

## TAUPŌ DISTRICT COUNCIL

### PROPOSED DISTRICT PLAN CHANGES:

PLAN CHANGE 38: STRATEGIC DIRECTIONS

PLAN CHANGE 39: RESIDENTIAL BUILDING COVERAGE

PLAN CHANGE 40: TAUPŌ TOWN CENTRE

PLAN CHANGE 41: REMOVAL OF FAULT LINES

PLAN CHANGE 42: GENERAL RURAL AND RURAL LIFESTYLE ENVIRONMENTS

PLAN CHANGE 43: TAUPŌ INDUSTRIAL ENVIRONMENTS

### MINUTE 1 OF THE INDEPENDENT HEARING PANEL

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#### **Introduction**

1. This Minute is being sent to you because you are either the applicant, a submitter or a Council reporting officer to the above application.
2. Taupō District Council ("**Council**") has delegated authority under Section 34A of the Resource Management Act 1991 ("**RMA**") to Independent Commissioners David McMahon (Chair), Elizabeth Burge and Councillors Yvonne Westerman and Kevin Taylor to hear and make a recommendation on the proposed **Plan Changes 38-43** to the Operative Taupō District Plan ("**the District Plan**").
3. The general function of this Minute covers the following matters:
  - a. Record the background to the Plan Changes
  - b. Outline the initial timetable for the hearings
  - c. Acknowledge the engagement to date; and
  - d. Circulate the Register of Panel Interests.
4. It is likely that we will issue additional minutes with further requests and instructions before, during and/or after the hearings.

#### **Background**

5. The **Plan Changes** relate to the following:
  - **Plan Change 38: Strategic Directions (PC38)**, seeks to insert a new chapter into the District Plan that provides an outline of the key strategic and significant resource management matters for the Taupō district. This chapter includes objectives and policy to guide decision making at a strategic level.
  - **Plan Change 39: Residential Building Coverage (PC39)**, seeks to increase the residential building coverage standard from 30% to 35% for the Residential and Nukuhau General Residential Environments.

- **Plan Change 40: Taupō Town Centre (PC40)**, seeks to provide increased building heights for that part of the Taupō Town Centre - Pedestrian Precinct as associated with the block between Roberts Street, Tongariro Street, Te Heuheu Street and fronting Ruapehu Street.
- **Plan Change 41: Removal of Fault Lines (PC41)**, seeks to remove the fault lines from the planning maps and references to the Fault line Hazard Area from the District Plan provisions.
- **Plan Change 42: General Rural and Rural Lifestyle Environments (PC42)**, seeks a full review of the existing Rural Chapters within the Taupō District Plan. Some parts of the rural chapters have stayed the same but other parts have changed.
- **Plan Change 43(PC43):** Taupō Industrial Land, seeks to rezone two additional areas, being Broadlands Road West and Napier Road from Rural Environment to Taupō Industrial Environments.

6. By public notice dated 14 October 2022 Taupō District Council notified the plan changes and called for submissions by no later than 9 December 2022. Approximately 200 submissions were received covering some 1300 decision points. These submissions were summarized and notified for further submissions on 17 March 2023 and by the closing date of Friday 7 April 2023 a total of 56 further submissions were received.
7. The Council has been busy collating these submissions and ascertaining who wish to be heard in support of their submissions, the initial tally is approximately 100 submitters across all six plan changes.
8. It is on that basis that we now wish to provide some direction to the Council and all submitters starting with the hearing dates.

### Hearing dates and times

9. The preliminary hearings dates have been set down as following:

<b>PC39 and PC41:</b>	28 July 2023	Taupō District Council Chamber
<b>PC38, 40, 42 and 43:</b>	17-18 August 2023 21-25 August 2023 28-29 August 2023	Suncourt Hotel and Conference Centre

10. All parties have been formally advised directly by email from the Council Hearing Administrator of the confirmed hearing date(s) and venue. We are aware that the Council administrators have been in contact with submitters also about hearing slots and this will continue over the next week or so.
11. If you wish to appear at the hearing and have yet been contacted, or if you have any general enquiries about the hearing these should be directed to the Hearing Administrators. They are Hilary Samuel or Haydee Wood and can be contacted at [districtplan@taupo.govt.nz](mailto:districtplan@taupo.govt.nz)

12. The standard hearing slot is 15 minutes which includes 5 minutes for questions from the panel. If a submitter wishes for a longer hearing time, then this request must be submitted in writing to the panel via the Hearing Administrators.
13. As a preliminary point, we note that the structure of the hearings may mean that submitters appearing across several plan changes may need to have multiple appearances over more than one day. The exception to this will be PC 39 and 41, which will be heard on one day. For the other plan changes the hearing administrators will be as accommodating as possible but there is still that possibility of more than single appearance for submitters appearing on all of PC, 40, 42 and 43.

### **Pre-hearing discussions**

14. The Panel would like to acknowledge the engagement that has already taken place between the Council and the following parties:
  - Te Kotahitanga (Ngāti Tūwharetoa settlement entity) (9 March 2023), with respect to PC38
  - Waikato Regional Council (21 March 2023) with respect to PC42
  - EQC (6 April 2023) with respect to PC41
  - NZDF (13 April 2023) with respect to PC40
  - Waikato Regional Council (5 May 2023) with respect to Plan Changes 38-43
  - Contact Energy and Genesis Energy (16 June 2023) with respect to PC42 and PC43
15. The Panel encourages continued dialogue and (where appropriate) expert conferencing with all parties in an endeavor to refine and resolve where possible any issues and where possible, provide joint witness statements. The initiative for this should rest with both Council and submitters but could focus on any time between now and the hearing commencement. After the release of the Council report for the hearing (referred to as the s 42A report) may be a suitable time in particular for submitters to decide whether they continue to wish to be heard or not at the hearing and if they do to start preparing their presentation material or originating expert evidence. That takes us onto the issue of evidence.

### **Circulation of evidence before hearing**

16. All Council and expert evidence of submitters is to be pre-circulated before the hearing. It will be pre-read by the Panel and there will be no need for the authors to read it at the hearing other than for a brief highlights' summary. The timetable for circulating the Council and submitters' expert evidence is sequential and will be as set out below.
17. Pursuant to Section 103B of the RMA, we direct that evidence be pre-circulated in accordance with the following timeframes as set out in the Act:
  - a. the Section 42A Report called by the Council will be made available a minimum of 10 full working days prior to the start of the hearing;
  - b. any expert evidence called by submitters must be made available at least 5 full working days before the start of the hearing.
18. To clarify the above there will be two dates for the **s42A report** circulation; one for the reports relating the hearing on 28 July and a later date for the reports relating to the hearings commencing on 17 August. A subsequent minute will be issued providing the exact dates for the s42A Reports and lodgment of expert evidence.

19. To be clear, submitters do not need to pre-circulate any **non-expert** presentation evidence/material they wish to speak to at the hearing. The above circulation requirements only apply to any expert evidence submitters wish to call. Expert evidence is considered to be evidence from independently qualified persons such as flood modelling engineers, landscape architects, and planners. For any questions of clarification about professional expertise and the code of conduct for expert witnesses, please contact the Council Hearing Administrator in the first instance.
20. Any legal submissions by legal counsel for the parties can be made at the hearing and are not subject to pre-circulation.

### **Hearing process and presentations**

21. For some submitters this is a well-known process. However, we anticipate that the hearings of this nature may be a new experience for some submitters, so we will take a brief moment here to provide some information about the hearing for context.
22. For starters, we encourage all submitters to refer to the useful guides about the hearing process and hearings available from the Ministry for the Environment website. The link below, in particular, is a great source of information:

<https://environment.govt.nz/publications/appearing-at-a-hearing-about-a-proposed-plan-or-resource-consent/>

23. Consistent with the above guide, our preference is for proceedings to be relatively informal. However, a degree of formality is inherent in hearings of this nature, and we will speak to that at the outset of the hearing when it commences.
24. More substantively, the hearings enable us to hear the issues raised in submissions in greater detail, and to be able to ask questions to improve our understanding of those issues.
25. As a rule of thumb, parties should target presentations of 15 minutes or so. This is less a rigid requirement than it is a rough indication, and all parties appearing will be given sufficient time to present their views.
26. Once the actual hearing dates has been formally confirmed by the Council Hearing Administrator, we will request an indication from all parties as to the amount of time they require for their presentation so that the Hearing Administrator can make the necessary arrangements.

### **Site and locality visits**

27. The Panel are generally familiar with the sites and localities of all the Plan Changes.
28. We expect to undertake more detailed site and locality visits before (if possible) and after the hearing. In that respect, if any party has a desire for us to visit particular sites/localities they should advise the Council Hearing Administrator.

### **Next Steps**

29. As summarised above, we now suggest that the Council and submitters continue to endeavor to engage with submitters to discuss issues raised in submissions and resolve any issues, where practical.

30. The Panel will provide subsequent minutes on any further updates in relation to the hearing's proceedings in due course.
31. Any submitter enquiries relating to the proposed plan changes and the hearing should be directed to the Hearing Administrators.
32. The Council Hearing Administrators are Hilary Samuel or Haydee Wood and can be contacted at [districtplan@taupo.govt.nz](mailto:districtplan@taupo.govt.nz)

**DATED** Thursday, 15 June 2023



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DJ McMahon

Chair - Independent Hearings Panel

For and on behalf of: Commissioner

Elizabeth Burge

Councillor Yvonne Westerman

Councillor Kevin Taylor