

Before Independent Commissioners

In Taupō

Under

the Resource Management Act 1991 (the Act)

In the matter of

of Plan Change 43 (Industrial), being a
proposed plan change to the Taupō District Plan
in accordance with Schedule 1 to the Act

**Statement of evidence of Darren Paul Clark for Mega Food Services
Limited (Planning)**

Dated 16 August 2023

1 Introduction

1.1 My full name is Darren Paul Clark.

1.2 I hold the position of Planner at McKenzie & Co Consultants Limited. I have been in this position since January 2023.

1.3 I hold a Bachelor of Planning (Hons) from the University of Auckland. I have worked in resource management and planning in New Zealand for over 13 years. These 13 years have been in local government roles, including a compliance and monitoring role in Auckland Council, 8 years with Taupō District Council (**Council**) as a Consents Planner and then Intermediate Consents Planner, and one and a half years with Rotorua Lakes Council as a Senior Consents Planner. I have presented evidence at previous consenting hearings and for the Environment Court.

1.4 McKenzie & Co have been engaged by Mega Food Services Limited (Mega Food) to provide resource management advice and planning evidence before the Independent Hearing Panel (**Panel**), convened to hearing plan changes 38-43 to the Taupō Operative District Plan (**ODP**) in respect of Plan Change 43 (**PC43**) as it relates to Mega Food's site at 63 Broadlands Road, Taupō (**Property**). Having been engaged very recently in respect of this matter, I have not yet undertaken a site visit but have undertaken a desktop review and am familiar with the Taupō urban area and the Property and its surrounds having worked in the District since 2013.

1.5 In preparing this evidence I have reviewed the following:

- a) PC 43 as notified
- b) PC43 s32 Report
- b) PC43 s42A Report
- c) Submissions
- d) Statements of Evidence of Mr Shaw on behalf of Council and Statement of Evidence of Ms Delich dated 8 August 2023.

2 Code of conduct

2.1 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is 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.

2.2 My evidence considers expert ecology evidence on behalf of Council submitted by Mr Shaw of Wildland Consultants Ltd. My opinions are kept to areas of planning analysis only, concerning the planning frameworks that respond to that ecology evidence.

3 Scope of evidence

3.1 This statement of evidence provides a full statement of evidence that elaborates on the high-level synopsis of planning issues that was submitted as a summary of evidence statement lodged 9 August 2023. For the avoidance of doubt, this statement incorporates and expands on the text in the previous summary of evidence statement.

3.2 I agree with the Council's 42A report and evidence on the suitability of the site for industrial zoning. Rather than repeat that material, I will be focusing on matters where there is a difference of opinion.

3.3 The focus of this evidence is to provide planning analysis that addresses Council's planning approach outlined in the s42A report, specifically to the proposed amendments (new provisions) to the originally notified PC43 Broadlands Road West rezoning. These new provisions identify new 'Geothermal Significant Natural Areas' (**SNAs**) on the subject site, along with a corresponding set of specific ecological restrictions.

3.4 Ultimately, I consider that the Council's originally notified PC43 provisions, as they relate to the Property, remain the most appropriate (for the reasons outlined in Council's s32 report). I also consider that the notified provisions give effect to the National Policy Statement on Indigenous Biodiversity (**NPS IB**) (which has come into force post submissions) without any further amendment.

3.5 The key issues that I have with Council's planning approach are as follows:

- The s32AA evaluation of the new provisions does not provide a complete assessment of the required provisions under s32AA, namely identifying other reasonably practicable options for achieving the objectives as required by s32(1)(b)(i); and an assessment of the efficiency and effectiveness of the provisions in achieving the objectives, that considers how the benefits and costs of the matters set out in s32(2) were considered, relative to the scale and significance of the changes. I do not consider that there is sufficient information before the panel to rectify these deficiencies through the Panel's decision making record (s32AA(1)(d)(ii)).
- The prescribed process (Clause 3.8(6)) in the NPS IB that applies to a territorial authority in identifying and proposing new SNAs outside of a district-wide assessment, has not been followed. As such, the new provisions are not considered to give effect to the process of the NPS (s75(3)(a) of the Act).
- The new provisions and reference to 'Significant Geothermal Features' (**SGFs**) with corresponding 20m buffer restrictions in the s42A report, generate inconsistencies with the

Operative Waikato Regional Plan (**WRP**), which already has a framework for managing activities in proximity to SGFs. As such, in my view, the new provisions are considered to be inconsistent with the WRP (s75(4)(b) of the Act). This framework in the WRP is set out in accordance with the high order framework in the Waikato Regional Policy Statement (**RPS**). As such, in my opinion, the new provisions would not give effect to the RPS (s75(3)(c) of the Act).

4 Section 32AA

- 4.1 The s42A report recommends amendments to the Broadlands Road West rezoning which seek to identify new SNAs on the Property, with a corresponding set of new rules. These new provisions are as a response to submissions concerning ecological matters, which raised a lack of a consideration of ecological matters in Council's original section 32 Report.
- 4.2 It is my view that Council's s42A report has not undertaken a comprehensive s32AA assessment of the new provisions. Given the lack of a full assessment, in my opinion, the Panel does not have adequate information before it to adopt the new provisions in a decision.
- 4.3 As noted in paragraph 22 of the s42A report: *"...the Panel is required under cl10 of Schedule 1 of the Act to include reasons for accepting or rejecting the submissions. A decision must include a further evaluation of any proposed changes to PC43 arising from submissions with that evaluation to be undertaken in accordance with section 32AA."* I agree with this statement.
- 4.4 I note that the s32AA assessment must be consistent with the requirements of s32(1) to (4) of the Act and undertaken at a level of detail that corresponds to the scale and significance of the changes. It must show that they are the most appropriate way to achieve the objectives, identify and assess the benefits and costs, and assess the risk of acting or not acting.
- 4.6 Paragraph 2 of the 42A report states: *"Where modifications are recommended, an analysis against the relevant statutory provisions of the RMA is provided to assist the Panel with its duties and functions pursuant to s32AA of that Act."*
- 4.7 Paragraph 22 states: *"All recommended amendments to provisions, as a consequence of recommendations on submissions must be documented in a subsequent s32AA evaluation, and this has been undertaken for each sub-topic addressed in this report."*
- 4.8 I note the relevant s32AA discussion on the new provisions that are the subject of this evidence is largely focused and summarised in paragraphs 126, 127, 193 and 198 of the s42A report. These paragraphs provide consideration of the efficiency and effectiveness of the new provisions in achieving the objectives. However, in my opinion, there is no clear evaluation provided of all the listed requirements of s32(1) to (4) of the Act. I consider the s32AA evaluation is therefore incomplete.
- 4.9 I note that no evaluation has been made of identifying other reasonably practicable options for achieving the objectives as required by s32(1)(b)(i). This could include, as an example (and not

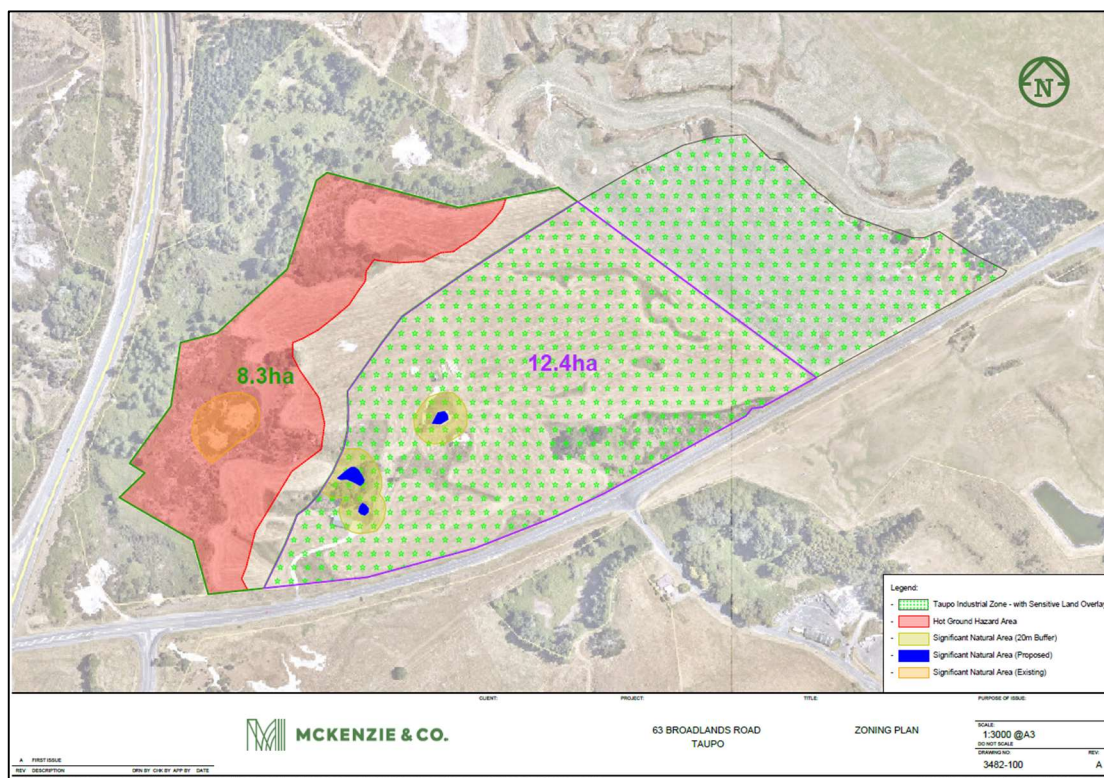
limited to), an evaluation of the appropriateness of applying the existing set of ODP provisions (as notified in PC43) in still being able to achieve the objectives, as an alternative to the new provisions that would apply to the Property. I expand on this existing planning framework in paragraphs 5.10 to 5.19 later in my evidence.

- 4.10 I also note that the s32(1)(b)(ii) evaluation of assessing the efficiency and effectiveness of the provisions in achieving the objectives, does not set out how the benefits and costs of the matters set out in s32(2) were considered. For example, the economic costs associated with reducing the extent of developable land able to be utilised for industrial purposes (as envisaged and originally notified by PC43) have not been quantified. This is seen in paragraph 127(a) of the s42A report:

*“The proposed rule is **efficient** in that:*

- a. *whilst there are economic costs associated with reducing the extent of developable land able to be utilised as an Industrial land resource, there are more substantial environmental benefits in terms of the protection and enhancement of Geothermal Significant Natural Features, especially given the directive statutory framework associated with such....”*

- 4.11 Any such evaluation must correspond to the scale and significance of the changes (s32AA(1)(c)). In my opinion, the proposed SNAs including their buffer areas and further restrictions would have an unquantified wider impact on how the rezoned land could be utilised for its intended purpose. I note the easternmost SNA in particular is located centrally within the area of the Property to be rezoned. The lack of a proposed zoning plan for PC43 with identifiable allotment boundaries for the 20.7ha Property, in my opinion, does not assist the Panel and submitters with being able to spatially understand the location of the new SNAs relative to the ultimate zoning configuration of the Property. I provide a copy of such a plan below. Attached as **Appendix One** for comparison is a zoning map showing the current rural zoning and various overlays currently applying to the site.



4.12 For context, I reiterate that the purpose of PC43 is to assist Council with meeting its obligations under the National Policy Statement for Urban Development (2020) (**NBS UD**). Page 7 of the s32 report states:

“The purpose of this Plan Change is to partly resolve the deficit of long-term development capacity for Industrial zoned land through the contribution of an additional 24ha of Taupō Industrial Environment (zoned) land.”

4.13 Given the focus of PC43 on supply of industrial land, and the primary purpose of PC43 in adopting the existing set of Taupo Industrial Environment provisions (largely unmodified) for that purpose, I would expect that any further significant changes proposed to that notified framework (in response to submissions) that reduce the land to provide business development capacity under the NPS UD ought to be subject to the rigors of a s32 / s32AA evaluation that is scaled appropriately.

4.14 I also note that the s32AA efficiency evaluation provided in paragraph 127(a) referenced above, relies on the *“more substantial environmental benefits in terms of the protection and enhancement of Geothermal Significant Natural Features, especially given the directive statutory framework associated with such”*. In my opinion, the directive statutory framework that informs the protection of such features has not been followed for the reasons I have set out in paragraphs 5.7 – 5.9 and Sections 6.0 and 7.0. As such, the assessment is, in my view, is deficient.

5 National Policy Statement on Indigenous Biodiversity

5.1 The NPS IB was gazetted on 7 July 2023 and has legal effect as at 4 August 2023. The NPS has come into force since the Council s32 report and notification of PC43 in September 2022.

5.2 Section 2.6 of the s42A report acknowledges the NPS IB as a relevant national policy statement and quotes various provisions of the NPS IB, specifically as they relate to 'geothermal SNAs' which are the subject of a number of submissions relating to the Property. I agree with the s42A report, that the NPS IB is a matter that PC43 must give effect to.

5.3 Paragraph 60 of the s42A report provides comments on how Council see the NPS IB relating to PC43 (as amended by the new provisions). I agree with statement (a) noting that the NPS-IB does not require or trigger a district wide reappraisal of SNAs in the District to be undertaken immediately or resolved through PC43.

5.4 Statement (c) of paragraph 60 of the s42A report states:

“However, if as subject to clause 3.8(6) through the exercise of its functions (other means) in terms of responding to submissions on PC43, the Taupō District Council becomes aware that an area may qualify as an SNA (or geothermal SNA for the purposes of clause 3.8(7), the Council is to undertake an assessment (against the criteria in Appendix 1) and as appropriate include the area in the next appropriate plan change notified by the Council.”

5.5 For reference, clause 3.8(6) of the NPS IB sets out the process that must be followed by the territorial authority if it seeks to propose new SNAs outside of a district wide assessment process. This clause states:

“(6) If a territorial authority becomes aware (as a result of a resource consent application, notice of requirement or any other means) that an area may be an area of significant indigenous vegetation or significant habitat of indigenous fauna that qualifies as an SNA, the territorial authority must:

(a) conduct an assessment of the area in accordance with subclause (2) as soon as practicable; and

(b) if a new SNA is identified as a result, include it in the next appropriate plan or plan change notified by the territorial authority.”

An assessment under clause 3.8(2) must include an assessment of the listed principles under clause 3.8(2) and the assessment criteria in Appendix 1 of the NPS IB.

5.6 The s42A report goes on to provide discussion regarding how the new provisions align with clause 3.8(6). Concluding comments are provided in paragraph 123 of the s42A report which states:

“I agree with Mr Shaw and consider that the field evaluation of the Broadlands Road West rezoning has identified additional features that warrant recognition as Geothermal SNAs based on the Statutory criteria included in the NPS-IB (Appendix 1), the WRPS (APP5) and Operative District Plan (Appendix 5). These features as shown within the evidence of Mr Shaw relate to those areas notated as (1) and (2) only as shown in Figure 3.”

5.7 Paragraph 195 of the s42A report also provides concluding comments, stating:

“Based on the above, in terms of submissions seeking specific protections, I recommend provisions be inserted into PC43 to account for the Geothermal SNA’s identified and recommended by Mr Shaw. That approach aligns with clause 3.8(6) of the NPS-IB, until such time as a more cohesive District wide assessment of areas that qualify as SNAs is undertaken by the Taupō District Council as required by the NPS-IB (Sub part 2, Clause 4.2).”

5.8 I hold a slightly different view on how clause 3.8(6) should relate to PC43 from the interpretation set out in the s42A report. In my opinion, any new SNA that is identified as a result of the required process set out in 3.8(6) must be included in a notified plan change by Council. In this case, the new SNA proposed has not been notified in a plan change, but rather included as an amendment post submissions. Whilst such an amendment could be seen as a logical response to submitter concerns regarding ecology matters; it is in my opinion premature and does not follow the required notification process set out in clause 3.8(6)(b). Such a notification process would provide greater opportunity for consideration of alternatives and ‘the bigger picture’ in terms of protection and enhancement of indigenous biodiversity across the whole Property so that there is no overall loss in indigenous biodiversity. For example, the further protection and enhancement of existing SNA 180 and its margins in the western extent of the site, beyond the re-zoning scope of PC43.

5.9 I consider a more thoughtful and comprehensive approach is required to manage indigenous biodiversity on the Property. This is reinforced in clause 3.4 of the NPS IB which states:

“3.4 Integrated approach

(1) *Local authorities must manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means:*

(a) recognising the interconnectedness of the whole environment and the interactions between the terrestrial environment, freshwater, and the coastal marine area; and....”

5.10 I also make the observation, that in my read of the s42A report, I can find no evidence of an assessment of the listed principles under clause 3.8(2) and the assessment criteria in Appendix 1 of the NPS IB, as required by clause 3.8(6)(a). Paragraphs 122 to 124 of the s42A report provide discussion on the ecological and planning basis of the new provisions, as part-informed by the evidence submitted by Mr Shaw of Wildland Consultants Ltd. However, I cannot find any evaluation as required by the NPS IB. As such, it is not clear to me how the new provisions align with the process required by clause 3.8(6).

5.11 I need to make it clear, that the recent introduction of the NPS IB places a new focus on protecting and maintaining indigenous biodiversity across New Zealand and this is not disputed. The NPS IB strengthens council’s role in needing to identify and protect areas of indigenous biodiversity and PC43 must respond to this new national policy statement accordingly. The investigated areas on the Property may indeed warrant more formal protection as indicated by the Wildlands evidence.

However, the NPS IB sets a new and consistent framework in how territorial authorities must identify and incorporate SNAs in district plans and ought to be followed accordingly.

- 5.12 In my opinion, the overall objective of the NPS will still be met by PC43 as notified, for the reasons set out below.
- 5.13 As detailed in the s32 report, the proposed **TIE** boundary has been intentionally setback 100m from existing SNA180 to provide a buffer. I note there are currently no setback provisions in the ODP from SNA 180 and that the planning rationale for a 100m buffer is unclear.
- 5.14 The proposed TIE zoning already brings with it a much more restrictive planning framework than the current Rural Environment zoning (and as proposed to be updated by Plan Change 42) which is highly permissive and allows for permitted activities (such as unlimited earthworks and large scale buildings up to 1000m² (operative rural) and 5000m² (proposed rural)) currently over the investigated areas.
- 5.15 PC 43 will apply the Sensitive Land overlay and corresponding provisions that already exist in the ODP to the Property. Those provisions are already designed to recognise geothermal and ecological sensitives. These are noted below:

*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.*

*4h.2.9 Any landuse within an identified “Sensitive” Environment in the Taupō Industrial Environment is a **discretionary activity**.*

- 5.16 These above rules relate to the relevant TIE objective and policies noted below:

“OBJECTIVE

3t.2.5

Provide for the subdivision and development of identified sensitive land in a manner that recognises landform limitations.

POLICIES

- i. Manage the environmental effects of land disturbance to ensure a high level of environmental protection in the identified “Sensitive” locations.*
- ii. Recognise landform limitations at the time of subdivision and development in the identified sensitive areas in the Taupō Industrial Environment.”*

- 5.17 In my opinion, this existing set of plan provisions that will apply to the Property will be able to manage the effects of future development and in a much more stringent fashion than the current operative provisions for the Rural Environment, with respect to environmental protection. This will limit the potential for an overall loss of indigenous biodiversity. Any land use activity or subdivision of the site

will trigger the requirement for a resource consent which will be considered on merit, with the need to provide an assessment of environmental effects that considers any ecological, geotechnical and geothermal sensitivities. This will ensure that PC43 as notified achieves the operative objectives in the ODP and offers greater opportunity for identification and protection of indigenous biodiversity to meet the objective of the NPS IB than the current status quo.

5.18 I note that the operative objectives and policies under 3i Natural Values in the ODP which specifically relate to SNAs and areas of natural value will continue to apply to the Property and these will work in tandem with the TIE objectives and policies to further protect and enhance areas of natural value in line with the direction of the NPS IB.

5.19 Paragraphs 81 – 82 of the s42A report provides the following relevant discussion:

“81) Objective 3i.2.1 of the Plan is to provide for the protection of Significant Natural Areas in the Taupō District from more than minor adverse effects of indigenous vegetation clearance. Associated Policy 3i2.2(ii) is to recognise and encourage development that enhances areas of natural value, particularly the establishment, re-establishment, extension or buffering of ecological linkages along waterways, and between existing areas of natural value.

82) Development without protection of the additional habitats identified by Wildlands would mean that values associated with this vegetation and habitats would be permanently lost. Without recognition in the Plan (this area is not notated as SNA) those values would unlikely be remediated after subdivision, land use development and construction nor offset; including through retention of the operative Rural Environment (zone).”

5.20 My response to the above, is that whilst PC43 as notified does not specifically identify the investigated areas on the Property, the application of the existing ODP provisions outlined above (which are applicable to the Taupo Industrial Environment and District Wide) are appropriate for ensuring that ecological matters are addressed at time of any subdivision or land use development, because any land use or subdivision activity would be a discretionary activity (with there being no permitted activities within the Sensitive overlay). I also re-iterate that the NPS IB sets out the process that Council must follow to identify and propose new SNAs and that a more comprehensive approach to SNA identification and management on the wider Property should be followed.

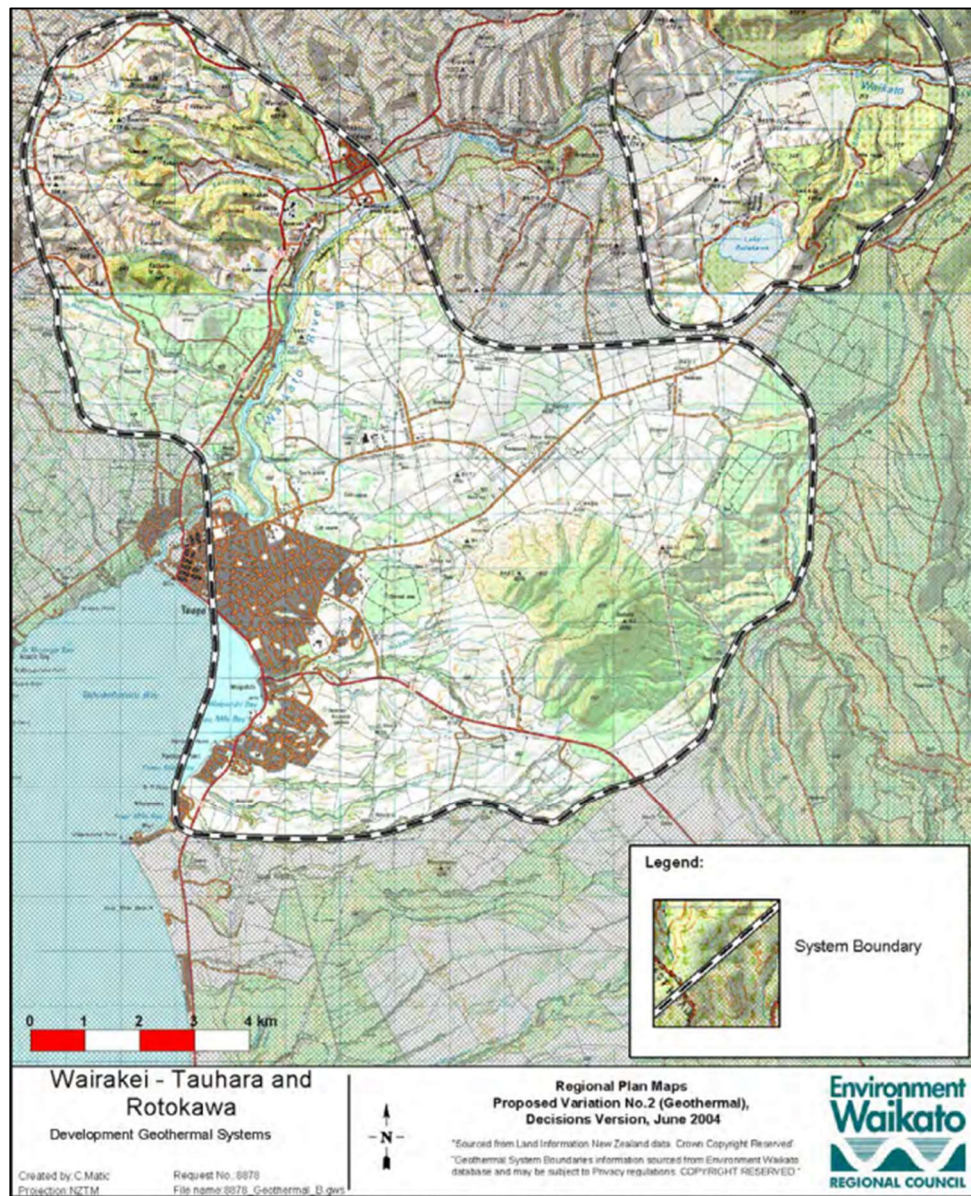
6.0 Waikato Regional Plan

6.1 The new provisions seek to draw on aspects of the Geothermal Module of the Waikato Regional Plan (**WRP**), as raised by submissions. There is reference in both the s42A report and Mr Shaw’s evidence to the term ‘Significant Geothermal Features’ (**SGFs**) which stems from the Waikato Regional Plan and the Waikato Regional Policy Statement (**RPS**). The s42A report relies on the proposed 20m buffers as being in accord with Rule 7.6.6.2 of the WRP. This is noted in paragraph 62(c) and its corresponding footnote 45, as well as paragraph 124 of the s42A report. I disagree that this is the correct planning approach.

6.2 Rule 7.6.6.2 of the WRP applies to SGFs. SGFs are defined as being:

“In Development and Limited Development Geothermal Systems are those Geothermal Features which are listed in Tables 7-5 and 7-6 and mapped in section 7.10. In protected, Research and Small Geothermal Systems, Significant Geothermal Features.”

6.3 The site is located within the ‘Wairakei-Tauhara ‘Development Geothermal System’, mapped in Section 7.9 of the WRP (see below), under 7.9.1.7 Wairakei-Tauhara.



6.4 Section 7.10 of the WRP then lists and maps identified ‘Significant Geothermal Features and Geothermal Water Features in Development Geothermal Systems’. The ‘Broadlands Rd Reserve’ map in section 7.10.1 maps Significant Geothermal Features on the site. This is shown in **Appendix Two**.

6.5 As such, the SGF applicable to the site are those shown in the map. The investigated areas shown in Mr Shaw’s evidence and as referred to in the s42A report are not currently mapped in the WRP

and therefore the investigated areas do not meet the definition of SGF as defined by the WRP. The corresponding set of rules under the WRP therefore do not apply to these investigated areas, noting they are currently 'unprotected'.

- 6.6 Until such time that the WRP is updated via a plan change with new mapping to propose further identified SGFs and the associated 20m protection buffers, the WRP does not apply to the investigated areas.
- 6.7 Proposing an equivalent protection status in the Taupō District Plan via PC43 would in my opinion therefore introduce rules and terms that conflict with the current WRP framework for managing activities in proximity to SGFs. This would create an inconsistency between the proposed PC43 amendments and the WRP. I note that under s75(4)(b) district plan must not be inconsistent with a regional plan.
- 6.8 I also note that the corresponding listed criteria for SGFs in 'Protected, Research and Small Geothermal Systems', listed under APP5 of the WRP do not apply to the Property, because the Property is located within a 'Development Geothermal System. As such, identifying and protecting these investigated areas via PC43, based on the APP5 criteria, would in my opinion also introduce conflict in how the WRP anticipates the use of the APP5 criteria. This would create a further inconsistency between the proposed PC43 amendments and the WRP. This is expanded on in the below section on the RPS.

7.0 Waikato Regional Policy Statement

- 7.1 Under s75(3)(a) of the Act, a District Plan must give effect to any regional policy statement. The relevant policy statement applicable to PC43 is the Operative Waikato Regional Policy Statement (**RPS**).
- 7.2 Section 2.7 of the s42A report provides an assessment of the proposed amended PC43 provisions against the RPS. Paragraph 62(c) of the s42A report states:

"In responding to submissions, Wildlands have identified that additional controls are necessary for the recognition and protection of individual heat geothermal kanuka at the Broadlands Road West site which would warrant identification as significant indigenous biodiversity through the application of APP5 Criteria. Accordingly, I have recommended the introduction of an Outline Development Plan and associated controls (Attachment B) requiring a buffer around these features. On that basis, I consider that as amended, PC43 would appropriately account for the protection of indigenous biodiversity (UFD-O1(a)), Development Principle APP1(k), ECO-O1 and ECO-P1."

The assessment goes on to conclude that the recommended amendments to PC43 give effect to the RPS.

7.3 I come to a different planning conclusion with respect to the application of the ECO policies and methods of the RPS, and I make the following analysis.

7.4 Under the Geothermal (GEO) chapter of the RPS, Policies (Page 1 of 16) states the following:

Scope and application of the GEO chapter, APP2, and section 5.2.4

In relation to indigenous biodiversity within Development or Limited Development Geothermal Systems policies, methods and principal reasons in ECO – Ecosystems and indigenous biodiversity and APP5, APP6, and section 5.2.7 do not apply to flora and fauna forming part of geothermal features as these are subject to GEO – Geothermal. Policies, methods and principal reasons in ECO – Ecosystems and indigenous biodiversity do apply to other types of indigenous biodiversity in such systems.

7.5 Under the Ecosystems and Indigenous Biodiversity (ECO) chapter of the RPS, Policies (Page 1 of 10) states the following:

Policies Scope and application of the ECO chapter, APP5, APP6, and section 5.2.7

ECO-P1 and its associated methods apply to all indigenous biodiversity across the region, with the exception of ECO-M3 which does not apply to significant indigenous biodiversity.

ECO-P2 and associated methods apply specifically to significant indigenous biodiversity.

Notwithstanding the above, the policies, methods and principal reasons in ECO – Ecosystems and indigenous biodiversity, and APP5, APP6, and section 5.2.7 do not apply to indigenous biodiversity that forms part of geothermal features within Development Geothermal Systems or Limited Development Geothermal Systems (these are subject to the policies, methods and principal reasons in GEO – Geothermal, and APP2, and section 5.2.4.)

7.6 My read of these provisions of the RPS is that the application of the ECO policies, methods and principal reasons, including the APP 5 criteria (criteria for determining significance of indigenous biodiversity), do not apply to the consideration of the investigated geothermal features on the property. This is because the site is located within the Wairakei-Tauhara Development Geothermal System, as stated in my earlier assessment on the WRP. If the property was not located within a Development Geothermal System, only then would those ECO provisions apply. As such, in my opinion, the new provisions do not give effect to the ECO policies and methods as intended and nor are they meant to. Instead, the GEO chapter is the primary chapter of relevance to the investigated geothermal features on the property.

7.7 The creation of equivalent SGFs, as proposed in PC43, would introduce a direct conflict to the framework already set out in the RPS. Method GEO-M14 (Significant Geothermal Features within Development and Limited Development Geothermal Systems) of the RPS states: “*Regional plans shall list and map those features within Development and Limited Development Geothermal Systems that are Significant Geothermal Features.*”

Doing so, in my opinion, results in a confusing and conflicting set of rules that do not give effect to the RPS.

8.0 Conclusion

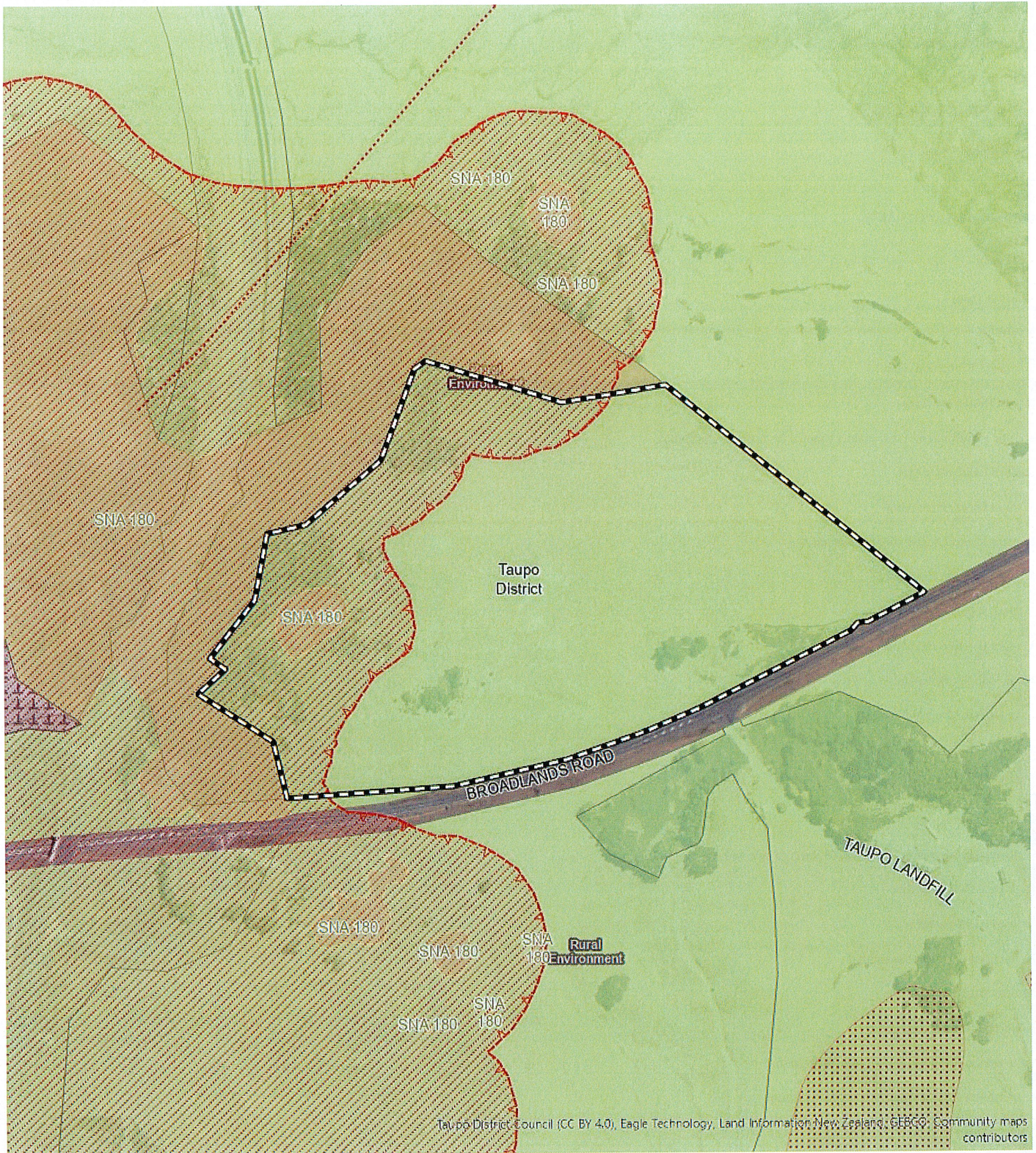
- 8.1 In summary, my opinion is that Council's s32AA assessment of the new provisions (to propose new SNAs with a corresponding set of restrictions), has not been through a robust evaluation of alternatives and has not considered the costs and benefits in assessing the efficiency and effectiveness of the provisions in achieving the objectives, at a level of detail that corresponds to the scale and significance of the changes.
- 8.2 In my opinion, the process that has been utilised to propose the new SNAs has not followed the directive statutory framework as set out in the NPS IB and RPS. I consider a more thoughtful and comprehensive approach is required to manage indigenous biodiversity across the wider Property before such specific protections are locked into the district plan.
- 8.3 The existing planning framework of the ODP (as per Council's originally notified PC43 provisions) that would apply to the Property, in my opinion, brings a more restrictive framework than the status quo and that framework is considered to remain the most appropriate, in the absence of any further evaluation by Council.

Darren Paul Clark


16 August 2023

APPENDIX ONE

OPERATIVE TAUPO DISTRICT PLAN MAPS





Lake Ohakuri Development Zone, The Square


 Lake Ohakuri Development Zone, Village Resort


Low Density Residential


Mapara Valley Modified Rural Environment


 Mapara Valley Urban Neighbourhood


 Mapara Valley, Forest Cluster


 Mapara Valley, Valley Cluster


 New Residential Environment


 Nukuhau General Residential


 Nukuhau Medium Density Residential


 Residential Environment

 Residential Environment (Pukawa C Development Zone)

 Rural Environment

 Spa Road Mixed Use Environment


 Taupo Industrial Environment

 Taupo Town Centre Commercial Fringe Precinct


 Taupo Town Centre Laneways


 Taupo Town Centre Pedestrian Precinct


 Taupo Town Centre Retail Expansion Precinct


 Town Centre Environment


 Turangi Town Centre Pedestrian Precinct

 Outstanding Landscape Areas (OLA)


 Amenity Landscape Areas (ALA)

 Significant Natural Areas (SNA)


 Erosion Hazard Area


 Fault Lines (District Plan)

 Hot Ground Hazard Area (District Plan)

 Known Contaminated Site (District Plan)

 Land Instability Area (District Plan)

 Defended Area

 Flood Hazard Extent







Lake Ohakuri Development Zone, The Square



Lake Ohakuri Development Zone, Village Resort

Low Density Residential

Mapara Valley Modified Rural Environment



Mapara Valley Urban Neighbourhood



Mapara Valley, Forest Cluster



Mapara Valley, Valley Cluster



New Residential Environment



Nukuhau General Residential



Nukuhau Medium Density Residential



Residential Environment



Residential Environment (Pukawa C Development Zone)



Rural Environment



Spa Road Mixed Use Environment



Taupo Industrial Environment



Taupo Town Centre Commercial Fringe Precinct



Taupo Town Centre Laneways



Taupo Town Centre Pedestrian Precinct



Taupo Town Centre Retail Expansion Precinct



Town Centre Environment



Turangi Town Centre Pedestrian Precinct



Outstanding Landscape Areas (OLA)



Amenity Landscape Areas (ALA)



Significant Natural Areas (SNA)



Erosion Hazard Area



Fault Lines (District Plan)



Hot Ground Hazard Area (District Plan)



Known Contaminated Site (District Plan)



Land Instability Area (District Plan)



Defended Area



Flood Hazard Extent



Geothermal Rule



Area X



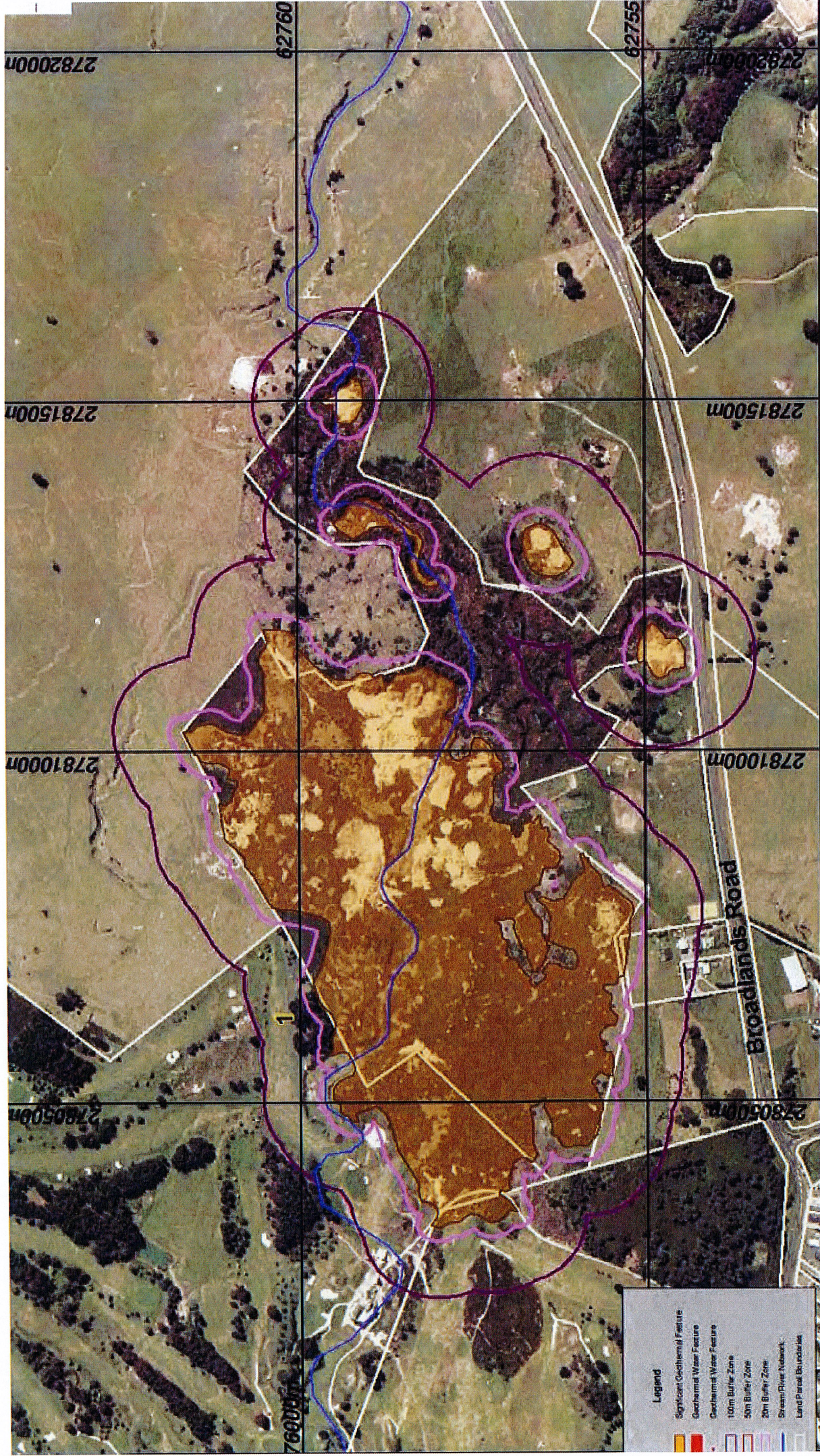
Area Y

Residential Rule

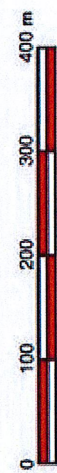


APPENDIX TWO

**BROADLANDS RD RESERVE - SIGNIFICANT GEOTHERMAL FEATURE
(WAIKATO REGIONAL PLAN)**



- Legend**
- Significant Geothermal Feature
 - Geothermal Water Feature
 - Geothermal Water Feature
 - 100m Buffer Zone
 - 50m Buffer Zone
 - 20m Buffer Zone
 - Stream/River Network
 - Land Parcel Boundaries



Broadlands Road Reserve
Wairakei - Tauhara Geothermal System
Regional Plan Maps
Proposed Variation No. 7, May 2007

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