Any further matters arising from the results of a report by a suitably qualified and experienced ecologist as to the effects which the clearance will have on the ecological values of the Significant Natural Areas identified in Appendix 11.</u> <u>Any social, economic, environmental and cultural benefits resulting from the proposed activity.</u>
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Additional Subdivision Rules for the Broadlands Road West Outline Development Plan area

Rule 4h.4.2	<p>Any subdivision within that part of the Broadlands Road West – Outline Development Plan on Appendix 11, legally described as Section 14 SO438782 is a restricted discretionary activity. For the purposes of 4h.4.2, the matters over which the Council reserves discretion for the purpose of assessment as related to the Geothermal Significant Natural Areas identified are:</p> <ol style="list-style-type: none"> <u>The design and layout of subdivision to ensure the recognition and protection of the features identified;</u>
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	<p>b. <u>An ecological management plan for the features identified as Geothermal Significant Natural Areas identified; and</u></p> <p>c. <u>Controls on stormwater management and construction activities to maintain ongoing health and function of the features identified.</u></p>
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4h.45 Assessment Criteria....

4h.5.18

ARTIFICIAL LIGHT – TAUPŌ INDUSTRIAL ENVIRONMENT IDENTIFIED ON PLANNING MAP DX ONLY

- a. Extent to which the light source will adversely impact on the amenity of the adjoining Residential Environment.
- b. Necessity for the light for reasons of safety or security.
- c. Duration and operating hours of activity and associated lighting.
- d. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
 - i. height, direction, angle and shielding of the light source.

Insert as Appendix 11:

Appendix 11: Broadlands Road West Outline Development Plan



Subdivision Design

Ensure protection of 'Geothermal Significant Natural Areas' inclusive of 20m wide buffer, including through the avoidance of earthworks, community infrastructure (including but not limited to road reserves), and impermeable surfaces.

Requirement for an Ecological Management Plan

An Ecological Management Plan (EMP) prepared by a suitably qualified and experienced ecologist

shall be provided for approval as associated with the first subdivision application associated with that Record of Title legally described as Section 14 SO438782 within the Broadlands Road West Taupo Industrial Environment as shown in the Outline Development Plan above. The requirement for an EMP applies regardless of the extent or scale of the subdivision proposed. The EMP shall detail methods to minimise and mitigate potential adverse effects on ecological values represented by the identified Geothermal Significant Natural Areas and how these values are to be recognised, provided for and protected in terms of the accompanying subdivision design, stormwater management and construction activities, including but not limited to the application of consent notices.

Required Environmental Outcome

To maintain, or enhance the Geothermal Significant Natural Areas identified on the Broadlands Road West Outline Development Plan, so that there is at least no overall loss in indigenous biodiversity.

Insertions Planning Maps:



Appendix 4: Recommended amendments to PC43 - Accepted version

4h.1 Performance Standards ...

4h.1.4 Landscaping

- a. Landscaping must be established and maintained on any industrial site according to the following provisions:
- vi. An average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points.
 - vii. On any site boundary fronting the East Taupō Arterial Road (to become State Highway 1), a 3 metre wide planted landscaping strip and an average of 1 specimen tree per 10 metres of road boundary, with a minimum of 3 trees per 30 metres.
 - viii. For the Taupō Industrial Environment identified on Planning Map DX on sites adjoining a Residential Environment a 3-metre-wide planted landscaping strip shall be provided and an average of 1 Specimen Tree per 7 metres shall be planted.
 - ix. iv. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
 - x. v. Specimen trees must be one of the species listed in Appendix 7 and planted according to the specifications within Appendix 7.

4h.1.13 Light and Glare Taupō Industrial Environment identified on Planning Map DX only

- b. Any exterior lighting:
 - iii. shall not exceed a Maximum Artificial Light level of 8 Lux as received within any adjoining Residential Environment; and
 - iv. shall, as far as practicable, be aimed, adjusted and/or screened to direct lighting away from the windows of habitable spaces within any adjoining Residential Environment.

4h.3 Subdivision Rules

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Any subdivision of land identified as "Sensitive" within the Taupō Industrial Environment is a discretionary activity and will be subject to the recommendations of appropriate technical assessments including, but not limited to: a geotechnical assessment, and an ecological assessment where the activity affects land identified as a Significant Natural Area. In applying this Rule to the Sensitive Land Overlay within Section 14 SO 40 438782 and Lot 1 DP 445148, the assessment must be informed by deep geotechnical investigation and shall also include, but not be limited to:

- establishing a ground temperature profile starting from the margins of the Hot Ground Hazard Area (District Plan maps);
- determination of the groundwater profile and susceptibility to liquefaction and risk of subsurface water flows;
- establishing an understanding of the most likely future state of thermal features; and
- a stormwater management plan.

[Insert as 4h.4 and renumber accordingly...](#)

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Also refer to the General and Subdivision Rules for the Taupo Industrial Environment

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Rule 4h.4.1	<p>The following activities in or within 20m of any Geothermal Significant Natural Areas identified in the Broadlands Road West – Outline Development Plan on Appendix 11 are permitted. Any other activity, involving soil disturbance, vegetation removal or establishment of impermeable surfaces, except as provided by Rule 4h.4.2 is a restricted discretionary activity:</p> <ul style="list-style-type: none"> v. Vegetation clearance of invasive exotic plants. vi. Soil disturbance associated with fencing to protect the feature. vii. The sustainable customary use of indigenous biodiversity conducted in accordance with tikanga. viii. Replacement, and maintenance of existing buildings, landscaping and impermeable surfaces within their existing footprint as of [the date that part of the rule becomes operative]. <p>The matters over which the Council reserves discretion for the purposes of assessment are:</p> <ul style="list-style-type: none"> g. The extent to which adverse effects on the ecological values of the Significant Natural Areas identified in Appendix 11 will be avoided, remedied or mitigated and if mitigated how this will be achieved, for example 'like for like' enhancement. h. The extent to which the activity mitigates pre-existing adverse effects on the Significant Natural Areas identified in Appendix 11. i. The extent to which associated infrastructure such as structures, pipelines and wells will be designed, constructed and placed to avoid, remedy or mitigate adverse effects on ecological values. j. The expected duration of the activity. k. Any further matters arising from the results of a report by a suitably qualified and experienced ecologist as to the effects which the clearance will have on the ecological values of the Significant Natural Areas identified in Appendix 11.
	<ul style="list-style-type: none"> l. Any social, economic, environmental and cultural benefits resulting from the proposed activity.

Additional Subdivision Rules for the Broadlands Road West Outline Development Plan area

Rule 4h.4.2	<p>Any subdivision within that part of the Broadlands Road West – Outline Development Plan on Appendix 11, legally described as Section 14 SO438782 is a restricted discretionary activity. For the purposes of 4h.4.2, the matters over which the Council reserves discretion for the purpose of assessment as related to the Geothermal Significant Natural Areas identified are:</p> <ul style="list-style-type: none"> d. The design and layout of subdivision to ensure the recognition and protection of the features identified; e. An ecological management plan for the features identified as Geothermal Significant Natural Areas identified; and f. Controls on stormwater management and construction activities to maintain ongoing health and function of the features identified.
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4h.45 Assessment Criteria....

4h.5.18

ARTIFICIAL LIGHT – TAUPŌ INDUSTRIAL ENVIRONMENT IDENTIFIED ON PLANNING MAP DX ONLY

- e. Extent to which the light source will adversely impact on the amenity of the adjoining Residential Environment.
- f. Necessity for the light for reasons of safety or security.
- g. Duration and operating hours of activity and associated lighting.
- h. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
 - i. height, direction, angle and shielding of the light source.

[Insert as Appendix 11:](#)

Appendix 11: Broadlands Road West Outline Development Plan



Subdivision Design

Ensure protection of 'Geothermal Significant Natural Areas' inclusive of 20m wide buffer, including through the avoidance of earthworks, community infrastructure (including but not limited to road reserves), and impermeable surfaces.

Requirement for an Ecological Management Plan

An Ecological Management Plan (EMP) prepared by a suitably qualified and experienced ecologist shall be provided for approval as associated with the first subdivision application associated with that Record of Title legally described as Section 14 SO438782 within the Broadlands Road West Taupō Industrial Environment as shown in the Outline Development Plan above. The requirement for an EMP applies regardless of the extent or scale of the subdivision proposed. The EMP shall detail methods to minimise and mitigate potential adverse effects on ecological values represented

by the identified Geothermal Significant Natural Areas and how these values are to be recognised, provided for and protected in terms of the accompanying subdivision design, stormwater management and construction activities, including but not limited to the application of consent notices.

Required Environmental Outcome

To maintain, or enhance the Geothermal Significant Natural Areas identified on the Broadlands Road West Outline Development Plan, so that there is at least no overall loss in indigenous biodiversity.

Insertions Planning Maps:

