
BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change PC41:
Removal of Fault Lines

Application By: Taupō District Council

**Section 42A of the RMA Report BY
ROWAN SAPSFORD**

Dated: 29 June 2023



Taupō District Plan

CHANGES - BUNDLE ONE

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1 Preamble

- 1) This report is prepared under s42A of the Resource Management Act 1991. It has been prepared at the request of Taupō District Council (TDC) in relation to Plan Change 41 – Removal of Fault Lines (PC41).
- 2) My full name is Michael Rowan Sapsford. I am a Director of ROAM Consulting in Taupō. I have held this position since 2018.
- 3) I hold a Bachelor of Resource and Environmental Planning (Massey University 1998) and a Post Graduate Diploma in Rural Studies - Natural Resource Management (Massey University 1998). I have been employed in the practice of planning and resource management both in Aotearoa and overseas for some 25 years. This experience includes working as a Senior Planner and Team Leader Environmental Policy at Taupō District Council from 2004 to 2011.
- 4) I was commissioned by Taupō District Council to develop this Section 42A report for PC41. While I have been involved in the wider plan changes that form this tranche of the sectional review of the Taupō District Plan (TDP), I have had no earlier involvement in PC41.
- 5) I have read and am familiar with the Environment Court’s Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 6) Terms and coding used in the evidence include:
 - **WRC** – Waikato Regional Council
 - **PC41** – Plan Change 41 Fault Lines
 - **RMA or the Act** – The Resource Management Act 1991
 - **GNS** - Institute of Geological and Nuclear Sciences Limited – GNS
 - **GNS 2020 Report** - Litchfield NJ, Morgenstein R, Villamore P, Van Dissen RJ, Townsend DB, Kelly SD. 2020. Active faults in the Taupō District. Lower Hutt (NZ): GNS Science. Consultancy Report 2020/31
 - **MfE 2003 Report**- Kerr J, Nathan S, Van Dissen RJ, Webb P, Brusndan D, King AB. 2003. Planning for development of land on or close to active faults: a guideline to assist resource management planners in New Zealand. Lower Hutt (NZ): GNS Science. Client Report 2002/124
 - **TDC** – Taupō District Council
 - **TDP** - Operative Taupō District Plan
 - **Building Act** – Building Act 2004
 - **LIM** – Land Information Memorandum
 - **PIM** – Project Information Memorandum

- 7) I have relied on the evidence of Aidan Smith, the council officer who led the development and community engagement for PC41.
- 8) The purpose of this s42A Report is to recommend to the Hearings Panel whether PC41 as notified, or amended by submissions, will better meet the purpose of the Resource Management Act 1991 compared to the existing provisions.

2 Introduction

- 9) PC41 has been prepared and notified in accordance with section 74 of the RMA, and the first part of Schedule 1, which outlines the requirements for changing a District Plan. It is part of the Taupō District Council Sectional District Plan Review.
- 10) The timeline for preparing this plan change is set out in the Section 42A Background Report which has been prepared by Hilary Samuel.
- 11) The current District Plan became fully operative in 2007. The Council is required to commence a review of those provisions in the District Plan that have not been reviewed in the last 10 years, pursuant to section 79 of the RMA. The approach to TDCs review of the District Plan is further outlined in the Section 42a Background Report by Hilary Samuel.
- 12) 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.
- 13) The District Plan maps include fault lines which are very thin lines that were introduced into the District Plan around 1998. These were originally hand drawn (based on aerial photography), simplified and transferred into digital maps. The District Plan rules create a buffer 20m either side of these lines that is unsuitable for building. Buildings within this area would require resource consent.
- 14) The Institute of Geological and Nuclear Sciences Limited (GNS) has recently undertaken an assessment of the fault lines within the Taupō District (GNS 2020 Report). This report was attached to the PC41 Section 32 report as 'Appendix D'. The GNS 2020 Report identified that fault hazard areas have changed from those currently identified in the TDP. The GNS 2020 Report identified new classifications, mapped hazard areas, some changes to fault alignments, the removal of some existing faults and the identification of some new fault lines. This study was completed using LiDAR data which provides a considerably more accurate way of identifying fault lines than the use of aerial photography which was the historical method of identification. Importantly, the GNS 2020 Report identified that the fault lines currently contained on the TDP planning maps are outdated and should be removed.
- 15) Section 4e.10 of the TDP contains a rule (4e.10.1) whereby structures (excluding network utility lines, cables, and pipelines) within 20m of the mapped fault line require discretionary resource consent. The

only objective or policy directly associated with this rule is Policy 3q.2.3 vii relating solely to the Mapara Valley Structure Plan Area.

- 16) PC41 proposes to remove the following from the TDP:
- Section 3q Mapara Valley Structure Plan Area: Policy 3q.2.3 vii
 - Section 4e District Wide Rules: Section 4e.10 including rule 4e.10.1 and associated assessment criteria
 - Planning Maps: Currently mapped fault lines including associated legend descriptions
- 17) This report analyses and responds to submissions received on those provisions proposed in PC41.

2.1 Structure of this S42A Report

- 18) For efficiency and in accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluation has been undertaken using both an issues and provisions-based approach rather than a submission by submission approach. This analysis is provided for each component of PC41.
- 19) The evaluations provided should be read in conjunction with the summaries of submissions and the submissions themselves. A summary of submissions, associated further submissions and my recommended decision can be found in Appendix 1 to this report.

3 Statutory Considerations

- 20) Before a plan change request can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the Resource Management Act, including:
- a) Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
 - b) Section 31, Functions of Territorial Authorities;
 - c) Section 32, Duty to consider alternatives, assess benefits and costs;
 - d) Section 74, Matters to be considered by territorial authorities; and
 - e) Section 75, Contents of district plans.
- 21) The statutory requirements under the RMA for each aspect of the Plan Change have been summarised in the s32 Report, so will not be repeated here. Analysis of the degree to which PC41 is consistent with the relevant provisions listed above is undertaken within the body of the report and in the concluding statements, as considered necessary.
- 22) The purpose of this assessment is to determine whether the provisions of PC41 should be confirmed, amended or deleted, after consideration of the alternative provisions sought in submissions.

3.1.1 Section 32AA Matters

- 23) This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. An evaluation is required under Section 32AA of the RMA for any recommended changes to the Plan Change.
- 24) The s32AA further evaluation for each key issue requires the consideration of the following:
- Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - The reasonably practicable options for achieving those objectives.
 - The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - The efficiency and effectiveness of the provisions for achieving the objectives.
 - The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
- 25) The s32AA further evaluation contains a level of detail reflecting the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

3.1.2 Procedural Matters

- 26) A meeting was held on 6 April 2023 with submitter 16 Toka Tū Ake EQC. The purpose of this meeting was to better understand their submission and discuss TDC's approach to the application of MfE 2003 Report and the development of PC41. I was present at that meeting, as were Hilary Samuel and Aidan Smith from TDC. Representing the submitter were Wendy Saunders and Tabitha Bushell. Aidan Smith provided an overview of the background to the plan change and an explanation of how the MfE 2003 guidance had been considered and informed the Council's approach. He also gave an overview of the wider relevant TDP provisions and the application of Building Act tools. I note that this overview has formed the basis for his evidence.
- 27) Subsequent to this meeting, an email was received from the submitter confirming 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."
- 28) A copy of this email is contained in Appendix 2.
- 29) On 2 May 2023 Hilary Samuel met with Megan Kettle representing Submitter 29 Waikato Regional Council to discuss their submission and further submission on PC41. At this meeting the Hilary was able to provide a summary of TDC's application of MfE 2003 in a similar manner to the meeting with Toka Tū Ake EQC described above.

4 Consideration of Submissions Received

4.1 Overview of Submissions Received

- 30) PC41 was notified on 14 October 2022 for a period of 40 working days. PC41 was notified as part of a series of plan changes (Plan Changes 38 – 43) to the TDP as part of the review of the Plan. Submissions closed at 4:30pm on Friday, 9 September 2022. Eleven submissions were made on PC41 which were summarised into 15 submission points. Ten submission points oppose or seek amendment and five support the plan change. Seven further submissions were also received.
- 31) Submissions were received from iwi, individuals, interest groups, developers, and local and central government. A full list of submissions and further submissions on PC41 is contained in Appendix 1 – Submissions. Appendix 1 also contains the officer’s recommendation for each submission.
- 32) On review of the submissions received, the key issues raised are:
- Issue 1: Retention of mapped fault lines and associated rules in the TDP
 - Issue 2: Recognition of regional and national planning documents
 - Issue 3: Recognition of Te Kaupapa Kaitiaki and Te Tiriti

These issues are assessed in the following sections.

4.1.1 Submissions in Support

- 33) There are several submissions in support of the provisions that form PC41. In all cases the support of these submissions is noted and, as there are no changes recommended to PC41, they are accepted in full.

4.2 Issue 1: Retaining Mapped Fault Lines and Associated Rules in the TDP

- 34) Toka Tū Ake EQC in their submission (OS16.1 and OS16.2) requests that the regulatory fault overlay maps are retained in the District Plan as well as rules pertaining to that overlay. The submission requests that the 2020 fault lines replace the older ones for inclusion on the planning maps.
- 35) Cheal Consultants (OS79.7) and Federated Farmers (OS91.8) both seek some reference to the fault data in the TDP to ensure that plan users are aware of the presence of these faults.
- 36) Lyndon Haugh (OS69.1) supports the removal of the current fault lines however has concerns about the reliance on the 2020 GNS report when it seems likely that in the future there will be further refinements/improvements in the data.
- 37) PC41 is focused on the removal of the existing older fault line data from the TDP and does not propose the addition of the new data. The option of adding the new data into the plan was considered through the Section 32 process, however it was discounted for the following reasons:

- It does not allow easy updating as further refined information becomes available.
- Risks are already managed through Building Act / consent controls and subdivision controls.
- The costs of additional regulatory processes and duplication of these controls outweighs any benefits from inclusion in the plan.

38) In his evidence, Aidan Smith expands on TDC's approach outlined in Section 32 in respect to responding to the new fault line data received. In this instance TDC has chosen to address the issue posed by fault lines through non-RMA regulatory means. TDC is relying on Growth Planning (through TD2050 and associated plan change and structure plan process), Building Act provisions, the requirements of the New Zealand Building Code and the wider provisions in the TDP to manage the risk posed by the fault lines.

4.2.1 GNS 2020 and Mapping Fault Lines in the TDP

39) GNS 2020 maps Fault Avoidance Zones and Fault Awareness Areas in the Taupō District which have existing LiDAR areas. This report contains the following eight recommendations¹:

1. *Replace any active fault datasets currently held and being used by Taupō District Council with those from this study.*
2. *Include all Fault Avoidance Zones and Fault Awareness Areas developed in this study in the Taupō District Plan and in any other planning or hazard information maps for Taupō District.*
3. *Develop planning provisions using the information provided in this report, including guiding principles and the risk-based decision-making tools of the MfE Active Fault Guidelines and ECan FAA Guidelines.*
4. *Consider if engineering mitigation options are allowed for buildings, and under what general circumstances.*
5. *Consider ground-surface rupture hazard for assessing lifeline developments that cross active faults in the district.*
6. *Encourage consultants to follow the recommendations and methodologies presented in this report for assessing active fault ground-surface rupture hazard.*
7. *When LiDAR data is obtained in areas not currently covered, update the fault map and, where possible, replace Fault Awareness Areas with Fault Avoidance Zones.*
8. *Obtain better constraints on RI Class, in particular for faults where future population growth is expected. This could be achieved through a combination of site-specific paleoseismic (trenching) studies and more detailed analysis of fault scarp height and morphology using LiDAR data.*

40) Recommendations 2. and 3. are resource management responses that require changes to the District Plan. TDC has not followed those recommendations and has instead chosen to rely on recommendations 1., through the provision of information on LIM's and PIM's, and 4. as per the

¹ GNS 2020 Page vi

Building Act and Building Code requirements outlined in Aidan Smith's evidence. TDC has also published the new data on their public geospatial mapping application Mapi.

- 41) The submission by Toka Tū Ake EQC is essentially seeking that recommendations 2. and 3. of the GNS 2020 Report are adopted by TDC and that the TDP is revised accordingly. Cheal Consultants are also seeking that there is reference to the fault lines added to the TDP with potential regulation associated with those mapped areas.
- 42) I do not agree that this new information needs to be mapped in the TDP, however I do agree that this information should be available so that the community is aware of the hazard and can plan for it accordingly. I understand, through discussions with TDC policy staff that they are investigating adding the 2020 fault line data to the Non-District plan layers within the EPlan maps. This will result in the information shown on the planning maps, but as an information layer.
- 43) The reasons for my view that the new fault lines should not be included in the TDP are that I agree with the statement in Table 1 of the Section 32 that the risks are already managed through the Council's approach to managing urban growth in greenfield areas, the Building Act, and that consent and subdivision controls can also be imposed for larger developments. This statement is explained further in Aidan Smith's evidence.
- 44) These controls seek a similar outcome to the existing TDP rules and will require a similar geotechnical assessment and development response to the hazard posed. These are statutory controls so there is a high degree of enforceability associated with them.
- 45) This approach is considered by Aidan Smith to be consistent with the guidance contained in MfE 2003 Guidance. It also considers changes to the Building Act and Building Code which occurred after the publication of MfE 2003 Guidance and were therefore not anticipated by that report.
- 46) Toka Tū Ake EQC and their email to TDC (Appendix 2) have indicated their support of this approach.

4.2.2 Community Engagement

- 47) Section 5.2.1 of the GNS 2020 Report recommends the incorporation of both the FAZ and the FAA into the TDP. This recommendation is made on the basis that there is comprehensive engagement with the community. The GNS 2020 Report recommends that this engagement occurs as per the 13 guiding principles set out on pages 46 and 47 of the report.
- 48) These guiding principles include the socialisation of the implications of these areas being incorporated into the TDP, including with Mana Whenua, Regional Council, ratepayers associations, residents groups, local boards, landowners development groups and regional planning branches. While TDC has engaged with the landowners on whether to incorporate the fault information into the TDP, there has not been any socialisation of what a proposed planning framework could look like.

- 49) I agree that the development of any planning framework should be undertaken with those parties identified in paragraph 48). While there has been some engagement with the owners of the land affected by the newly identified fault lines, apart from the inclusion of an option in the Section 32 document there has not been any wider discussion with the community on a potential planning framework (i.e. objectives, policies and methods) associated with those fault lines.
- 50) In my view it would not be appropriate to introduce a new planning framework for fault lines without engaging with the community. Introducing a new planning framework in response to the submission by Toka Tū Ake EQC would not allow for the required public engagement and would need to be via a separate plan change process.

4.2.3 Mapping Fault Lines as an Information Layer

- 51) A number of submitters have identified the importance of accessing up to date fault line data. I agree that this is important and am of the view that it would be appropriate to include the fault lines onto the TDP maps for information purposes only. That option would mean the presence of the fault lines is well publicised and the information could also be updated more readily than having to rely on the RMA Schedule One process. Given the nature of the data, it is my view that showing the most up to date data is important as it will assist landowners and developers in better understanding and planning for the hazard it poses.
- 52) I note that the 2020 fault line information is currently included on the Council's public geospatial mapping application Mapi (Figure 1) but not on the District Plan online map system. As noted above I understand that TDC staff are currently investigating this option. I support this approach as a way of ensuring that the new information is in the public domain and readily available.
- 53) The advantage of having fault lines shown in this manner is that they still inform structure planning for new development areas, subdivision consents, larger resource consents, and building act controls for everything built. TDC can also update and amend those maps at any time when new or more accurate information is received. If TDC chose to duplicate them in the TDP, then they can't be updated and amended without going through the RMA Schedule One process. This also presents a risk that, during that process, TDC would have two sets of maps in the public domain, including the out of date data. That situation would increase the likelihood of errors occurring.
- 54) Under Section 44A of the Local Government Official Information and Meetings Act 1987, hazard information is to be included in LIM's unless the information is 'apparent' in a district plan. If the fault lines were shown on the District Plan maps then they would not be able to be included in LIMs. Removing this information from LIMs would increase the risk to new buyers who may not check the District Plan. Including the fault data as information only on Council maps does not limit their inclusion in LIMs.

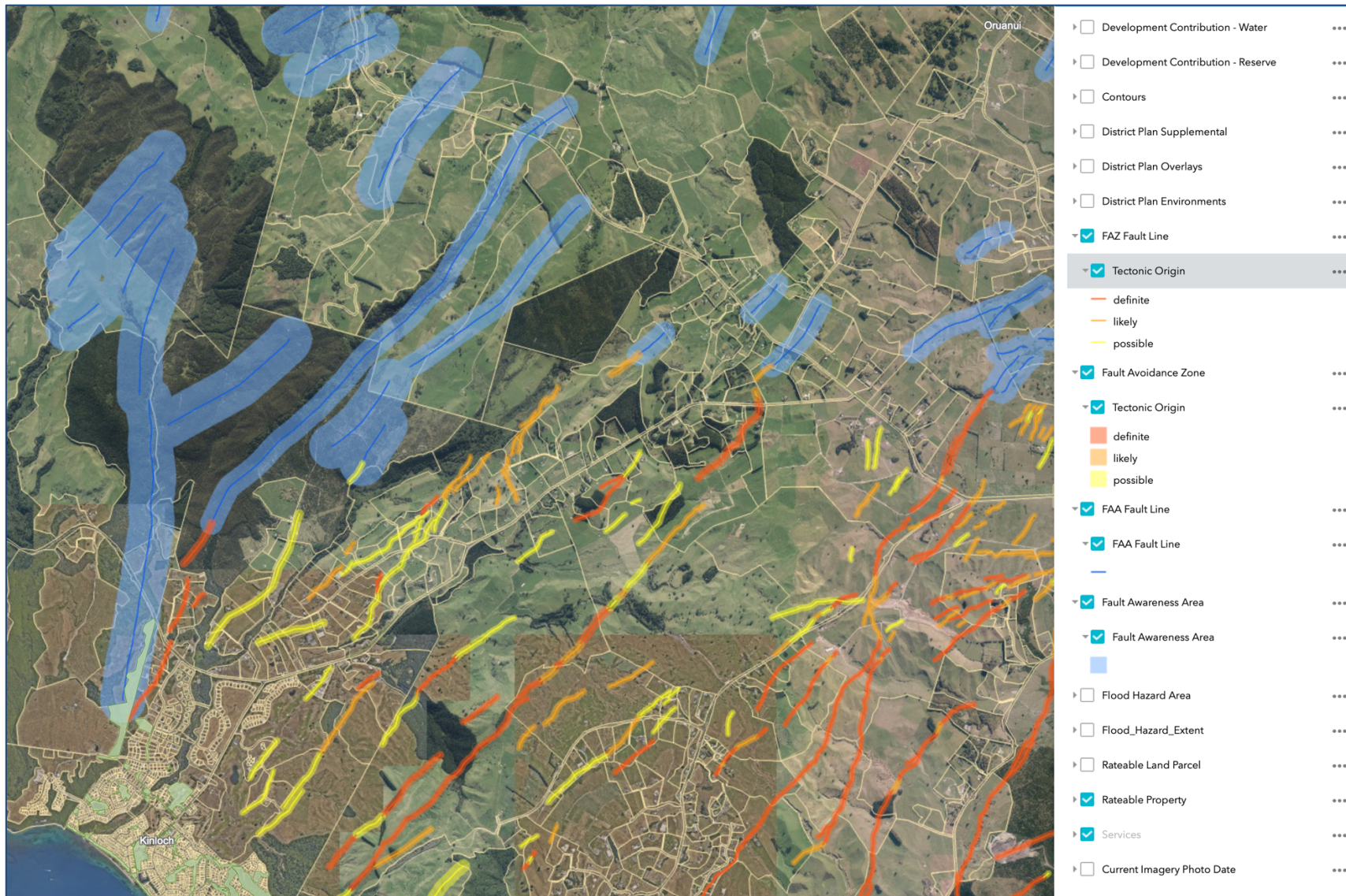
4.2.4 Issue 1 Recommendation

- 55) I agree with PC41 as notified. PC41 considers the practicable options for achieving the objectives of the plan. The risk posed by the fault lines is considered and addressed through the range of regulatory tools available to TDC. Replicating these controls in the TDP through mapping of fault lines would not be the most efficient approach to the protection of activities, development and life from the adverse effects of natural hazards.
- 56) It is my recommendation that the Council's approach through PC41 is appropriate and no further changes are required. There is, however, benefit in having these fault lines mapped in the Council's online mapping systems.

4.3 Issue 2: Recognition of Regional and National Planning Documents

- 57) Waikato Regional Council is submitting (OS29.24) that Plan Change 1 to the Waikato Regional Policy Statement is being had regard to in PC41. PC1 introduces a revised urban form and development chapter to ensure that the policy statement is giving effect to the NPS-UD. This includes deleting provisions relating to growth strategies and updating provisions relating to the Future Proof subregion.
- 58) On review of WRPS PC1, there is reference to hazards and the need for intensified urban development to occur in areas free from hazard risks. As stated above, 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.
- 59) It is my view that PC41 does suitably have regard to WRPS PC1.
- 60) Waikato Regional Council (OS29.30) has submitted that the Taupō District Plan be reformatted to follow the new plan format provided with the 2019 National Planning Standards. As noted in the Overarching 42A Report, under the National Planning Standards Taupō District Council would need to ensure consistency in terms of requirements for structure and form by November 2024, with consistency with Definitions by November 2026.
- 61) Accordingly, 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.
- 62) It is intended that the entire District Plan will be moved into the National Planning Standard format as a comprehensive unit. This ensures that definitions, numbering and format remain consistent between chapters and sections. However, it should be noted that where possible, the National Planning Standards terminology (for example Strategic Directions) has been used where it fits and will not compromise the structure of the Operative Plan.

Figure 1 2020 Fault Information on Taupō District Council's Public Geospatial Mapping Application



4.4 Issue 3: Recognition of Te Kaupapa Kaitiaki and Te Tiriti

- 63) Te Kotahitanga o Ngāti Tuwharetoa are seeking that the proposed plan changes recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki (OS115.18) and reflect a genuine understanding of the principles of Te Tiriti (OS115.24).
- 64) PC41 does not have a strong impact on catchment management, however it has been developed in a manner that considers the risk to the community of development in areas subject to faulting risk. PC41 also takes an integrated approach as it considers the wider tools, under a range of legislation, that are available to Council in managing the risk posed by fault lines.
- 65) 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.
- 66) Given the nature and scope of PC41, I consider that Te Kaupapa Kaitiaki and the principles of Te Tiriti have been appropriately considered.

4.5 Section 32AA Evaluation

- 67) As no other changes are being made to the provisions of the Proposed District Plan, no further s32AA evaluation is necessary.

5 Conclusion and Recommendation

5.1 Conclusion

- 68) In the assessment of PPC41, having regard to the submissions received and drawing on the evidence provided by Mr Smith, I am satisfied that PC41 is the most appropriate means of sustainably managing the physical resources within the Taupō District. PC41 is consistent with the Sectional District Plan review process and the Purpose and Principles of the Act.
- 69) The principle reasons for the conclusion are:
- (a) PC41 removes from the TDP outdated and inaccurate fault line data.
 - (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 within the District.
 - (c) TDC is discharging their responsibilities under the Act and through best practice to manage the significant risks to the community from natural hazards.

- 70) The changes, proposed as part of PC41, are consistent with the Council's functions under s31 of the Act. The policy framework and rules are also consistent with higher level documents, such as relevant regional planning documents.
- 71) PC38 is consistent with the wider resource management approach of the Operative District Plan and the Sectional District Plan review process.
- 72) Furthermore, I concur with the findings of the Section 32 evaluation which considered the approach to be the most efficient and effective means of achieving the purpose of the Act, because:
- The proposed revisions to the objectives and policies better achieve the purpose of the RMA;
 - They do not unnecessarily duplicate other statutory tools which achieve the same objective.
- 73) With respect to the purpose and principles of the RMA, the report writers consider the proposed Plan Change to be consistent with Section 5 of Part II of the Act.
- 74) With regard to the Matters of National Importance set out in s6h of the RMA, being the management of significant risks from natural hazards. These risks are being managed using a range of tools to which recognise and provide for the risks that the natural hazard presents.
- 75) Section 8 of the RMA, Treaty of Waitangi, requires that the Principles of the Treaty of Waitangi shall be taken into account in relation to managing the use, development and protection of natural and physical resources. Tangata whenua representatives were identified as Clause 3 parties, and consulted accordingly during the draft consultation phase of the development of PC41 as well as following formal notification of the plan change.

5.2 Recommendation

- 76) Accordingly, for the reasons set out above, I recommend that PC39 be approved as notified and that the relief sought by the submitters be accepted or rejected as recommended in Appendix 1.
- 77) As provided for by Clause 10(3), Schedule 1, RMA, a specific recommendation is not provided for each individual submission point on PC41 other than that provided for in Appendix 1.

Rowan Sapsford
ROAM Consulting
27 June 2023

Appendix 1. Recommended Decisions on Submissions to PC41

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
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					

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
OS29.24	Waikato Regional Council	4-Plan Change 41 - Removal of Fault lines	Seek amendment	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 amendment	Update PPPC38-43 to the new plan format provided with the National Planning Standards 2019	Not Accept	4.3					
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					

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
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 of Fault lines	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
							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	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					

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
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of Fault
lines

Appendix 2. Correspondence from Toka Tū Ake EQC

From: Wendy Saunders <WSaunders@eqc.govt.nz>
Sent: Tuesday, 2 May 2023 1:29 PM
To: Hilary Samuel <hsamuel@taupo.govt.nz>
Cc: Tabitha Bushell <TBushell@eqc.govt.nz>
Subject: Approach to Plan Change 41

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Kia ora Hilary and team,

Thank you for the opportunity for Tabitha and I to meet with you and your team on the 6th April 2023 about Plan Change 41, and your rationale for the approach Taupō District Council have taken. During our meeting members of the TDC planning team fully explained their process and reasoning behind the plan change, which is to remove active faults from the district plan to allow for a more agile way of managing the risk. 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.

We acknowledge that due to the stagnant nature of district planning maps, it is appropriate to use other planning mechanisms (i.e. not district plan maps with associated rules; use of s106 to impose consent conditions/avoid) to prevent new developments on land at risk from fault rupture, and use Building Act controls to prevent further development of existing properties in ways that increase the risk from fault hazards (including the use of the “good ground” definition and building importance categories). Updated active fault maps created by GNS Science are held by the Taupō District Council and used to inform decisions on development, subdivision and building consent.

We’re aware of the difficulty in keeping hazard maps up to date when incorporated into District Plans, due to the lengthy and involved plan change process. Keeping fault hazard maps within the District Plan and updating the maps using the Plan Change process can result in these maps being inaccurate for lengthy amounts of time while a plan change is put into effect. As fault mapping using remote sensing data has greatly expanded in the past decade, many local fault maps may need updating to allow for new information. While the 2003 MfE *Planning for Development of Land on or Close to Active Faults* guidelines recommend that fault hazard maps should be included within District Plans, we acknowledge that these guidelines are now 20 years old and need to be updated to include modern mapping methods and provide for alternative methods of controlling developments in areas close to active faults.

We support the further provisions put in place by the Taupō District Council to increase public access to information about active faults and the hazards associated with them. In particular, we support including the most recent information available on active fault hazards on LIM reports, and including the updated fault maps on the District Council Mapi geospatial mapping application.

In the interest of clarifying the policies around fault hazards, we would support including the fault maps as a non-regulatory layer within the district planning maps.

As mentioned at the meeting, it would be great if we could be forwarded a copy of the explanation that was provided, so it can be used as a case study for alternative approaches to those outlined Active Fault Guidelines, to aid in the review of the Active Fault Guidelines, and to highlight issues with the current planning options. This would be useful for both Ministry for the Environment and Toka Tū Ake EQC to use, with your permission.

Ngā mihi nui,

Dr Wendy Saunders, MNZPI (she/her)
Principal Advisor: Risk Reduction & Resilience | Kaitohutohu Mātāmua
Champion of Land Use planning
Toka Tū Ake | EQC
Mobile: 027 278 5607 | Wellington
www.eqc.govt.nz

I am on secondment to Ministry for the Environment on Monday, Tuesday and Friday's, and so may not be able to respond to your email in a timely manner. If you require an urgent response, please text me.

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