

TAUPŌ DISTRICT COUNCIL

PROPOSED DISTRICT PLAN CHANGES:

PLAN CHANGE 41: REMOVAL OF FAULT LINES

MINUTE 23 OF THE INDEPENDENT HEARING PANEL

Introduction

1. This Minute is being sent to you because you are either a submitter or a Council reporting officer to **PC41: Removal of Fault Lines (PC41)**.

Minute Purpose

2. The Panel has received a response from the Reporting Officer Mr Sapsford¹ to matters raised in **Minute 7**² and this has been published on the Council's website.
3. The purpose of this Minute is to seek further clarification from Mr Sapsford to assist in the Panel's continued deliberations on **PC41**.

Background

4. We wish to reiterate our initial reasons as to why we sought further information and analysis in relation to PC41 as set out in our **Minute 7**. These remain our primary focus and we encourage the Council reporting officers to re-acquaint themselves with the Minute. The message that we endeavored to communicate is that ultimately we are not convinced, based on the information before us (both at the time of Minute 7 and now upon receipt of the response to it), that the s32 evaluation has provided the full quantum of risk of acting and risk of not acting between each of the following three options:

Option 1: Status Quo

Option 2: Replacement of the current fault line on the planning maps with the GNS data

Option 3: Removal of the fault lines from the District Plan maps

5. We note that the initial s32 evaluation, only provided approximately one page of assessment (including a table) of the provision options³ and that this evaluation did not provide a sense of the magnitude or the quantum of inaccuracies in the mapping when comparing Options 1 and 2. Neither did it provide an overall comparison of the risk of acting and the risk of not acting between the three options.
6. On the basis of the response provided to **Minute 7**, the Panel did contemplate making a determination on this matter based on the information currently in front of us. We do not consider that the response to Minute 7 provided the further assurances that we sought from our initial request for further s32 evaluation. Put another way we were somewhat disappointed in the response – hence this Minute.

¹ Undated.

² Minute 7 dated 1 August 2023.

³ PC41: S32 Assessment, Section 3.4, pages 13-14, undated.

7. We consider that this is an important issue which should not be diminished due to absence of a hearing on the matter. Given that, and on the basis that our initial requests may have been misconstrued, we hereby provide the Council with a final opportunity to reconsider and respond in a more fulsome manner.

Further Assessment Sought

8. To enable an evaluation of the risk of acting and the risk of not acting between the three options, the Panel seeks the following from the Council:
 - 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?
9. Essentially, in terms of **Option 1**, the Panel needs to understand how significant the current inaccuracies in the Operative District Plan are and what is the ability of **Option 2** to address those shortcomings. In other words, as an alternative to **Option 3**, what would be the disadvantages and advantages of retaining the current fault line provisions in the Operative District Plan until such time as any alternative or replacement provisions are introduced by way of a First Schedule process? In answering that it would be prudent to consider both short and medium term timeframes.
10. Depending on the answer(s) to the above, the Panel needs to understand (as part of **Option 2**) whether the GNS data is sufficient or fit for purpose to replace the current fault lines on the planning maps? Depending on the answers to these questions – particularly regarding the replacement of the current fault lines on the planning maps with the GNS data - how much work would be required to enable that (albeit this would need to occur through a separate First Schedule process)? To assist in this, the following questions are also posed:
 - 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.
11. Once we receive a more fulsome s32 evaluation, particularly the assessment of the risks of acting and not acting between the three options, we will be able to make a determination on how we wish to proceed.

Directions

12. In light of the purpose of this Minute detailed above, we direct that the Council's Reporting Officer provides a statement addressing the Panel's questions above to be filed with the Hearing Administrator no later than 1pm 23 November 2023. If further time is required, the Panel will look favorably on that so long as it is sought in writing.

Next Steps

13. The timeframe for the clarification matters is set out above. Any questions of further clarification should be made to the Hearings Administrator as soon as possible. The Panel will provide subsequent Minutes on any further updates in relation to the Panel's deliberations proceedings in due course.
14. Any enquiries relating to the proposed plan changes and the hearing should be directed to the Hearing Administrators Hilary Samuel or Haydee Wood and can be contacted at districtplan@taupo.govt.nz.

DATED 12 November 2023



David McMahon
Chair - Independent Hearings Panel

For and on behalf of:

Commissioner Elizabeth Burge

Councillor Yvonne Westerman