

BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change 43:
Taupō Industrial Land

Application By: Taupō District Council

Section 42A Report on Submissions and Further Submissions
Taupō Industrial Land

Matt Bonis

Dated: 13 July 2023



Taupō District Plan
CHANGES - BUNDLE ONE

Contents

1	PREAMBLE	4
1.1	PURPOSE OF THE S42A REPORT	4
1.2	AUTHOR AND QUALIFICATIONS	4
1.3	CODE OF CONDUCT	5
1.4	SCOPE OF REPORT	5
1.5	EXPERT ADVICE AND BACKGROUND REFERENCE DOCUMENTS	6
2	STATUTORY REQUIREMENTS	7
2.1	STATUTORY DOCUMENTS	7
2.2	PART 2 RMA	9
2.3	NATIONAL POLICY STATEMENT – URBAN DEVELOPMENT	9
2.4	NATIONAL POLICY STATEMENT – HIGHLY PRODUCTIVE LAND	10
2.5	NATIONAL POLICY STATEMENT – FRESHWATER	11
2.6	NATIONAL POLICY STATEMENT – INDIGENOUS BIODIVERSITY (2023)	13
2.7	WAIKATO REGIONAL POLICY STATEMENT	16
2.8	CHANGE 1 TO THE WAIKATO REGIONAL POLICY STATEMENT	17
2.9	IWI MANAGEMENT PLANS	19
2.10	OPERATIVE PROVISIONS IN THE TAUPŌ DISTRICT PLAN	20
2.11	STRATEGIC DIRECTIONS	23
2.12	RELEVANT MANAGEMENT PLANS	25
3	PROCEDURAL MATTERS	26
4	CONSIDERATION OF SUBMISSIONS	27
4.1	OVERVIEW OF SUBMISSIONS	27
4.2	STRUCTURE OF THIS REPORT	27
4.3	MISCELLANEOUS MATTERS	27
4.4	STATUTORY FRAMEWORK	34
4.5	SERVICING	37
4.6	AMENDMENTS SOUGHT FOR NAPIER ROAD – AREA 7	40
4.7	SUBMISSIONS OPPOSING NAPIER ROAD – AREA 7	42
4.8	SUBMISSIONS IN SUPPORT OF NAPIER ROAD – AREA 7	45
4.9	SUBMISSIONS SEEKING AMENDMENTS FOR BROADLANDS ROAD WEST – AREA 4	47
	<i>GEOTECHNICAL MATTERS</i>	52
	<i>GEOTHERMAL SIGNIFICANT NATURAL AREAS</i>	53
	<i>MISCELLANEOUS MATTERS</i>	55
4.10	SUBMISSIONS SUPPORTING TAUPŌ INDUSTRIAL ENVIRONMENT FOR BROADLANDS ROAD WEST – AREA 4	57
4.11	SUBMISSIONS SUPPORTING PC43 IN FULL	58
4.12	SUBMISSIONS OPPOSING PC43 IN FULL	59
4.13	ADDITIONAL REZONINGS SOUGHT	61
5	CONCLUSION	64

ATTACHMENT A: TABLE OF SUBMISSION POINTS

ATTACHMENT B: RECOMMENDED AMENDMENTS

ATTACHMENT C: EVIDENCE IN CHIEF – ECONOMICS, TIM HEATH

ATTACHMENT D: EVIDENCE IN CHIEF – TRANSPORT, DAVE SMITH

ATTACHMENT E: EVIDENCE IN CHIEF – GEOTECHNICAL, MADDISON PHILLIPS

ATTACHMENT F: EVIDENCE IN CHIEF – ECOLOGY, WILLIE SHAW

ATTACHMENT G: TAUPŌ COMMERCIAL AND INDUSTRIAL STRUCTURE PLAN (2011) PLANNED INDUSTRIAL GROWTH AREAS

ATTACHMENT H: CHANGE 1 TO THE WRPS: RELEVANT AMENDMENTS TO THE POLICY FRAMEWORK

List of submitters and further submitters addressed in this report.

Please refer to **Appendix A** to see where each submission point is addressed, and the Officer Recommendation.

Submitters

Submitter ID	Submitter Name	Abbreviation
OS10	Anna Pol	
OS17	Jennifer Molloy-Hargreaves	
OS19	Taupō Industrial Estate Limited	TIEL
OS21	Mega Food Services Limited	MFSL
OS29	Waikato Regional Council	WRC
OS41	Rangatira Block Trusts	RBT
OS46	Tukairangi Trust	
OS47	Wairarapa Moana Incorporation Limited	WMIL
OS55	Enterprise Great Lake Taupō trading as Amplify	Amplify
OS62	Alana Delich	
OS67	Advance Properties Group Limited	APGL
OS79	Cheal Consultants	Cheal
OS89	Department of Conservation	DoC
OS91	Federated Farmers of New Zealand – Rotorua / Taupō	Federated Farmers
OS93	Contact Energy Limited	Contact
OS101	Jane Penton LWAG	LWAG
OS113	Waka Kotahi / New Zealand Transport Agency	Waka Kotahi
OS114	Taupō Climate Action Group	TCAG
OS115	Te Kotahitanga o Ngāti Tūwharetoa	

Further Submitter(s)

Further Submitter ID	Submitter Name	Abbreviation
FS203	Mega Food Services Limited	MFSL
FS229	Contact Energy Limited	Contact
FS232	Taupō Industrial Estate Limited	TIEL
FS208	Warren Ladbrook	
FS238	Karen Rosser for EnviroNZ	

List of Abbreviations

Abbreviations used throughout this report are:

Abbreviation	
Area 4	Broadlands Road West
Area 7	Napier Road
NPS-IB	National Policy Statement – Indigenous Biodiversity
NPS-HPL	National Policy Statement – Highly Productive Soils
NPS-UD	National Policy Statement – Urban Development
PC43	Plan Change 43 – Taupō Town Centre
RMA or the Act	Resource Management Act 1991
RPS or WRPS	Waikato Regional Policy Statement
The Council	Taupō District Council
WRC	Waikato Regional Council

1 Preamble

1.1 Purpose of the s42A Report

- 1) This report is prepared under s42A of the Resource Management Act 1991 at the request of Taupō District Council (TDC) in relation to Plan Change 43 – Taupō Industrial Land (PC43).
- 2) The purpose is to provide the Hearing Panel (**the Panel**) with a summary and analysis of the submissions received on PC43, and to make non-binding recommendations on either retaining the provisions as notified, or making amendments to the provisions in response to those submissions. 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.
- 3) The Hearings Panel are not constrained by recommendations in this report.

1.2 Author and Qualifications

- 4) My full name is Matthew William Bonis.
- 5) I am Partner at Planz Consultants in Christchurch. I have held this position since 2009. I am assisting the District Planning Team at Taupō District Council with regard to Plan Changes 40 and 43, and the consideration of associated submissions.
- 6) I hold a Bachelor of Regional Planning degree and have been employed in the practise of Planning and Resource Management for 25 years. I am a full member of the New Zealand Planning Institute and am also an accredited Commissioner under the ‘Making Good Decisions’ Ministry for the Environment Certification process.
- 7) My experience in planning and resource management includes policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; the preparation and presentation of evidence at Environment Court; and the preparation and processing of resource consent applications.
- 8) I have considerable experience of the relevant statutory framework and its application within the Taupō District. This has been gained through leading the following Plan Changes for the Council:
 - a. Plan Change 28 – 30: Taupō Industrial and Commercial Plan Changes (and associated Environment Court Hearing and Decision (Advance Properties Group Ltd et al vs Taupō District Council [2014] NZEnvC126).
 - b. Private Plan Change 36: Whareroa North (Residential)
 - c. Private Plan Change 37: Nukuhau Development Area (Residential)
- 9) I was commissioned by Taupō District Council to assist in considering the Plan Change both in terms of this Section 42A Report, and developing the provisions and the accompanying Section 32 report as

notified on 14 October 2022 accompanying the Plan Change. I have read all the submissions and further submissions made on this plan change.

1.3 Code of Conduct

- 10) I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that 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.
- 11) I am authorised to give this evidence on the Council's behalf.

1.4 Scope of Report

- 12) Plan Change 43 as notified rezones two additional areas, being Broadlands Road West (63 Broadland Road, being Part of Section SO 438782 and Part of Lot 1 DP 445148) and Napier Road (189 Napier Road, being Lots 1 and 2 DP499406) from Rural Environment to Taupō Industrial Environments.
- 13) The purpose of the rezoning is to assist Taupō District Council meet its obligations under the National Policy Statement for Urban Development (2020), and **Objective 3r.2.1** and **Policy 3r.2.1(i)(b)** of the Operative Taupō District Plan. These objectives seek to promote sustainable and ongoing economic development in appropriate locations; and ensure an adequate supply of land to meet industrial demands so as to encourage economic growth and development respectively.
- 14) This report effectively acts as an audit of the detailed information contained in the notification report, including the accompanying Section 32, and subsequent submissions to the Plan Change. As outlined in the overarching Report by Ms Samuel for the Council, Plan Change 43 was one of six Plan Changes notified by the Council, with notification occurring between 14 October and 9 December 2022.
- 15) For Plan Change 43 there are 38 individual submission points received from 19 individual submitters (individuals, corporate entities and agencies).
- 16) A full copy of the Plan Change, submissions and summary of submissions, and other relevant documentation can be found on the Council's website¹.
- 17) Recommendations are made to either retain provisions without amendment, or delete, add to, or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Attachment B** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is

¹ <https://www.Taupōdc.govt.nz/council/consultation/Taupō-district-plan-changes-38-43/plan-change-43-Taupō-industrial-land>

considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted.

18) The assessment of submissions generally follows the following format:

- Submission Information.
- Analysis, including a consideration of costs and benefits, efficiency and effectiveness of the amending proposal raised in the submissions.
- Recommendation and Amendments.

1.5 Expert Advice and background reference documents

19) In preparing my evidence, I have:

- (a) Visited the areas subject to the Plan Change and surrounding areas on numerous occasions, both specifically in terms of this Plan Change, as a visitor to Taupō, and in association with earlier projects for the Council.
- (b) Reviewed the original notified Plan Change and associated s32, noting my role in assisting in the drafting of these documents;
- (c) Considered the statutory framework, and other relevant planning documents.
- (d) Reviewed and relied on the following, unless otherwise specifically stated:
 - a. Economics – Tim Heath (Property Economics): **Attachment C**.
 - b. Transport – David Smith (Abley Transport Engineers): **Attachment D**.
 - c. Geotechnical – Maddison Phillips (WSP): **Attachment E**.
 - d. Ecology – Willie Shaw (Wildlands): **Attachment F**.

2 Statutory Requirements

2.1 Statutory Documents

- 20) Ms Samuel has in the S42A Overarching Report provided the relevant statutory framework to be considered in assessing the Plan Change. An analysis of the matters modified by PC43 as considered against the relevant statutory framework and associated provisions is provided in Section 2 of the Section 32 accompanying PC43.
- 21) In terms of an overview, and noting that PC43 does not amend Objectives or Policies in the Plan, the RMA statutory provisions requiring close attention are requirements that:
- a. A plan change:
 - i. must give effect to any national policy statement and operative regional policy statement².
 - ii. shall have regard to any proposed regional policy statement, management plans and strategies prepared under other Acts and consistency with plans or proposed plans of adjacent territorial authorities³.
 - iii. must not be inconsistent with an operative regional plan for any matter specified in s30(1)⁴;
 - b. No regard is to be had to trade competition or the effects of trade competition⁵, furthermore pursuant to Clause 6(3) and (4) of Schedule 1 provides express limitations on submissions from persons who may gain an advantage in trade competition through the submission;
 - c. A plan change is to accord with:
 - i. Part 2 of the Act⁶ and assist the Council carry out its functions⁷;
 - ii. A national policy statement, national planning standard and any regulation⁸.
 - d. In changing any a District Plan, the territorial authority:
 - i. must take into account any relevant planning document recognised by an iwi authority⁹;
 - ii. act in accordance with Its obligation to prepare and have regard to an evaluation report prepared in accordance with s32¹⁰;

² s75(3)(a) and (c)

³ S74(2)(a), (b) or (c)

⁴ s 75(4)

⁵ s74(3)

⁶ S74(1)(b)

⁷ S74(1)(a) and s31

⁸ S74(1)(ea) and (f)

⁹ S74(2A)

¹⁰ S74(1)(d) and (e)

- e. The rules are to implement the policies¹¹, and collectively with the policies are to be examined having regard to its efficiency and effectiveness, as to whether the provision(s) are the most appropriate method for achieving the objectives¹² of the district plan taking into account¹³:
- (i) the costs and benefits of the proposed policies and methods (including rules); and
 - (ii) the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and methods.
- f. regard must be had to *“the actual or potential effect on the environment of activities including, in particular, any adverse effect”* when setting rules¹⁴.
- 22) In addition, 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.
- 23) For completeness, having regard to any Emissions Reduction Plan¹⁵ and National Adaptation Plan¹⁶ the content and direction of PC43 (only in so far as it relates to rezoning), is influenced by the broad directions contained Te hau mārohi ki anamata ‘Towards a productive, sustainable and inclusive economy (May 2022) as an Emissions Reduction Plan’.
- 24) Section 7 of the Emissions Reduction Plan ‘Planning and Infrastructure’ seeks well-functioning urban environment to reduce emissions and improve wellbeing¹⁷, with Action 7.2 seeking to support emissions reductions. Section 10 ‘Transport’ seeks through Action 10.1.1 to *‘Integrate land-use planning, urban development and transport planning ... to reduce transport emissions’*. The latter engages with the submission from Waka Kotahi¹⁸ which seeks a reduction in vehicle kilometres travelled (VKT) and active transport options associated with Broadlands Road West rezoning option.
- 25) The relevant matters contained in these statutory frameworks are considered in more detail within this report where relevant to the assessment of submissions, otherwise I rely on the discussion of such within Section 2 of the PC43 s32 Report and summary below.
- 26) 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.

¹¹ S75(1)(c)

¹² S32(3)(b)

¹³ (s32(2)(c));

¹⁴ s76 (3)

¹⁵ S74(2)(d)

¹⁶ S74(2)(e). Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi Adapt and thrive: Building a climate-resilient New Zealand (August 2022). I am not aware of any climate change related hazards that would impact on the outcomes sought by PC43.

¹⁷ Te hau mārohi ki anamata Towards a productive, sustainable and inclusive economy (May 2022) [127]

¹⁸ OS113.37

- 27) Ultimate, the primary questions with regard to the duties expressed in s32, is whether the submitter relief as requested, or the regime as notified is the most appropriate to achieve the Objectives.

2.2 Part 2 RMA

- 28) In terms of **Section 5**, The protection, use and development of the Taupō Industrial Environment (zone) and Rural Environment (zone), and a rezoning of the latter to the former as a valued resource extends to the ‘way or rate’ in which land use development is managed to enable the Taupō District community to better provide for its, social economic and cultural wellbeing.
- 29) In responding to submissions, additional ecological assessment has been undertaken on the Broadlands Road West rezoning. As a consequence, Section (c) is a relevant Matter of National Importance with regard to the protection of areas of significant indigenous vegetation. This is also a matter touched on in submissions, including those from DoC¹⁹.
- 30) There are no other matters under **Section 6** (Matters of National Importance) that are considered relevant to the scale and nature of amendments notified in PC43. It is acknowledged that Te Kotahitanga o Ngāti Tūwharetoa²⁰ have submitted seeking recognition of Te Kaupapa Kaitiaki and commitment to the principles of Te Tiriti/The Treaty of Waitangi, which may have a bearing with regard to Section 6(e) and also Section 8 of the Act. They are invited to identify how these matters could be recognised within the scope and nature of PC43.
- 31) Relevant matters in **Section 7** (Other Matters) are considered to be confined to:
- (b) *the efficient use and development of natural and physical resources:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (f) *maintenance and enhancement of the quality of the environment:*

These matters are considered to be enshrined within the respective Objectives of the WRPS and Operative Taupō District Plan, and therefore I do not consider there is a need to ‘read up’ to these provisions of the Act.

2.3 National Policy Statement – Urban Development

- 32) Taupō District is a Tier 3 local authority²¹, and the Taupō township is considered an ‘urban environment’²².

¹⁹ OS89.21

²⁰ OS115.23

²¹ NPS-UD Appendix 2, Table 2.

²² NPS-UD Section 1.4 Interpretation

- 33) The outcomes of PC43 are to contribute to a well-functioning urban environment (as defined in Policy 1) that enables people and communities to provide for their social and cultural wellbeing, now and in the future²³.
- 34) District Plans are to enable more people to live in, and businesses to be located in areas in or near the centre zone, and where there is high demand for business land relative to other areas²⁴, acknowledging that the amenity values associated with urban environments develop and change over time as responsive to needs²⁵.
- 35) Local authority decisions on urban development that affect urban environments are (to be): (a) integrated with infrastructure planning and funding decisions; and (b) strategic over the medium and long term²⁶. In addition, New Zealand’s urban environments are to support reductions in greenhouse gas emissions²⁷.
- 36) Importantly, as outlined by Mr Heath²⁸, there is currently just under 38ha of vacant Industrial land within the District available for industrial use, with an estimated requirement of 90ha of industrial land by 2053 – as inclusive of the NPS-UD competitive margins²⁹. Mr Heath identifies that there is sufficiently zoned Industrial land to meet forecast demand for the short term (3 years) and medium term (10 years), with a vacant buffer of some 18ha by 2033³⁰. Accordingly for the long term (2053 under a 30 year time period) there is a shortfall of 40.6ha without addition of the competitive margins, or 52.6ha when the competitive margin of 15% is accounted for.

2.4 National Policy Statement – Highly Productive Land

- 37) The NPS-HPL came into force on 17 October 2022. The overarching objective is to protect highly productive land (HPL) for use in land based primary production in New Zealand, both now and for future generations (**Objective 2.1**).
- 38) **Policy 5** provides that:
- The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.*
- 39) The policies (clause 2.2) require HPL to be mapped in regional policy statements and district plans, and that the land identified as HPL be protected from inappropriate use and development.

²³ NPS-UD Objective 1

²⁴ NPS-UD Objective 3.

²⁵ NPS-UD Objective 4.

²⁶ NPS-UD Objective 6.

²⁷ NPS-UD Objective 8.

²⁸ EIC Heath [4.1, 4.2, 4.3]

²⁹ NPS-UD. Clause 3.22(2). Competitive margins are short term (20%), medium term (20%) and long term (15%). Noting that these are only applicable to Tier 1 and 2 local authorities – Clause 3.22(1). (Taupō District is a Tier 2 authority).

³⁰ EIC Heath (Table 1)

- 40) Policy 5 is implemented through clause 3.6 which states that territorial authorities *may* (a discretion) *only* (mandated direction) allow urban rezoning of HPL in the circumstances set out in clause 3.6(4) for Tier 3 territorial authorities (which includes Taupō District Council).
- 41) Clause 4.1 addresses the application of the NPS-HPL until such time as an operative Regional Policy Statement contains maps of Highly Productive Land as required under clause 3.5.
- 42) In the intervening period, cl3.5(7) sets out the transitional position until the mapping in the RPS has been undertaken. Clause 3.5(7) states:

3.5 Identifying highly productive land in regional policy statements and district plans

(7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

(i) zoned general rural or rural production; and

(ii) LUC 1, 2, or 3 land; but

(b) is not:

(i) identified for future urban development; or

(ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

- 43) For the purposes of application of the NPS-HPL, the areas identified in PC43 for rezoning, being Broadland Road West (Area 4) and Napier Road (Area 7) are not identified as LUC 1, 2 or 3 land³¹, and therefore are not the subject of regulations contained in the NPS-HPL. For completeness, the rezonings are also the subject of a Council initiated plan change as at the commencement date of the NPS-HPL (17 October 2022) as pursuant to clause 3.5(7)(b)(ii).

2.5 National Policy Statement – Freshwater

- 44) As identified in the s32 accompanying the notified Plan Change³², the NPS-FW introduces the fundamental importance Te Mana o te Wai³³.
- 45) The rezoning areas neither contain natural inland wetland(s) or river(s), as categorised by Clause 3.21 or Clause 3.24 / s2 RMA1991 respectively. The spatial extent of the Broadlands Road West rezoning is demarcated at the edge of a deeply incised gully to the east, as identified in the Wildlands Ecological constraints mapping (2008) as included in the Ecological Assessment of the Taupō and Industrial Structure Plan (2011)³⁴. Accordingly, the proposed rezonings do not conflict with **Policy 6** which

³¹ Means: *land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.* NPS-HPL Clause 1.3 Interpretation.

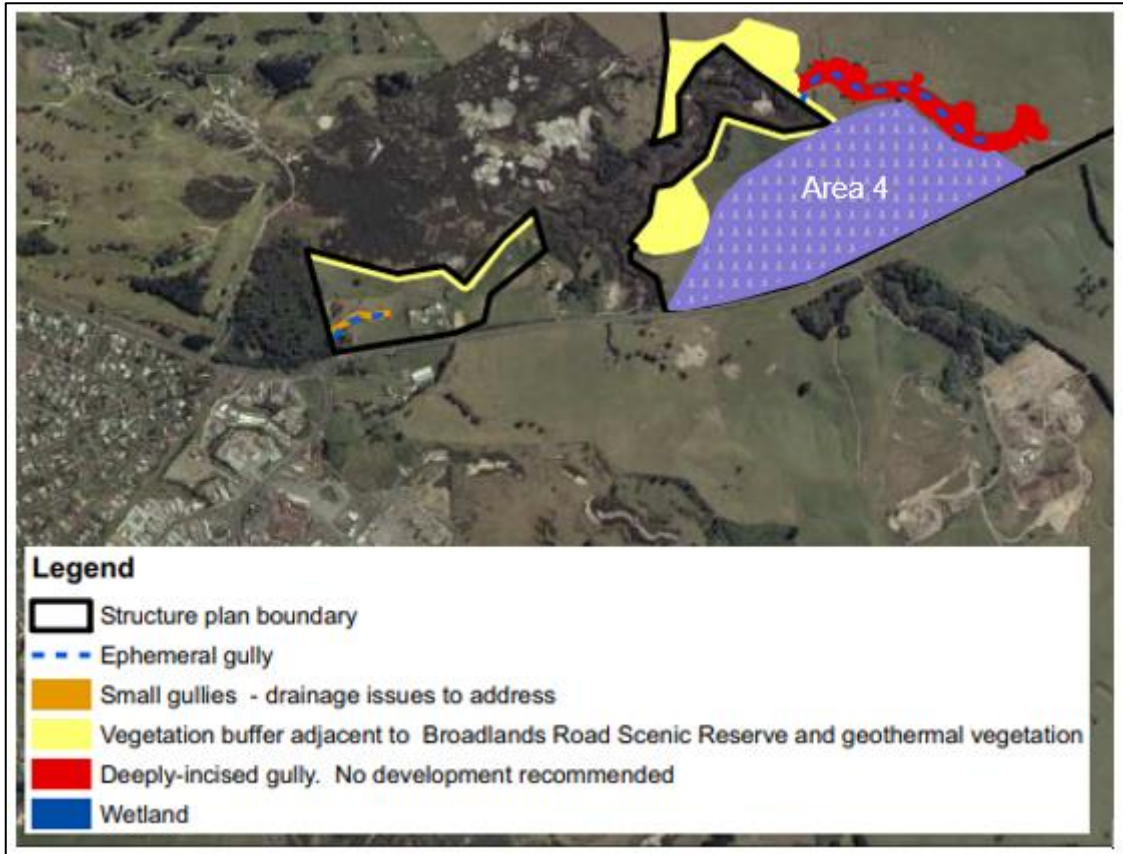
³² PC43. Section 32 [4.1.2]

³³ Clause 1.3 – Fundamental Concept – Te Mana o te Wai

³⁴ Wildlands. 2008. [Figure 10].

requires no further loss of natural inland wetlands, and **Policy 7** which relates to the loss of river extent and values.

Figure 1: Area 4 Overlain over Ecological Assessment of the Taupō Commercial and Industrial Structure Plan (2011)



- 46) It is understood that the disposal of stormwater can be appropriately undertaken via Waikato Regional Council consents, including that overland flow paths can be managed and maintained. Stormwater disposal and effects on freshwater quality are understood not to be matters that would foreclose industrial development. Equally measures necessary to manage construction effects associated with sedimentation and water quality are able to be appropriately managed through necessary subdivision and land use consents, and associated conditions relating to erosion and sediment control. These matters engage with the outcomes within the NPS-FW, such as managing freshwater in an integrated matter (**Policy 3**) and enabling communities to provide for social and economic well-being in a way that is consistent with the NPS (**Policy 15**).

2.6 National Policy Statement – Indigenous Biodiversity (2023)

47) The National Policy Statement for Indigenous Biodiversity (NPS-IB) was published by the Minister for the Environment under s54 of the RMA on 7 July 2023. The NPS-IB comes into effect on 4 August 2023³⁵.

48) To assist the Hearings Panel, the following outlines my understanding relating to the application of the NPS-IB to the matters raised in PC43, specifically as these relate to geothermal SNAs which are the subject of a number of submissions³⁶ relating to Broadlands Road West – Area 4.

49) Indigenous Biodiversity refers to³⁷:

the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats.

50) Geothermal ecosystems refer to³⁸:

means a system, defined by scientific investigation, that:

(a) comprises:

(i) geothermal energy, stored as water or steam; and

(ii) the rocks confining it; and

(iii) associated water, steam, and gas emissions; and (iv) the geothermal surface features resulting from those emissions; and (b) is believed to have no hydrological connection to another system.

51) SNA or Significant Natural Area³⁹, means:

(a) any area that, after the commencement date, is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1; and

(b) any area that, on the commencement date, is already identified in a policy statement or plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

52) The Objective (2.1) is to:

maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date, as achieved through four matters, including protecting and restoring indigenous biodiversity as necessary to

³⁵ Clause 1.2

³⁶ Including but not limited to the Department of Conservation (OS89.21), Taupō Clime Action Group (OS114.14) and A Delich (OS62.3).

³⁷ Clause 1.6

³⁸ Clause 1.6

³⁹ Clause 1.6

achieve the overall maintenance of indigenous biodiversity (b(iii)), while providing for the social, economic, and cultural wellbeing of people and communities now and in the future (b(iv)).

53) Relevant Policies (as predicated on a specific focus to PC43) include:

Policy 2: *Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:*

(c) actively participating in other [not on their land, or taonga] decision-making about indigenous biodiversity.

Policy 3: *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*

Policy 7: *SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.*

Policy 9: *Certain established activities are provided for within and outside SNAs.*

Policy 11: *Geothermal SNAs are protected at a level that reflects their vulnerability, or in accordance with any pre-existing underlying geothermal system classification.*

54) Clause 3.5 requires local authorities to consider:

(b) that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms.

55) **Subpart 2** – Significant Natural Areas (SNAs), identifies the district-wide assessment process that every territorial authority must undertake to identify SNAs, as using the criteria set out in Appendix 1 of the NPS-IB. Clause 3.8(6) and (7) state:

(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. (emphasis underlined).

(7) If a suitably qualified ecologist confirms that an area that qualifies as an SNA comprises or contains a geothermal ecosystem, the SNA is a geothermal SNA.

56) Clause 3.9 sets out the direction for a Territorial Authority in notifying a plan or plan change to include the district-wide SNA assessment within its plan. There is a requirement for local authorities to give effect to subpart 2 within five years of the commencement date of the NPS-IB⁴⁰.

⁴⁰ Part 4 Timing [clause 4.2]

- 57) Clause 3.10 sets out the approach to the management of adverse effects on SNAs associated with new subdivision, use and development. This includes avoidance of effects on SNAs as set out in clause 3.10(2), including loss of ecosystem representation and extent, disruption of sequences, mosaics or ecosystem function, and fragmentation. Any adverse effect on an SNA (from new subdivision, use and development) not referred to in subclause 3.10(2), including those provided by the exceptions in clause 3.11, must apply (and demonstrate) the effects management hierarchy⁴¹ (Clause 3.10(3) and (4)).
- 58) Clause 3.13 sets out the requirements with regard to Geothermal SNAs in terms of local authorities that have a geothermal SNA in their district to work in partnership with tāngata whenua to include provisions in the plan to provide a level of protection of the geothermal SNA that:
- (a) either:*
- (i) reflects the vulnerability of the geothermal SNA to use or development; or*
- (ii) in the case of a local authority that has, at the commencement date, classified its geothermal systems, is consistent with the geothermal system classification (whether the same or different from the classification at the commencement date) that applies in the region in which the geothermal SNA is located; and*
- (b) applies, to the extent practicable, the approach in clause 3.10(2) and (3) to the geothermal SNA;*
- ...
- 59) Clause 3.10(6) provides a list of exemptions to effects on SNAs including:
- a. Use and development addressing issues of high risk to public health and safety;
 - b. sustainable customary use of indigenous biodiversity conducted in accordance with tikanga;
 - c. work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 as subject to criteria;
 - d. works subject to criteria for the purpose of managing Te Urewera under the Te Urewera Act 2014; and
 - e. the harvest of indigenous tree species from an SNA that is carried out in accordance with a forest management plan or permit under Part 3A of the Forests Act 1949.
- 60) Applying these matters to PC43:
- a. 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 (Sub-part 2, Clause 4.2).
 - b. PC43 as notified accounted for SNAs as defined (in clause 1.6).

⁴¹ As defined in Clause 1.6

- c. 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.
- d. Any new subdivision, use or development is to avoid specified adverse effects (clause 3.10(2)) on an identified SNA, or otherwise the effects hierarchy is to be adhered to (clause 3.11(3)), except that there are a range of activities provided for including customary uses associated with tikanga and conservation works.

2.7 Waikato Regional Policy Statement

- 61) I have set out the relevant provisions of the Operative Waikato Regional Policy Statement and Change 1 to the WRPS at Attachment G. These are also considered in detail in the accompanying s32 to PC43.
- 62) PC43 engages with the following provisions:
 - a. In terms of the provision of sufficient development capacity to meet forecast needs, the rezonings seek to give effect to:
 - i. **IM-01** which seeks to manage natural and physical resources in a way that recognises the needs of current and future generations (clause d), and recognises the relationships between wellbeings, including environmental and economic wellbeing (clause (e)).
 - ii. **IM-08** which seeks to ensure natural and physical resources are used in a way, and at a rate that is sustainable.
 - iii. **UFD-P1(a)**, Broadlands Road West (Area 4) is identified within both TD2050 (2006) and as an Urban Growth Area in Section 3e of the Taupō District Plan. It is acknowledged that Napier Road (Area 7) is not contained within TD2050, but is in my view encapsulated within the broader Taupō Urban Area as demarcated by the East Taupō Arterial (ETA).
 - b. It is understood that the areas to be rezoned can be appropriately serviced with infrastructure (**UFD-P2(a)**, **UFD-P8(v)**, **APP11(d)** and **(e)**). Based on the evidence of Mr Smith⁴² I do not consider that the proposed rezoning conflict with, or fail to give effect to provisions that seek co-ordination of the built environment with supporting infrastructure, including transport and promotion of a compact urban form (**UFD-P1**, **APP11(i)**).

⁴² EIC Smith [XX]

- c. Neither the spatial extent of Area 4 – Broadlands Road West nor Area 7 – Napier Road are subject to any notations demarcating significant indigenous biodiversity or habitats (**Objective ECO-O1, Policy ECO-P1**). A 100m buffer was applied to SNA180 as it adjoins the Broadland Road West (Area 4) rezoning.

The ecological foundation for the rezoning (**Figure 1**) was predicated on the Taupō Commercial and Industrial Structure Plan (2011) and that a broader (desktop) Wildlands Study in 2019 did not establish additional or expanded Significant Natural Areas on the site⁴³.

In responding to submissions, Wildlands⁴⁴ 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 buffer⁴⁵ 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 rezonings do not conflict with provisions seeking to preserve and protect natural character, and protecting outstanding natural features and landscapes (**Objective UFD-O1(b)**).

- d. I understand that the proposed rezonings do not represent an 'intolerable risk' for the purpose of **HAZ-P1, HAZ-P2**) with site-specific geotechnical issues able to be resolved through engineering design. Requirements included in PC43 as notified sought to ensure that appropriate investigations and mitigation are a function of associated subdivision (Rule 4h.3.7 as notified).

- 63) On the basis of the above, and recommended amendments attached to this s42A Report I consider PC43 gives effect to the Operative WRPS.

2.8 Change 1 to the Waikato Regional Policy Statement

- 64) The relevant provisions of the WRPS amended by Change 1 as these relate to PC43 are included in **Attachment H**. In summary the amended provisions reinforce existing provisions in the WRPS and seek:

- a. Strategically planned growth and development to create responsive and well-functioning urban environments, that (a) support reductions in greenhouse emissions, (d) ensure

⁴³ Significant Natural Areas of the Taupō District Wildlands Report.pdf (Taupōdc.govt.nz)

⁴⁴ EIC Shaw [Section 2]

⁴⁵ Application of a 20m buffer, preventing use and development excluding vegetation clearance of invasive exotic plants and soil disturbance associated with fencing to protect the feature. Alignment is sought with Waikato Regional Rule 7.6.6.2 'Significant Geothermal Features'.

sufficient development capacity supported by infrastructure for identified business needs for the short, medium and long term, and improve connectivity within urban areas, particularly by active transport and public transport (**UFD-01**).

- b. To reduce greenhouse gas emissions within urban environments (**IM-05**).
- c. Ensuring that where intensification in urban areas occurs, built development results in *'attractive, healthy, safe and high quality urban form which responds positively to local context, recognising that amenity values change over time...'* (**IM-09**).
- d. Development in built environments create responsive and well-functioning urban environments, ensure sufficient development capacity and improve connectivity (**UFD-01**).
- e. Greater specificity for Tier 3 local authorities in **UFD-P2** that the spatial pattern of land-use as it is likely to develop over at least 30 years is be understood to inform reviews of the Regional Land Transport Plan, including development and maintenance of growth strategies where strong growth is anticipated, *or as required for tier 3 local authorities as set out in UFD-P18 and methods*.

65) Change 1 deletes **UFD-P8** (previously Policy 6.11) which entrenched the Taupō District 2050 Growth Strategy in the WRPS, replacing that provision with the more generic **UFD-18** which seeks to provide for urban development in a manner as set out in any council-approved growth strategy or equivalent, and has particular regard to the matters set out in APP11 (Previously Development Criteria 6A). UFD-18 Clause 1 seeks to:

1. Recognise[s] and provides for the intended urban development pattern as set out in any agreed council-approved growth strategy or equivalent council-approved strategies and plans;
2. Contribute[s] towards sufficient development capacity required to meet expected demand for housing and for business land over the short term, medium term, and long term as set out in the National Policy Statement on Urban Development

In relation to urban environments, Clause 9 seeks:

- (d) enables a variety of site sizes and locations in urban environments suitable for different business sectors;
- (e) supports reductions in greenhouse gas emissions including through providing for an increasingly compact urban form that supports less carbon intensive transport modes such as active and public transport.

66) Change 1 also introduces **UFD-M69** which requires Tier 3 local authorities to prepare a new, or update an existing council approved growth strategy within two years of the Change 1 provisions becoming operative so as to implement **UFD-18**.

- 67) Decisions on Change 1 are yet to be released. I understand having ‘regard’ to the amendments introduced through Change 1 means to give ‘genuine attention to the matters identified, and such weight as considered to be appropriate’⁴⁶.
- 68) Regardless, I consider that the rezonings introduced by PC43 do not require any amendments as a consequence of Change 1 to the WRPS. Principally, for the purpose of ‘having regard’ to the amendments introduced through Change 1, PC43 seeks to provide an appropriate contribution towards sufficient development capacity to meet expected demands for business land in the long term, in a manner as identified in TD2050.
- 69) PC43 as notified, and as recommended to be amended by Submissions, is considered to be consistent with the amendments introduced by Change 1.

2.9 Iwi Management Plans

- 70) These matters are addressed in the s32 accompanying PC43 as notified⁴⁷.
- 71) The Ngāti Tūwharetoa Iwi Management Plan (2003) identifies the relevant matters:

Exercising kaitiakitanga / Partnership⁴⁸: *In terms of key principles, the Management Plan seeks to ensure active participation as a partner in the resource management decision-making processes.*

Te Waipuna Ariki - Water⁴⁹: *Advocate for the protection of mauri of water through effective policy and planning instruments. Prohibit all discharge of human waste directly into waterways and promote effluent treatment acceptable to ngā hapū.*

Papatūānuku - Land⁵⁰: *Advocate for the protection of the mauri of land, including involvement from tangata whenua with regard to the management of reserves, recreation areas.*

Ngā Otaota Me Ngā Aitanga Kararehe – Flora and Fauna⁵¹: *Advocate for the protection of the mauri of indigenous flora and fauna.*

- 72) In terms of *kaitiakitanga*, Ms Samuels has outlined consultation and engagement in the Overarching s42A Report.
- 73) PC43 seeks to provide for an additional 24ha of land to be urbanized to provide for Industrial activities, and consequently has the potential to result in any changes to the management of water quality or discharges, air discharge, use of fisheries, water quality or the management of the geothermal resource. However, it is understood that through existing provisions in both the Waikato Regional Plans and District Plan that these effects on **Te Waipuna Ariki – Water, Papatūānuku – Land and Ngā Otaota Me Ngā Aitanga Kararehe** will be appropriately considered and managed through

⁴⁶ *Foodstuffs (South Island) Limited vs Christchurch City Council*. 1999. NZRMA 481. *Unison Networks Ltd vs Hastings District Council* (referencing NZ Co-operative Dairy Company Ltd). CIV-2007-485-896.

⁴⁷ PC43. Section 32 [4.1.8]

⁴⁸ Ngāti Tūwharetoa Iwi Management Plan [pages 11 and 18]

⁴⁹ Ngāti Tūwharetoa Iwi Management Plan [page 22]

⁵⁰ Ngāti Tūwharetoa Iwi Management Plan [page 24]

⁵¹ Ngāti Tūwharetoa Iwi Management Plan [page 38]

subdivision and land use. Additional controls are recommended with regard to the significant kānuka assessed by Wildlands on the Broadland Road West site.

- 74) It is understood that there are not specific sites or values associated with ancestral lands, sites, waahi tapu and other taonga as represented by Area 4 and Area 7 that would render these areas inappropriate in terms of rezoning.
- 75) I consider the Plan Change appropriately takes into account the relevant principles contained in the Ngāti Tūwharetoa Iwi Management Plan.

2.10 Operative Provisions in the Taupō District Plan

- 76) The relevant provisions of the Plan are considered in the s32 report⁵² accompanying PC43 as notified. PC43 does not seek to amend any of the operative Plan objectives and policies.
- 77) The relevant objectives to be achieved by PC43 are:

Section 3e of the Taupō District Plan relates to Land Development and requires

Objective.3e.2.1 *Provide for and manage urban growth so as to achieve the sustainable management of the District's natural and physical resources.*

Objective.3e.2.2 *Ensure that the subdivision and development of Urban Growth Areas for new urban growth occurs by way of a comprehensive Taupō District Structure Plan Process and plan change.*

Objective.3e.2.3 *Ensure the maintenance of an appropriate and sufficient level of community infrastructure within existing serviced areas.*

Objective.3e.2.4 *Avoid the degradation of Taupō District's lakes, waterways and aquifers from effluent and waste water resulting from land development.*

Objective.3e.2.5 *Ensure land development does not detract from the amenity value or qualities of the local environment.*

Section 3t Industrial provisions requires:

Objective 3t.2.1 *A range of industrial areas which accommodate a diversity of appropriate business activities to meet Taupō townships future growth demands for industrial activity.*

Objective 3s.2.4 *Provide for the subdivision and development of land where the land can be appropriately serviced with community infrastructure.*

Objective 3s.2.5 *Provide for the subdivision and development of identified sensitive land in a manner that recognises landform limitations.*

Section 3f Transport requires:

Objective 3f.2.1 *The safe and efficient operation of the roading network, and movement of traffic, including cyclists and pedestrians within the District.*

Section 3i Natural Values requires:

⁵² PC43, Section 32 [4.2]

Objective 3i.2.1 *The protection of Significant Natural Areas in the Taupō District from more than minor adverse effects of indigenous vegetation clearance.*

Section 3I Provisions relating to Natural Hazards and Geotechnical Risk requires:

Objective 3l.2.1 *Protection of activities, development and life from the adverse effects of natural hazards.*

Objective 3l.2.2 *Activities and development do not create, accelerate, displace, or increase the effects of a natural hazard.*

Section 3o.2.2 Geothermal Objectives require:

Objective 3o.2.1 *The avoidance of reverse sensitivity effects arising from incompatible land uses establishing or expanding on Geothermal Areas [Section O – Map A] shown on the maps at the end of this section.*

- 78) The objectives which are to be achieved by the provisions (which includes (re)zoned areas) seek to provide for, and manage urban growth so as to achieve sustainable management (**Objective 3e.2.1**) and provide for a range of industrial land areas to meet future growth demands (**Objective 3t.2.1**). This is to occur by way of comprehensive structure plan process and plan change (**Objective 3e.2.2**) and that development is to be appropriate serviced by infrastructure (**Objective 3e.2.3, Objective 3s.2.4**), including providing for the safe and efficient operation of the road network and movement of traffic and modal choice (**Objective 3f.2.1**).
- 79) Development is to avoid the degradation of Taupō District's lakes, waterways and aquifers (**Objective 3e.2.4**), and provide for Industrially zoned land in a manner where subdivision and development of identified sensitive land recognises landform limitations (**Objective 3s.2.5**). In addition, recognised Significant Natural Areas are to be protected (**Objective 3i.2.1**), and activities and development are to be protected from the adverse effects of natural hazards (**Objective 3l.2.1**) and not accelerate, displace or increase the effects of natural hazards (**Objective 3l.2.2**).
- 80) The PC43 site at Broadlands Road West is predominantly unremarkable pasture. There was a deliberate decision to impose an additional buffer to delineate the Industrial zoning from that area notated on the planning maps as SNA180. However, in undertaking appropriate surveys in responding to submissions, Wildlands have concluded that there are additional areas appropriately recognised as Geothermal Significant Natural Features.
- 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 3i.2.2(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).
- 83) Accordingly, in order to ‘achieve’ **Objective 3i.2.1** and implement **Policy 3i.2.2(ii)** I recommend the addition of a proposed Outline Development Plan for Broadlands Road West identifying the geothermal kānuka habitat (which I understand achieves the criteria under WRPS-APP5 as being deemed significant indigenous vegetation) and a buffer of 20m (which accords with Waikato Regional Plan Rule 7.6.6.3 for Significant Geothermal Features. That approach also implements **Policy 3i.2.3(ii)** which seeks to recognise and encourage development which enhances areas of natural value. In conjunction with those additional constraints on subdivision, use and development, I consider that PC43 sits comfortably with the Plan framework.
- 84) For completeness, Area 4 – Broadlands Road West is identified as an Urban Growth Area in Section 3e.6 and is also incorporated as a ‘Planned Industrial Growth Area’ in the Taupō Commercial and Industrial Structure Plan (2011) (**Attachment G**). Accordingly, Area 4 – Broadlands Road achieves and implements **Objective 3e.2.1**, and associated **Policies 3e.2.1(i) – (v)** which are predicated on the appropriateness of Urban Growth Areas as a ‘resource’ for urban growth.
- 85) Napier Road Area 7 is not identified in Section 3e.6 as an Urban Growth Area, and accordingly there is some tension with the framework, especially **Policies 3e.2.1(ii), (iii) and (v)** which seek to prevent urban development in the rural environment outside of identified Urban Growth Areas, and the cumulative effects of fragmented land ownership on providing for the supply of land for urban development. However, I consider that tension does not result in a conflict with the provisions as Napier Road – Area 7 represents a discrete extension to the Broadlands and Crown Road Industrial Areas, and is contained within urban boundary as represented by the East Taupō Arterial.
- 86) I consider that the site, which is constrained and framed by the existing urban zoning and ETA is not reflective of a rural character, amenity or use (as inclusive of the current Westervelte building and activities) (**Policy 3e.2.1(ii) and (iii)**), and the rezoning provides a cohesive consolidated urban pattern.
- 87) The relevant Policies (apart from those referenced above which address specific matters of contention), which together with the provisions as amended by PC43, are to implement and achieve the objectives are identified in the s32 accompanying the Plan Change. They are not repeated here but are discussed as necessary, as related to specific submissions.
- 88) Specifically, the rezonings seek to implement **Policy 3t.2.1(i)** which seeks to provide a range of industrial activity within the Taupō and Centennial Industrial Environments, where subdivision and development does not create any impacts on the future management of community infrastructure (**Policy 3t.(i)**), and landform limitations are recognised (**Policy 3t.2.5(ii)**).
- 89) The rezoning appropriately accounts for and manages adverse effects on the operation and function of the roading network (**Policy 3f.2.1(i)**) and does not foreclose alternative transport modes which are to be encouraged (**3f.2.1(iii)**). As addressed above, the recommended amendments to PC43 as

notified account for the potential adverse effects of vegetation clearance on ecological values of Significant Natural Areas (**Policy 3t.2.1(i)**) and enhances areas of natural values through recognition and protection (**Policy 3i.2.3(ii)**). Lastly, provisions contained in PC43 as notified account for geotechnical risk (**Policy 3l.2.1(i)** and **(ii)**).

2.11 Strategic Directions

- 90) There are no Strategic Directions in the Operative District Plan.
- 91) As identified in the s32 accompanying PC43, Plan Change 38 seeks to insert a cohesive number of Strategic Objectives and Policies into the Plan. The provisions as notified must be given some weight, with the extent of which determined by how far these are through the statutory process and accordingly tested, circumstances of injustice, and also the extent to which the amended provisions provide a significant shift in Council policy, and / or are necessary to give effect to higher order statutory documents⁵³.
- 92) Regardless of the weight to be afforded to the Strategic Direction provisions, there is a requirement in terms of s32(1)(b) and s75(1)(b) and (c) to ensure that the provisions introduced by PC43 achieve and implement the relevant strategic directions, and therefore achieve vertical alignment between provisions.
- 93) I have identified in the s32 the relevant provisions introduced through PC38. I understand and have read the amendments proposed by Mr Sapsford to those provisions – acknowledging that these recommendations are not binding on the Panel, and until Decisions are released it is the notified provisions that remain relevant to this consideration.
- 94) For completeness, the recommended amendments by Mr Sapsford to the relevant provisions in Section 2.1 ‘Tangata Whenua’, 2.2 ‘Freshwater Quality / Te Mana o Te Wai’, 2.3 ‘Urban Form and Development’ are typically associated with subtle changes in terminology, or to increase the directiveness of provisions.
- 95) Of additional relevance, post the provision of the s32 accompanying PC43 is the Wildlands Assessment of Broadland Road West – Area 4 are Objectives 2.6.2 and 2.6.3 within PC38 as notified which state:

Objective 2.6.2 *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of inappropriate development.”*

Objective 2.6.3 *Activities which will lead to the enhancement of indigenous biodiversity values will be recognised and provided for.*

⁵³ *Mapara Valley Preservation Society Inc v Taupō District Council EnvC (A083/07) [38, 39]* as related to a Resource Consent considered under s104 and *Auckland Regional Council v Waitakere Council (A065/08)* as related to a Resource Consent considered under s104.

-
- 96) The proposed recommendations based on submissions, to recognise and protect additional Geothermal SNA areas within Broadlands Road West – Area 4 achieve these Objectives (as notified in PC38).
- 97) The proposed recommended amendment to **Strategic Direction Policy 2.3.3.3** alters the prescriptiveness of this provision and its application, which would cause some tension with PC43. The recommended amendment seeks to ‘avoid the subdivision, use and development of land that is not consistent with TD2050 (2018)’. That approach is more directive and constraining than the provision as contained within PC38 as notified. Notified **Policy 2.3.3.3** sought that subdivision, use and development *be consistent* with *TD2050*. As identified Broadlands Road West was identified in TD2050 (2006) and is contained within Section 3e.6 of the Plan. It is not included in TD2050 (2018). I have not given any weight to the recommended amendment.
- 98) In terms of the provisions of PC38 as notified, collectively the provisions seek the following:
- a. That the district develops in a manner that contributes to well-functioning and compact urban forms, and that the community’s short, medium and long term business needs are met (**Objective 2.3.2.1**).
 - b. In doing so, development is to be serviced by an appropriate level of infrastructure (**Objective 2.3.2.4, Policy 2.3.3.5**) and zoned accordingly to guide infrastructure provision (**Policy 2.3.3.1**), in a manner that:
 - i. Doesn’t adversely affect nationally and regionally significant infrastructure (**Objective 2.5.2.3**).
 - ii. Is managed to account for effects on the mauri of water-bodies (**Objective 2.2.21**).
 - iii. Recognises and provides for the values, rights and interests of Taupō District mana whenua (**Objective 2.1.2.1**).
 - iv. Protects significant indigenous vegetation and significant habitats of indigenous fauna, and recognises and provides for activities that lead to the enhancement of indigenous biodiversity values (**Objective 2.6.2, Objective 2.6.3**).
- 99) The rezoning of Area 4 and Area 7 through PC43 provides a contribution to appropriately achieve these Objectives and Policies.

2.12 Relevant Management Plans

- 100) As identified in the s32 accompanying the Plan Change, regard is to be had to TD2050 as the Growth Management Strategy for Taupō District.
- 101) Broadland Road West was identified in TD2050 (2006) as well as within the Taupō Urban Commercial and Industrial Structure Plan (2011) (**Attachment G**) for rezoning from Rural Environment to Industrial Environment. This area was excluded from the Decisions Version of Plan Change 29 on the basis of excess development capacity. Area 7 – Napier Road was neither identified within TD2050 or the 2011 Structure Plan.
- 102) The TD2050 (2018) refresh did not identify any provision for additional zoned Industrial land resource. Goals 16 to 18 of the TD2050 (2018) were linked to the Action of ‘Ensuring adequate industrial land supply capacity for both light and heavy industrial land use’.
- 103) In terms of Industrial Land, the direction in the TD2050 (2018) Refresh is that there is sufficient industrial land resource to provide for growth, but regular monitoring of supply and take up would be required. Associated strategic directions seek to provide the platform for a sustainable economy, integrate sustainable infrastructure provision with land use, and create vibrant and diverse places where people love to live, work, play and invest.
- 104) Accordingly, in having regard to TD2050 (2018) I accept the analysis by Property Economics (**Attachment C**) that there is a shortfall of zoned Industrial land resource to provide for forecast employment demand for the long term (30 years).

3 Procedural Matters

- 105) At the time of writing this s42A report there have not been any pre-hearing conferences, formal clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 106) The Panel's attention is drawn to the submission from Advance Properties Group Limited (APGL)⁵⁴ Warren Ladbrook is the signatory of the Submission and a Director. The submission directly opposes the rezoning of Napier Road – Area 7 from Rural Environment to Taupō Industrial Environment.
- 107) The Taupō Industrial Environment provisions enable a range of Trade Suppliers, Service Stations and Food and Beverage outlets⁵⁵. The zoning is deliberately enabling, as part of the commercial strategy introduced through PC29 – PC33 to facilitate the transfer of Trade Supplier activities from the Taupo Town Centre Environment to free up land for 'core' retail, service and office activities.
- 108) Napier Road – Area 7 site is the subject of a lodged resource consent with the Taupō District Council to operate a Bunnings (Trade Supplier) and three Food and Beverage Outlets. The application is dated 3 May 2023, thereby being well post the notification of PC43 which occurred on 14 October 2022. The resource consent application I understand is still subject to s92 information requests and has no bearing on my recommendations regarding the rezoning or matters raised in submissions.
- 109) The area of land to the immediate north of Napier Road Rezoning, is also zoned Taupō Industrial Environment. That site currently consists of a number of large format Trade Suppliers, including Mitre10 (also a Trade Supplier). That land is owned by Caboo Properties Ltd, with Warren Ladbrook as a Director.
- 110) The matter I wish to raise with the Panel is that the Submission from APGL states (and confirms) that *'it could not gain an advantage in trade competition through this submission'*. Plaintively this is incorrect, and the Submitter has a responsibility not to contravene the provisions in the RMA that proscribe the involvement of a Trade Competitor.
- 111) I have noted the restraints on Trade Competition enshrined within the Resource Management Act in Section 2 of this report, including s74(3) and clause 6(3) of the First Schedule.
- 112) I understand that the direct matters associated with effects between traders of the same kind, and not the operation of markets was a primarily reason for the restraints on trade competition as now included in the Act. I also note that broad scale environment impacts should not be used as proxy for Trade Competition effects.
- 113) Ultimately, the submission raises two broad matters in their opposition for to the Napier Road rezoning, and I have recommended rejection of both. This matter ultimately rests with the Panel and the submitter.

⁵⁴ OS67

⁵⁵ Rule 4h.2.7

4 Consideration of Submissions

4.1 Overview of Submissions

114) There are 38 submission points on Plan Change 43, and 25 further submissions.

4.2 Structure of this Report

115) Given the number, nature and extent of submissions and further submissions received, this s42A Report has been structured based on the grouping of submissions into common themes.

116) The submissions will be assessed in the following order:

- a. **Miscellaneous Matters**, including matters that are outside the ‘Scope’ of submissions, or opposition to areas that are not-rezoned within PC43.
- b. **Statutory Framework**.
- c. **Servicing**, as related to matters including Stormwater and Transport.
- d. **Amendments** sought for **Napier Road** - Area 7 Industrial rezoning.
- e. **Opposition to Napier Road** Industrial rezoning – Area 7 in full.
- f. **Support for Napier Road** Industrial rezoning – Area 7 in full.
- g. **Amendments** sought for **Broadlands Road West** - Area 7 Industrial rezoning.
- h. **Support for Broadland Road West** Industrial rezoning - Area 4 in full.
- i. **Support for PC43 as notified in full**.
- j. **Opposition to PC43 as notified in full**.
- k. **Zoning Requests**.

4.3 Miscellaneous Matters

117) Three (3) submission points on miscellaneous matters have been received. One of these, the submission from A Delich⁵⁶ seeking additional controls associated with geothermal ecosystems is opposed by three further submissions.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS46.15	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Another strange Industrial Zone suggestion is on Poihipi Rd, it doesn't seem appropriate, given the premise to consolidate zones. It is out on a limb in a rural area. It would be easier to make an assessment as to its suitability for	Do not zone Poihipi Road land as Industrial.

⁵⁶ OS.62.2

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
				industrial zoning if land tenure and proposed use (if known) were made public when calling for submissions.	
OS10.2	Anna Pol	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Submitter opposes the industrial area indicated on the map north and adjacent to Titan Way, due to the elevation and close proximity to rural lifestyle.	Submitter seeks the removal of the proposed industrial area indicated on the map north and adjacent to Titan Way.
OS62.2	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	Mitigation to create an indigenous dominant buffer and increase the resilience of a geothermal ecosystem include fencing to exclude vehicles and industrial encroachment, weed control, planting of native buffer vegetation, and animal pest control. Weed and pest control also critical	As the landholders will benefit financially from any plan change which re-zones this land to industrial land, it is prudent to think about the potential for future developers to contribute to ecological mitigation at this site. There are opportunities to improve the existing geothermal ecosystem from the current baseline, which would also increase the resilience of this ecosystem to any potential environmental effects.
FS203.5 Sub 62.2	Mega Food Services Limited		Oppose	Oppose	For any sort of financial mitigation to be considered, actual damage and adverse effect to the SNA would need to be established. Most of the site will remain in rural zoning and only a portion of the site will be zoned industrial, therefore I am not convinced that there will be any adverse effect on the SNA and therefore maintenance of the asset falls to the land owner and other environmental funds that they can apply for. We note that only 11ha of the owned 20 ha in title Section 14 SO438782 (title) 631309 is proposed Industrial land and therefore sufficient buffer to SNA and geothermal features are already provided.
FS229.10 62.2	Contact Energy Limited		Oppose	Oppose	The submitter is seeking amendments to provide for an indigenous buffer between geothermal ecosystems and industrial development. The submission relates to the proposed Industrial rezoning at Broadlands Road (and therefore appears to be a submission to Plan Change 43 not Plan Change 38). The principle of creating a buffer on industrial zoned land (and potentially rendering areas of industrial land unsuitable for development) is opposed; particularly in the absence of appropriate information and detail to understand the location and scale of the proposed buffer
FS232.3 Sub 62.2	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	The HD Geotechnical Report concludes that Site 7 does not contain any evidence of hot springs, steam vents, steaming grounds or mud pools or any area that could be categorised as

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					Significant Geothermal Feature or Significant Natural Area. On this basis, the additional restrictions identified by the submitter are not necessary in how they relate to Site 7. Furthermore, it is inappropriate to include plan provisions that require the specific management and mitigation criteria outlined by the submitter. This level of detail (if required) is best managed through a resource consent process. On this basis; TIEL are in opposition to the relief sought by the submitter.

- 118) The submissions from Tukairangi Trust⁵⁷ and A Pol⁵⁸ oppose additional rezoning for Taupō Industrial Environment at Poihipi Road and adjacent to Titan Way respectively.
- 119) PC43 does not seek to rezone to Taupō Industrial Environment areas adjoining Poihipi Road, nor at Titan Way, noting that these were excluded through the initial s32 land assessment. These areas retain their Rural Environment zoning under the Taupō District Plan. Accordingly, these submissions are **recommended to be rejected**.
- 120) The submission from A Delich⁵⁹ seeks mitigation through creation of an indigenous dominant buffer and increased resilience of geothermal ecosystems. Whilst the submission is broad in this regard, the concern is '*particularly rezoning of the Broadlands Road West Area*'. The submission seeks to exclude vehicles and industrial encroachment, and require weed control, planting of native buffer vegetation, and animal pest control. The specifics within the submission itself seek a buffer of at least 20m from any identified geothermal ecosystem with indigenous dominant vegetation.
- 121) The submission is opposed by Mega Food Services Ltd⁶⁰, Contact Energy Ltd⁶¹, and Taupō Industrial Estate Limited (TIEL)⁶². Reasons stated for opposition include the extent of the Broadlands Road West site which is to retain its Rural Environment zoning and hence act as a buffer to notated SNA180, the principle of the application of a 20m buffer to any SNA identified in the Taupō District Plan which would render areas of industrial land unsuitable for development, and that the proposed rezoning at Broadlands Road West does not encroach on any notated nor identified Significant Geothermal Feature of Significant Natural Area.
- 122) In terms of a **discussion**, the following is noted:

⁵⁷ OS46.15

⁵⁸ OS10.2

⁵⁹ OS62.2

⁶⁰ FS203.5

⁶¹ FS229.10

⁶² FS232.3

- a. PC43 as notified does not represent a broad scale consideration of Significant Natural Areas and Significant Geothermal Features throughout the District. As identified above, the application of the NPS-IB also does not require resolution of a broad scale consideration of Significant Natural Areas and Significant Geothermal Features throughout the District through this process (Sub-Part 2, Clause 4.2). Accordingly, the imposition of an additional restraint within 20m of a notated SNA or SGF as identified in the operative District Plan is outside the scope of this Plan Change. Accordingly, a broad district level application of a buffer sought within the submission is **recommended to be rejected**.
- b. Focusing solely on the Broadlands Road West proposed rezoning, neither the 2008 Ecological Assessment (which accompanied the Taupō Commercial and Industrial Structure Plan (2011)) nor the 2019 Ecology update, identified within that area to be rezoned, a feature or habitat that should be accorded the status of SNA or SGF in the District Plan. SNA180 as identified in the Operative District Plan (NPS-IB, Clause 1.6 'SNA') does not extend into the area requested to be rezoned to Taupō Industrial Environment.
- c. In addition, the Broadlands Road West rezoning is not notated within Section 7.10 of the Waikato Regional Plan (December 2010) as a SGF (**Figure 2**).
- d. However, in responding to submissions, Wildlands have undertaken a further detailed site assessment of the Broadlands Road West site. As identified⁶³, the assessments / survey identified:
 - i. Geothermal kanuka as classified as Threatened – Nationally endangered; and
 - ii. Geothermal ecosystems – Critically endangered.

It is understood that these features as identified by Wildlands⁶⁴ achieve the criteria included in the WRPS APP5 to be determined as Significant Indigenous Biodiversity⁶⁵. Mr Shaw considers that a 20m buffer (from development) is appropriate.

- 123) 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**.

⁶³ EIC Shaw [2.4]

⁶⁴ EIC Shaw [Attachment 1]

⁶⁵ EIC Shaw [Attachment 3]

Figure 2: Section 7.10 Waikato Regional Plan: Significant Geothermal Features and Geothermal Water Features: Wairakei – Tauhara, Broadlands Road Reserve

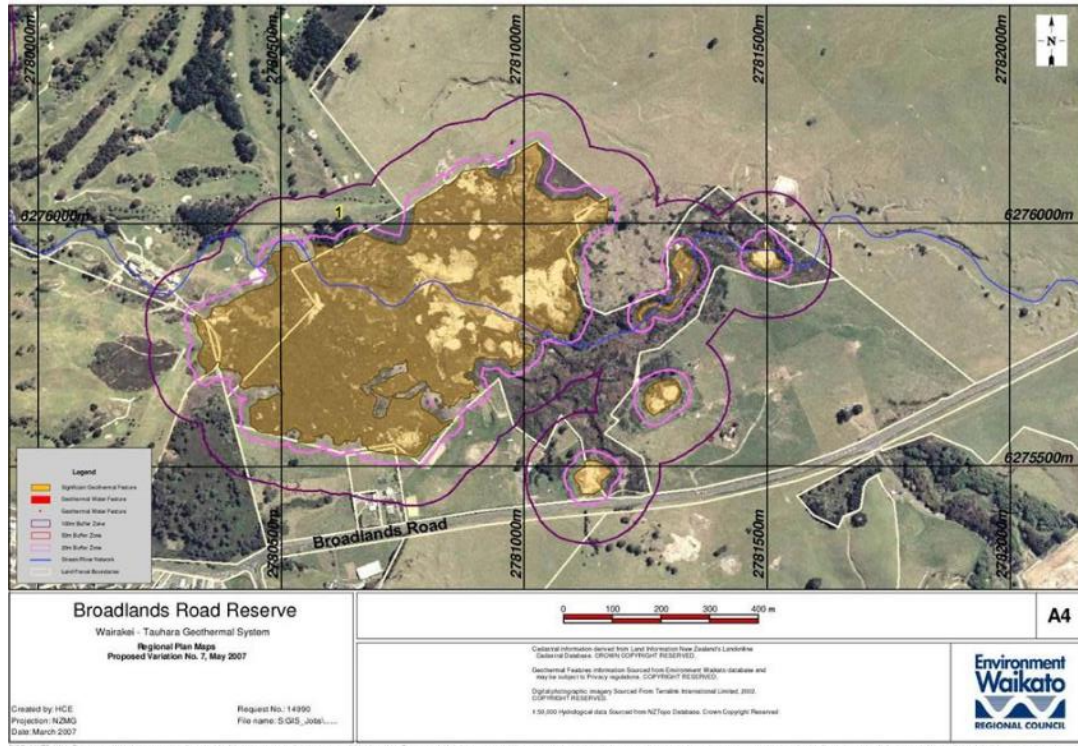
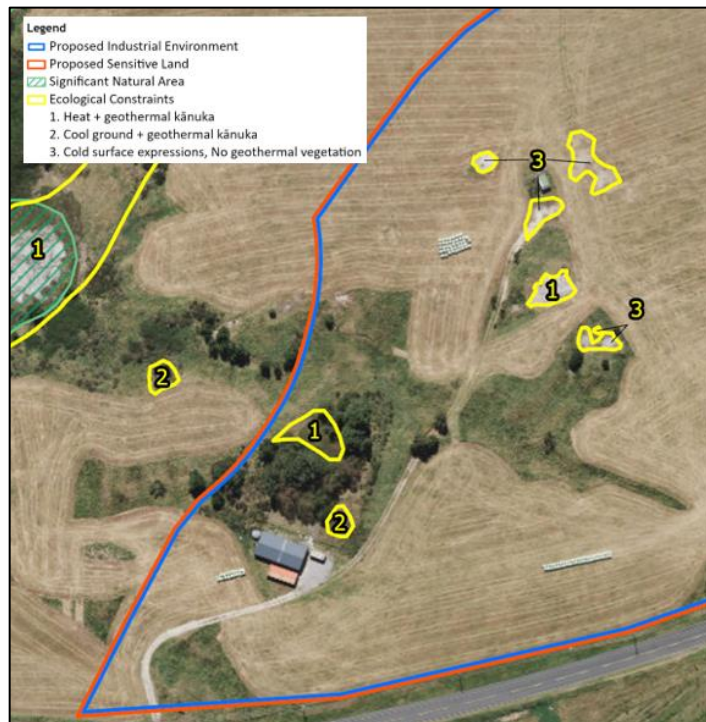


Figure 3: Significant Geothermal Features Wildlands Survey (2023). Areas notated as (1) and (2) only



124) In 'giving effect' to the NPS-UD (clause 3.10(6)) and the WRPS I consider these features warrant recognition, and protection by way of a 20m buffer. In recommending an appropriate buffer distance of 20m I am guided by Mr Shaw's expertise, as well as achieving consistency with the application of Rule 7.6.6.2 of the Waikato Regional Plan which only permits in, or within 20m of any notated Significant Geothermal Feature:

- a. vegetation clearance of invasive exotic plants,
- b. soil disturbance associated with fencing to protect the feature, and
- c. sustainable customary uses conducted in accordance with tikanga.

I consider that providing only for these activities within the 20m buffer as associated with the geothermal SNAs recommended by Mr Shaw is consistent with the NPS-IB clause 3.10(6).

125) Accordingly, the submission of A Delich⁶⁶ is recommended to be **accepted in part**, in so far as it relates to the Broadlands Road West rezoning, through the insertion of a suite of provisions providing both landuse and subdivision controls associated with the identified Geothermal Significant Natural Areas. The following outlines such a suite of provisions [refer **Attachment B**]:

- a. Insert as Appendix 11 - Broadlands Road West – Structure Plan Area (*identifying the Geothermal SNAs and associated 20m buffers*).
- b. Insert Rule 4h.4.1 (as applicable to development within the Broadlands Road West – Outline Development Plan)

*The following activities in or within 20m of any Geothermal Significant Natural Areas identified in the Broadlands Road West – Outline Development Plan on Appendix 11 are **permitted**. Any other activity, involving soil disturbance, vegetation removal or establishment of permeable surfaces, except as provided by Rule 4h.4.2 is a **non-complying activity**:*

- i. Vegetation clearance of invasive exotic plants;*
 - ii. Soil disturbance associated with fencing to protect the feature; or*
 - iii. The sustainable customary use of indigenous biodiversity conducted in accordance with tikanga.*
 - iv. Replacement, and maintenance of existing buildings, landscaping and pervious surfaces within their existing footprint as of [the date that part of the rule becomes operative].*
- c. Insert Rule 4h.4.2.

⁶⁶ OS62.2

Any subdivision within that part of the Broadlands Road West – Outline Development Plan legally on Appendix 11 described as Section 14 SO438782 is a **restricted discretionary activity**. For the purposes of 4h.4.2, the matters over which the Council reserves control for the purpose of assessment are:

- i. *The design and layout of subdivision to ensure the recognition and protection of Geothermal Significant Natural Areas identified on the Broadlands Road West – Outline Development Plan (Appendix X);*
- ii. *An ecological management plan for the features identified as Geothermal Significant Natural Areas identified on the Broadlands Road West – Outline Development Plan; and*
- iii. *Controls on stormwater management and construction activities to maintain ongoing health and function of Significant Geothermal Features identified on the Broadlands Road West – Outline Development Plan.*

126) I consider that the proposed rule is **effective** in that it implements and achieves the Objectives of the Plan that seek to protect and enhance significant indigenous vegetation and significant habitats of indigenous fauna, including **Objective 3i.2.1** and **Policy 3i2.2(ii)** (and provisions introduced through PC38 - **Objective 2.6.2, Objective 2.6.3**). The proposal also gives effect to the relevant provisions of the WRPS that seek the full range of ecosystem types, their extent and the indigenous biodiversity that these ecosystems can support existing in a healthy and functional state (**ECO-01, Policy ECO-P1, ECO-P2**).

127) 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.
- b. The subdivision rule is targeted only to Section 14 SO438782 as the title associated with the identified Geothermal SNFs. Thereby the subdivision rule as recommended does not preclude or impose additional controls on the Contact Energy owned site (legal description Lot 1 DP445148 which extends some 223ha). Contact energy oppose the rezoning based on an absence of interest in developing its property for Industrial uses⁶⁷. The recommended provisions related to Geothermal SNFs will not impose any additional regulatory burden on Contract Energy's land holding.

⁶⁷ OS93.82

- c. The recommended land use rule also accounts for the existing buildings and pervious carparking area on the site that will be encompassed by the proposed 20m buffer but precludes any extension of footprint without consent.

128) The further submissions from Mega Food Services Ltd⁶⁸, Contact Energy Ltd⁶⁹, and Taupō Industrial Estate Limited (TIEL)⁷⁰, in so far as they relate to the Broadlands Road West site are **recommended to be rejected**.

4.4 Statutory Framework

129) Five (5) submission points relating to the Statutory framework have been received.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS29.26	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone	Seek amendment	Change 1 to the WRPS has been notified and so is a 'proposed policy statement'. District Councils are required, when preparing a change to the district plan, to have regard to the WRPS under section 74(2)(a)(i) of the RMA	Give regard to Change 1 to the WRPS as a 'proposed policy statement' in the proposed plan changes.
OS29.32	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone	Seek amendment	WRC considers that PPPC38-43 should follow the new plan format provided with the National Planning Standards.	Update PC43 to the new plan format provided with the National Planning Standards 2019
OS115.20	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That the objectives and policies of the strategic directions and Plan Changes 38 to 43 recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki as set out within Section 181 of the Settlement Act.	Amend PC43 to recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki.
OS115.26	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That the content and interpretation of the objectives, policies, rules and performance standards of Plan Changes 38-43 respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Amend Plan Changes 43 to respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.
OS115.32	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That TDC ensure that the content and interpretation of the objectives and policies of Plan Change 38-43 reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities	Amend Plan Change 43 to reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.

130) The submission from the Waikato Regional Council⁷¹ seek that regard be had to **Plan Change 1** to the WRPS, and the provisions contained in PC43 presumably amended accordingly.

⁶⁸ FS203.5

⁶⁹ FS229.10

⁷⁰ FS232.3

⁷¹ OS29.26

- 131) As outlined in my consideration of the relevant Statutory framework, in preparing or changing District Plan as pursuant to S74(2)(a)(i) regard is to be had to *'any proposed regional policy statement'*.
- 132) Change 1 to the WRPS was notified in October 2022. Plan Change 43 was notified on 14 October 2022.
- 133) Change 1 seeks to give effect to the mandatory requirements of the National Policy Statement for Urban Development (2020), and Future Proof Strategy (Waipa, Waikato and Hamilton) the latter of which are irrelevant to the matters considered in PC43.
- 134) The RPS was restructured as of September 2022, to give effect to the National Planning Standards. **Attachment H** provides a table cross referencing between the provisions identified in the s32 accompanying PC43 (which was prepared prior to the restructuring of the WRPS) and the new references introduced through the September 2022 restructuring. The September 2022 restructuring of the WRPS does not result in any changes to the provisions themselves, or their application for the purposes of s32AA.
- 135) In terms of the specific matters, **OFD-O1** is amended through Change 1, inserting clause (12) which requires strategic planned growth and development to create responsive and well-functioning environments, including ensuring sufficient development capacity, and improved connectivity within urban areas. The specific policy to implement TD2050 (previously **UFD-P8**) has been deleted, and replaced with **UFD-P18** which requires for Tier 3 local authorities, that new urban development should be managed in a way that recognises and provides for the intended urban pattern as set out in any agreed Council approved Growth Strategy (clause 1), contributes sufficient development capacity for business land (clause 2), and seeks a consolidated urban form (clause 3, 4).
- 136) Associated **Method UFD-M72** identifies that until such time as a new or updated council-approved growth strategy is provided in accordance with Method UFD-M69, urban growth shall be managed in accordance with the provisions of the WRPS, the operative District Plan, and any adopted Council approved growth strategy. As identified, Broadlands Road West – Area 7 is accounted for in Section 3e of the District Plan and was identified in both the Taupō Commercial and Industrial Structure Plan and TD2050 (2006) as an Industrial Growth resource. Napier Road – Area 4 is not, but is considered to represented consolidated urban development.
- 137) Both rezonings assist the Council provide sufficient (business) development capacity. The rezonings are considered to *have regard* to Change 1, and are consistent with the introduced provisions. The submission is **requested to be rejected**.
- 138) The WRC also request⁷² that the Plan Change should be reformatted under the planning template provided by the National Planning Standards. This matter is considered in the s32 accompanying the Plan Change⁷³, as well as in the evidence provided by Ms Samuel for the Taupō District Council.

⁷² OS29.32

⁷³ PC43 – Section 32: Section 4.1.5

- 139) As identified, there is not a mandatory requirement to amend the provisions introduced by PC43 to accord with the requirements of the National Planning Standards. To do so incrementally through this suite of Plan Change risks unintended consequences within the architecture of the Plan outside a more fulsome review.
- 140) Ultimately, whilst it is agreed that wholesale amendments to implement the National Planning Standards would increase certainty and application of a Taupō District Plan, the decision to undertake such a reform lies with the Council as the territorial authority, or as compelled by Section 17 – the Implementation Standard of the National Planning Standards.
- 141) Accordingly, the submission from the WRC⁷⁴ is **recommended to be rejected**.
- 142) The submission from Te Kotahitanga o Ngāti Tūwharetoa⁷⁵ seeks the provisions respect and reflect a genuine understanding of the principles of Te Tiriti. Their submission also requests that PC43 the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki⁷⁶.
- 143) I understand from the s42A Evidence of Mr Sapsford that Strategic Directions **Objective 2.2.2.6** states:
6. *The principles of te Tiriti o Waitangi are taken into account through District Plan planning and decision making.*
- 144) Mr Sapsford has also recommended that Strategic Direction **Policy 2.1.3.1(d)** is amended as a consequence of the Te Kotahitanga o Ngāti Tūwharetoa⁷⁷ submission to:
1. *Recognise and provide for the following matters in land use planning and decision making:*
- d. *The vision, objectives, values and desired outcomes in Te Kaupapa Kaitiaki.*
- 145) I understand that Te Kaupapa Kaitiaki is the high-level plan for the Taupō catchment. The plan is prepared by Te Kōpu ā Kānapanapa, being the joint committee from Te Kotahitanga o Ngāti Tūwharetoa, Waikato Regional Council and Taupō District Council and established under the Ngāti Tūwharetoa Claims Settlement Act 2018. Te Kōpu ā Kānapanapa is focussed primarily on te taiao restoration, protection, and enhancement within the Taupō catchment, accordingly it difficult to consider how the specific provisions as amended by PC43 can be modified or amended to advance the outcomes sought in Te Kaupapa Kaitiaki. I understand that both water service requirements, and stormwater management for both Napier Road – Area 4, and Broadlands Road West – Area 7 as zoned Taupō Industrial Zone can be undertaken appropriately through subdivision, servicing provision and regional plan consents⁷⁸.

⁷⁴ OS29.29

⁷⁵ OS115.26

⁷⁶ OS115.20

⁷⁷ OS115.3 and OS115.15 Te Kotahitanga o Ngāti Tūwharetoa

⁷⁸ PC43. Section 32 [Attachment B – Servicing]

- 146) I have considered the submission from Te Kotahitanga o Ngāti Tūwharetoa in full and find no details contained within the submission as to how the principles of Te Tiriti or Te Kaupapa Kaitiaki can be better, or more appropriately enshrined in the amended rezonings introduced through PC43.
- 147) I **recommend** that the submission seeking application of Te Kaupapa Kaitiaki within the provisions of PC43 **be rejected** as I understand that the matters associated with Te Kaupapa Kaitiaki are neither effectively nor efficiently enshrined in PC43.
- 148) In terms of enshrining the principles of Te Tiriti into the amended provisions of PC43, as above I have noted that provisions are to implement the Objectives, and that Strategic Directions **Objective 2.2.2.6** requires that the *'principles of te Tiriti o Waitangi are taken into account through District Plan planning and decision making'*.
- 149) However, it remains unclear as to what Te Kotahitanga o Ngāti Tūwharetoa would wish to see as specific or targeted amendments to PC43. They are invited to put these forward and these will be considered at the subsequent hearing in terms of the statutory framework and requirements pursuant to s32AA. In the interim, I have respectfully **recommended that the submission be rejected**, However, I note that there has now been embedded in the Strategic Directions section of the Taupō District Plan a very clear recognition of the cultural and historic relationship of Māori, and in particular Mana whenua, with the environment.
- 150) Lastly, the submission from Te Kotahitanga o Ngāti Tūwharetoa⁷⁹ seek that the new wording of the Natural and Built Environment (NBEA) and Spatial Planning (SPA) Acts are implemented when ratified. Once enacted there will be requirements for the Taupō District Council to implement the statutory requirements associated with the NBEA and SPA (if passed into law). Accordingly, the **submission⁸⁰ is recommended to be accepted in part**, as there are no amendments relevant or necessary to PC43 and the final substance of the NBEA and SPA remains unknown.

4.5 Servicing

- 151) There are two (2) submissions with regard to servicing. The submission from Waka Kotahi⁸¹ which seeks amendment on the basis of transport journey length and active modes, is opposed by two Further Submissions from Mega Food Services Limited⁸² and TIEL⁸³

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS101.10	Jane Penton LWAG	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Support	Ref 4.h.37 & our previous comment: 'Low-impact design principles require monitoring and enforcing.	LWAG support the requirement for 'a stormwater management plan' and ask that these are enforceable.

⁷⁹ OS115.32

⁸⁰ OS115.32

⁸¹ OS113.37

⁸² FS203.7

⁸³ FS232.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS113.37	Waka Kotahi NZ Transport Agency	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter appreciates that that the Taupō Future Industrial Land Option Economic Multi-Criteria Analysis 2022 indicates that there is a shortfall in industrial land supply. However, considers that not enough investigation has been undertaken against key documents to show the suitability of this rezoning. In order for these two locations (particularly Site 4 - Broadlands) to be considered suitable for rezoning as industrial land, further evaluation of the ability to reduce Vehicle kilometres travelled and service the sites with active and public transport should be undertaken.	The submitter seeks the following relief: For an assessment to be undertaken as to how Site 4 and Site 7 will align with the Waikato Regional Policy Statement - Change 1, the NZ Emissions Reduction Plan, reduction in vehicle kilometres travelled (VKT) and the provision of active and public transport. Subject to the assessments indicating that these measures can be achieved, provision should be made through the rules / standards to ensure delivery of these measures for Site 4 and Site 7.
FS203.7 Sub 113.37	Mega Food Services Limited		Oppose	Oppose	The details that NZTA seek form part of an application not a district plan change. Therefore this level of detail is likely to be uncovered when a specific land use is proposed. When an application is needed for land use, assessment against the regional plan can be undertaken at that time and consents sought if needed.
FS232.7 Sub 113.37	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	The reference to “key documents” by the submitter is vague and needs further explanation. However, as outlined within TIEL’s initial submission in support of the PC, from a transportation perspective, the proposed rezoning of Site 7 provides opportunities to maximise the investment value in the existing and planned transport networks. The PC will enable the relocation of industrial and ‘big box’ car-based retail outlets to locate adjacent to the arterial road network (State Highway 1 and 5), potentially removing these activities and their associated high car use and commercial vehicle needs from the town centre. Site 7 has potential to connect to the existing walking and cycling network along the Eastern Taupō Arterial and is well located in relation to other similar activities, existing and planned residential areas to provide employment opportunities as well as some everyday supporting services which reduces people’s overall need to travel TIEL is in opposition to this submission insofar as it relates to Site 7.

- 152) The submission from J Penton⁸⁴ confirms support for Rule 4h.3.7 which seeks a stormwater management plan accompanying subdivision consent for Broadlands Road West. No amendments are recommended in this report in terms of that requirement. Accordingly, the submission is **recommended to be accepted**.
- 153) The submission from Waka Kotahi⁸⁵ is critical of the rezonings in terms of their ability to align with respective Plan Provisions in the Regional Policy Statement - Change 1 and the NZ Emissions Reduction Plan with regard to providing for urban growth that promotes a reduction in vehicle kilometres travelled (VKT) and promotes active modes.
- 154) I have set out the respective planning framework in Section 2 of this report.
- 155) Mr Smith has considered the submission in depth. He notes the following:
- a. The two sites were considered in the initial s32 in terms of criteria relating to VKT⁸⁶ and had the highest combined (best) scores against these criteria, noting that the criteria associated with ‘well connected to the rest of New Zealand’ includes the extent to which industrial traffic (noting that this would extend to logistics and distribution) would readily access the State Highway network, without additional travel through local roads.
 - b. Further analysis associated with VKT, including use of the Taupō Tracks Transportation Model as run for a 2041 am peak model, demonstrates that Napier Road – Area 7, and Broadlands Road West – Area 4 represent the lowest VKT in relative terms⁸⁷, when considering a range of potential industrial areas to contribute to the Council’s responsibilities under the NPS-UD and Change 1 of the WRPS to provide for sufficient development capacity for long term (30 years) business needs.
 - c. In terms of promoting active modes, Mr Smith identifies that Taupō’s cycling network is established in a manner that can service demand provided by the rezonings⁸⁸. Noting that the shared path along East Taupō Arterial has been established such that Napier Road site is well served for walking and cycling, and the mixed-use Trade Supplier land use / subdivision consent for this site⁸⁹ (if granted) extends a shared walking and cycling path along the Napier Road frontage. For Broadlands Road West, a westbound cycle lane is a relatively simple modification within the existing sealed carriageway, that the LTP continues to invest in cycling facilities in the District, and the provision of cycle infrastructure is a manner that can be imposed through subsequent resource consents and subdivision consents associated with site development⁹⁰.

⁸⁴ OS101.10

⁸⁵ OS113.37

⁸⁶ EIC Smith [6]

⁸⁷ EIC Smith [8, 9]

⁸⁸ EIC Smith [10]

⁸⁹ EIC Smith [14, 15]

⁹⁰ For example Rule 4h.1.7 ‘Maximum Equivalent Vehicle Movements’

d. Both sites are able to be serviced by any potential future bus service⁹¹.

- 156) I consider that the proposed rezonings through PC43 are **effective** and **efficient** in achieving those objectives of the WRPS and Operative Plan regarding the integration of urban environments with the effective and efficient provision of transport infrastructure, consolidated urban form and associated emissions reductions, and enabling active modes. Equally, as identified above, the rezonings contribute towards the district providing sufficient business long term development capacity.
- 157) The submission from Waka Kotahi⁹² is **recommended to be rejected**. The further submissions from Mega Foods Services Ltd⁹³ and TIEL⁹⁴ are **recommended to be accepted**.

4.6 Amendments Sought for Napier Road – Area 7

- 158) Cheal⁹⁵ seek amendments to this rezoning. The submission seeks improved amenity at time of time of subdivision with the Residential Environment to the south and east, and also reflection as a ‘gateway’ to Taupō. The Waikato Regional Council⁹⁶ seek inclusion of the additional deep geotechnical investigation matters inserted under PC43 to Rule 4h.3.7 to be applied to Broadlands Road North to also be applied to the Napier Road – Area 7 Taupō Industrial Rezoning.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS79.8	Cheal Consultants	Plan Change 43 - Taupō Industrial Zone > 4h Taupō Industrial Environment and Centennial Industrial Environment	Seek amendment	The provision of additional industrially zoned land is excellent to support industrial growth. Map 2 provides for an area of Industrial land in close proximity to Residential zoned land. Neither the subdivisions rules or the assessment criteria address this. There are provisions relating to avoiding non-industrial activities within the Industrial Zone and existing policy 3t.2.6 requires consideration of this matter. Careful consideration is required to ensure that this policy is sufficient for this location and is reflected in a controlled activity subdivision	Ensure that the future interface of Map 2 industrial zone with Residential zone, and the amenity of the Eastern gateway to Taupō is considered at the time of subdivision in particular if a controlled activity subdivision is proposed. Identifying the land as Sensitive with specific assessment criteria could address this. Or the addition of assessment criteria in 4h.4.12.
OS29.20	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter opposes this provision in part and seeks an amendment.	Amend the rule 4h.3.7 as follows: ...In applying this Rule to the Sensitive Land Overlay within Section 14 SO 40438782 and Lot 1 DP 445148 and Lot 2 DP499406 ,...

⁹¹ EIC Smith [20]

⁹² OS113.37

⁹³ FS203.7

⁹⁴ FS232.7

⁹⁵ OS79.8

⁹⁶ OS29.20

- 159) In considering the Cheal⁹⁷ submission, the following relevant provisions of the Operative Plan are noted:
- a. Napier Road – Area 7 is sought to be rezoned as Taupō Industrial Environment, which effectively equates to a light industrial / trade supplier industrial zone. By comparison, the Centennial Industrial Environment, is to accommodate *‘more heavy industry, which may require a large site area or create effects greater than expected in the other industrial areas’*⁹⁸.
 - b. **Policy 3t.2.3(iii)** requires *landscape provision and buffers along major road boundaries to provide a visual screen appropriate to the designed intention of the road, particularly along The East Taupō Arterial and Centennial Drive*
 - c. **Objective 3t.2.6**, and associated Policies, *seek to manage the interface between activities in the Taupō and Centennial Industrial Environments and more sensitive activities in other environments*. The associated Policies provide linkages to the associated rules which provide for setbacks, heights, and controls on environmental nuisance.
 - d. The provisions that implement the above includes:
 - i. A 15m building setback from both Napier Road and the East Taupō Arterial road (Rule 4h.1.3)
 - ii. Associated tree planting and landscaping (Rule 4h.1.4)
 - iii. A 5m setback along boundaries adjoining any other (including Residential) Environment (Rule 4h.1.3)
 - iv. Controls on noise received at the adjoining Residential Environment (Rule 4h.1.8(b))
 - e. Furthermore, a ‘gateway’ role for Napier Road at this site is not identified in the District Plan.
- 160) It is not considered that additional specific assessment criteria are necessary as associated with the matters of assessment associated with Subdivision (Rule 4h.4.14).
- 161) It is considered that additional provisions are neither **efficient** nor **effective**, as appropriate protections at the interface of all Taupō Industrial Environments with Residential Environments are already encapsulated in operative Plan Provisions. The submission is **recommended to be rejected**.

⁹⁷ OS79.8

⁹⁸ Taupō District Plan. Section 3t.1 Introduction.

- 162) In considering the WRC⁹⁹ submission, I agree that there is a minor error in the reference to the legal description of that title within the Broadlands Road West – Area 4 which requires redress. This matter is corrected in **Attachment B** as follows:

4h.3 Subdivision Rules

- 4h.3.7 Any subdivision of land identified as “Sensitive” within the Taupō Industrial Environment is a **discretionary** ... a Significant Natural Area. *In applying this Rule to the Sensitive Land Overlay within Section 14 SO 40438782 and Lot 1 DP 445148, the assessment must be informed by deep geotechnical investigation ...*

- 163) The remainder of the submission point seeks to apply requirements for deep geotechnical investigations also to Lot 2 DP499406 (the Napier Road – Area 7 rezoning to Taupō Industrial Environment). As identified in the evidence of Ms Philips¹⁰⁰, the Napier Road site has a more extensive and intensive geotechnical assessment, and hence further assessment is unnecessary at time of subdivision. Accordingly, the additional requirements for deep geotechnical investigations for the Napier Road – Area 7 site at time of subdivision is considered to be **less efficient** than PC43 as notified, as a consequence of imposing unnecessary economic costs. This aspect of the submission is **recommended to be rejected**.
- 164) Overall, the submission is **recommended to be accepted in part** given the amendment to the Lot Title associated with the Broadlands Road West – Area 4 rezoning.

4.7 Submissions opposing Napier Road – Area 7

- 165) There are two submissions opposing the rezoning of Napier Road – Area 7 from Rural Environment to Taupō Industrial Environment. Each of these submissions have attracted further submissions in opposition.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS67.1	Advance Properties Group Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	The land proposed to be zoned for industrial purposes adjoins residentially zoned land. Residential and industrial land uses are considered to be inherently incompatible. The proposed rezoning is incompatible with the Consent Notice due to the notice limiting access onto Napier Taupō and the prescribed landuse which is a campus precinct. Although the s32 report supporting the Plan Change considers site constraints, the report does not refer to the Land	That the rezoning be disallowed

⁹⁹ OS28.20

¹⁰⁰ EIC Philips [4.3(b)]

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
				Use Consent or the Consent Notice, nor does it assess the effects of the proposed rezoning on the land use outcomes intended through the EUL consent (including the range of residential, accommodation, educational, and commercial activities provided for in The Campus Precinct).	
FS232.4 Sub 67.1	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL are in opposition to this submission, as the Taupō District Plan contemplates the interface between the Industrial Zone and Residential Zone land uses, by way of specific setbacks and landscaping requirements. Consent Notices on the Record of Title for the land within Site 7 are not relevant to the proposal to re-zone the land. Furthermore, consent notices may be removed by way of separate regulatory process pursuant to section 221 of the RMA.
OS114.17	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Submitter considers the inclusion of the site at 189 Napier Road from Rural to Industrial as inconsistent with 2.4 Strategic Direction Climate Change when there is already a large industrial area opposite this site.	The submitter seeks that the Industrial Zone at 189 Napier Road be removed.
FS232.8 Sub 114.17	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL is in opposition to this submission as TDC has confirmed in the S32 report that the existing land zoned industrial isn't sufficient to supply availability in 30 years plus (long term). The PC responds to the lack of sufficient industrial land supply and forecast growth of Taupō. Furthermore, the basis for the submitter's position regarding "Climate Change" is unclear and lacks explanation.

166) The submission from Advance Properties Group Limited¹⁰¹ opposes the rezoning on the basis that the site adjoins 'residentially zoned land'. Secondly, the proposal is considered by the submitter to be incompatible with the Consent Notice limiting access and the associated prescribed campus use. That submission is opposed by TIEL¹⁰².

167) I have identified above the respective provisions that are applicable at the interface between the Residential Environment and the Taupō Industrial Environment, including managing effects associated with noise, setbacks and tree planting. I note that there are existing examples in Taupō urban's area of the interface between the Taupō Industrial Environment and the Residential Environment, such as at Totara Street. I consider that the Operative Plan provisions appropriately contemplate and establish

¹⁰¹ OS67.1

¹⁰² FS232.4

controls at the interface to manage environmental effects generated by development and activities in the Taupō Industrial Environment. Additional controls are not seen as being **effective** or **efficient**, and would certainly not warrant declining the rezoning request.

- 168) For completeness, I also note that the consented 2009 East Urban Lands Master Plan identifies a substantial planted buffer between the Napier Road – Area 7 proposed rezoning and residential clusters (**Figure 4**).

Figure 4: 2009 Master Plan – Subject Site.



Source: Resource Consent Application 189 Napier Road (2023), Figure 5.

- 169) In terms of Consent Notices, I understand that the following are applicable to the site:
- a. Consent notice: 10534555.3 which restricts direct vehicle access onto Napier Road.
 - b. Consent Notice: 10534555.1 which requires all future development to be in accordance with the East Urban Lands land-use consent Master Plan, and associated 'campus' overlay as earmarked in RM080142 and RM080143 as granted by Taupō District Council in 2009.
- 170) Consent notices are subject to a separate regulatory regime under the Resource Management Act 1991 to that relevant under Schedule 1 to the Act. Consent notices are able to be removed or varied through application pursuant to s221(3)(a), where cancellation of the Consent Notice would trigger a discretionary activity status. Equally, the territorial authority may also review the consent notice and vary or cancel the condition¹⁰³. Accordingly, I do not consider that the existing Consent Notices

¹⁰³ S221(3)(b)

provide a restraint to rezoning as contemplated by PC43. For completeness, I note that basis of the consent notices (being access restrictions, and specification of use) are not matters raised as concerns in terms of a consideration of the transport implications of rezoning¹⁰⁴, nor in terms of providing a broader range of Industrial uses¹⁰⁵. Until removed or varied, the existing Consent notices would have bearing as applied to either the operative Rural Environment or proposed Taupō Industrial Environment.

- 171) The submission is **recommended to be rejected**. The further submission from TIEL¹⁰⁶ is **recommended to be accepted**.
- 172) The submission from Taupō Climate Action Group¹⁰⁷ opposes the rezoning on the basis that the proposal would be inconsistent with Section 2.4 Climate Change, as introduced through PC38. That submission is opposed by TIEL¹⁰⁸.
- 173) Specific detail is not included in the submission outlining opposition. There are however general statements that the rezoning is inconsistent with 2.4 Strategic Directions as there is also an industrial area opposite the site, as well as conflict with consent notices on the site.
- 174) I have addressed the consent notice matter above, concluding that they are a separate regulatory process to the rezoning, and are able to be varied or cancelled without undue restraint on the Taupō Industrial Environment as sought.
- 175) Mr Smith has advised that rezoning the site to Taupō Industrial Environment, is relatively, the more appropriate in terms of VKT and facilitating active modes of transport. Mr Heath has identified that the site provides a relative contribution to meeting foreseeable business needs for sufficient development capacity. Accordingly, I consider that rezoning the site to Taupō Industrial Zone can be reconciled with, and is consistent to the provisions on Climate Change (Section 2.4) as introduced by PC38.
- 176) I recommend that the **submission be rejected**. The further submission from TIEL¹⁰⁹ is **recommended to be accepted**.

4.8 Submissions in support of Napier Road – Area 7

- 177) There are three submissions in support of the Rezoning of Napier Road – Area 7 from Rural Environment to Taupō Industrial Environment. There is a further submission from Warren Ladbrook¹¹⁰

¹⁰⁴ PC43, s32 [Appendix C, Section 3.4, Section 4]

¹⁰⁵ PC43, s32 [Appendix A, Section 7.7]

¹⁰⁶ FS232.4

¹⁰⁷ OS114.17

¹⁰⁸ FS232.8

¹⁰⁹ FS232.8

¹¹⁰ FS208.1

opposing support for the rezoning within the submission of TIEL¹¹¹, and a further submission in support¹¹² of the submission from Contact Energy Ltd¹¹³.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS19.1	Taupō Industrial Estate Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Support is for specifically the rezoning of the 4.5ha of land located at 189 Napier Road and identified in Council's Section 32 analysis as 'Site 7' from Rural Environment to Taupō Industrial.	TIEL seek that that Plan Change 43 (PC43) as notified is approved by Taupō District Council. In particular, TIEL seeks that the land identified in Council's 32 analysis as 'Napier Road' be rezoned from Rural Environment to Taupō Industrial.
FS208.1 Sub 19.1	Warren Ladbrook		Oppose	Oppose	The submission is opposed in its entirety; The reasons for opposing the submission are those set out in the submission of APGL (TDC submitter #67). The submission inappropriately downplays the significance of the Land Use Consent and Consent Notice (explained in my submission) that applies to the property, and applies regardless of the ownership of the property. Further, parts of their submission (eg paras 15 and 16) appear to misunderstand that the role of council as a consent authority is entirely separate to council as landowner. That distinction is a very significant one in terms of local authority transparency. The Napier Road site is required to be developed in accordance with the EUL land use consent until and unless that obligation is removed or varied through a future resource management process which council as consent authority (not landowner) will be responsible for. No rezoning should be contemplated until that process is firstly undertaken and unless the outcome of that process is consistent with the application of an Industrial Environment zoning for the site.
OS93.77	Contact Energy Limited	Plan Change 43 - Taupō Industrial Zone	Support	Contact supports the proposed rezoning on Napier Road.	Contact seeks that Taupō District Council adopt PC43 as notified insofar as it relates to the 3.5 hectare block of land on the corner of Napier Road and the ETA, i.e. rezone it to Taupō Industrial Environment.
FS232.6 Sub93.77	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter is in full support with the PC as notified.
FS209.208 Sub 93.77	Manawa Energy Limited		Support	Allow	Manawa Energy supports this submission

¹¹¹ OS19.1

¹¹² TIEL FS232.6

¹¹³ OS93.77

178) In response to submissions relating to Napier Road – Area 7, I have not recommended any amendments to the provisions as notified in PC43. Accordingly, these submissions and the further submission from TIEL are **recommended to be accepted**, as are submissions from Contact and Manawa Energy Limited. The further submission from Warren Ladbrook is **recommended to be rejected**.

4.9 Submissions seeking amendments for Broadlands Road West – Area 4

179) There are fourteen submissions in relation to the provisions and mechanisms associated with a rezoning of Broadlands Road West. Thematically, these can be grouped as follows:

- a. Geotechnical matters (Mega Food Services Limited¹¹⁴, A Delich¹¹⁵)
- b. Ecology and recognition of additional Geothermal Significant Natural Areas (Tukairangi Trust¹¹⁶, A Delich¹¹⁷, Department of Conservation¹¹⁸, Taupō Climate Action Group¹¹⁹).
- c. Miscellaneous matters, including opposing that part of PC43 under the ownership of Contact Energy (Contact Energy¹²⁰), and the need for hydrological assessment associated with groundwater recharge (Taupō Climate Action Group)¹²¹.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS21.2	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter acknowledges that it is appropriate for subdivision of 63 Broadlands Rd being a discretionary activity however seeks the addition of a definition for 'deep geotechnical investigation'.	Submitter seeks an amendment to add a definition for 'deep geotechnical investigation'.
OS21.5	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter has attached the Preliminary Geotechnical report undertaken for this site to this submission and no recommendation for a deep geotechnical investigation has been made in this report. The assessment must be informed by the deep geotechnical investigation following and shall also include, but not be limited to.	Amend - strike out the words 'the assessment must be informed by deep geotechnical investigation and shall also include'.
OS46.5	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > 4h Taupō Industrial	Seek amendment	The Industrial Zones identified on Broadlands Rd ,adjacent to Broadlands Geothermal Reserve an SNA vested to Iwi is inappropriate without some	If industrial land is to be zoned by these areas a buffer zone should be afforded or vested for access for essential ecological work, businesses audited for incursion

¹¹⁴ OS21.2, OS21.5

¹¹⁵ OS62.1, OS62.4, OS62.5

¹¹⁶ OS46.5, OS46.14

¹¹⁷ OS62.3

¹¹⁸ OS89.21

¹¹⁹ OS114.15, OS114.14

¹²⁰ OS93.82

¹²¹ OS114.16

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
		Environment and Centennial Industrial Environment		protection offered. In the past industrial businesses/properties bordering significant geothermal sites have used them as dumps, excavated within the SNAs or caused fires and damaged geothermal flora.	onto SNAs and business owners educated on the ecological significance/ importance and their responsibilities as neighbours to such sites.
FS203.2 Sub 46.5	Mega Food Services Limited		Oppose	Oppose	We note the comments made by Tukairangi Trust and agree that owners of land should act responsibly. Mega Foods Limited purchased the land off Taupō District Council approx 5 years ago and we are not aware of either land owner using the site as dumps and wonder if perhaps the general public have used them for such purpose in the past. Same too for any damage to the SNA adjoining the site.
OS46.14	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The Industrial Zones identified on Broadlands Rd ,adjacent to Broadlands Geothermal Reserve an SNA vested to lwi is inappropriate without some protection offered. In the past industrial businesses/properties bordering significant geothermal sites have used them as dumps, excavated within the SNAs or caused fires and damaged geothermal flora.	If industrial land is to be zoned by these areas a buffer zone should be afforded or vested for access for essential ecological work, businesses audited for incursion onto SNAs and business owners educated on the ecological significance/ importance and their responsibilities as neighbours to such sites.
FS203.3 Sub 46.14	Mega Food Services Limited		Oppose	Oppose	These are issues of concern but not in the scope of a plan change. Fly tipping and damage to SNAs are public nuisance issues and need to be dealt with by the appropriate council monitoring officer.
OS62.1	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	In New Zealand, areas of geothermal vegetation are classified as naturally uncommon ecosystems, as they were rare prior to human colonisation. Of the five geothermal ecosystem types that have been identified, three are found within Broadlands Road geothermal area. These are Heated Ground, Fumaroles and Hydrothermally altered ground – now cool. All three of these rare geothermal ecosystems have been described as a critically endangered (Holdaway et al. 2012, Wiser et al. 2013). Geothermal ecosystems require the correct surrounding geological conditions to exist. They cannot be created like a native forest or a wetland. That is why it is particularly important to protect the geothermal ecosystems we have left. Geothermal kanuka (<i>Kunzea tenuicaulis</i>) is the predominant geothermal vegetation at Broadlands Road geothermal area and is a Threatened – Nationally	If “Broadlands West” is to be re-zoned, I suggest that the following bulleted additions to the text in plan change 43, 4h.3.7 would address the concerns of this submission: “...shall also include, but not be limited to: • Ecological assessment of potential geothermal features, • Ecological mitigation plan • Hydrological assessment of effects of development on groundwater recharge.”

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
				Endangered species (De Lange et al. 2017).	
FS203.4 Sub 62.1	Mega Food Services Limited		Oppose	Oppose	We disagree that additional assessment is necessary as a significant buffer to the SNA has already been provided. Ecological assessment would normally be required when the SNA is on the site where the development will occur. The proposed re-zoned land will be located some distance from the SNA and Geothermal feature. We note that Broadlands Road Reserve has no Geothermal Water Features so therefore a hydrological assessment of the effects of development on groundwater recharge would not be necessary.
OS62.3	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	The S32 does review “Natural Values” within SNA108, and I note that “site 4” is set back 100m from SNA 108. However, the geothermal values have not been adequately taken into account. The 100m setback from SNA108 does not include the potential geothermal vents in the centre of the site (outlined in pink in the attached Figure 1 map).	The S32 should review the Geothermal Module of the Waikato Regional Plan in the context of the Broadlands Road West site, and Significant Geothermal Features are not mapped. (Most recent map, as per Wildlands 2021 included in Figure 1).
OS62.4	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	There are relevant rules in the Geothermal Module to the proposed plan change 43 at Broadlands Road West. In particular section 7.6.6 – Surface Activities Affecting Significant Geothermal Features. The geothermal module of the regional plan does not seem to have been reviewed as part of this plan change.	Review the Geothermal Module as part of the section 32 for Plan Change 32.
OS62.5	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	The Broadlands Road West Site has not had adequate ecological assessment completed as part of this proposed plan change. Potential hot vents towards the centre of the site (likely geothermal heated ground, or hydrothermally altered ground now cool – both critically endangered ecosystems) have not been included in the 100m setback from SNA108.	These areas must be assessed by a qualified ecologist, and if found to be geothermal ecosystems, must be excluded from the plan change with an appropriate buffer (minimum 20m). Any development of this site must come with conditions of contributing to the restoration of the adjoining geothermal systems, in order to halt the on-going decline of these critically endangered ecosystems.
OS89.21	Department of Conservation	Plan Change 43 - Taupō Industrial Zone	Oppose	Identified Site 4 is proposed to be rezoned from Rural Environment to Industrial Land. There is a lack of detail in the Section 32 Evaluation Report for Plan Change 43 in relation to the potential adverse effects on SNA180 from the rezoning of Site 4 to Industrial Land.	Retain identified Site 4 at 63 Broadlands Road and 261 Broadlands Road, Taupō as Rural Environmental Zone. Alternatively, complete additional investigations to determine whether there are any adverse effects on SNA180 or any area that meets the criteria of a SNA or geothermal SNA from the proposed rezoning of identified Site 4 to Industrial Land. Suggested relief includes, but

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					is not limited to: 1. A suitably qualified ecologist confirms whether identified Site 4 qualifies as an SNA or a geothermal SNA. 2. Complete further investigation to determine if other aspects of the NPS-IB should be explored in relation to the proposed rezoning. The NPS-IB is expected to be gazetted in December 2022. 3. Provide an Ecological Assessment to determine the indigenous biodiversity values of SNA180 and the impact (if any) of the proposed Industrial Land rezoning on those values through the application of the effects management hierarchy.
FS238.67 Sub 89.21	Kaaren Rosser for EnviroNZ		Support	Support	EnviroNZ supports the retention of the existing zoning but for reverse sensitivity reasons in relation to Taupō landfill.
FS203.6 Sub 89.21	Mega Food Services Limited		Oppose	Oppose	We believe that sufficient buffer to SNA has been provided. This is not shown very well in the plan change information. However approx 100m buffer has been provided and this will be sufficient to protect the SNA. We note that when the district wide performance standards are reviewed buffers to SNAs can be considered at that stage.
OS93.82	Contact Energy Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Contact opposes PC43 in part. The eastern half (approximately) of the Broadlands Road site is land owned by Contact. It is unclear as to why Taupō District Council is proposing to rezone Contact's land in this locality to Taupō Industrial Environment. Contact has previously advised Taupō District Council that it has no intention to develop (or allow others to develop) this part of its property for industrial purposes (at least in the foreseeable future). Contact is concerned that rezoning this land might create false expectations and the outcome will not assist Taupō District Council meet its obligations under the National Policy Statement on Urban Development 2020.	Contact seeks its land proposed as industrial zoning remain as rural.
FS203.9 Sub 93.82	Mega Food Services Limited		Support	Allow	Regarding 'Broadlands Road West' proposed re-zoning: We note that contact do not want their owned land re zoned. They want their land to remain in rural zone. We do not oppose this request. Their request relates to Lot 1 DP 445148, title 563557 which is located to the east of Mega Food Services site. The following snippet from Grip shows the Contact land

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
					that this submission point relates to:
FS203.10 Sub 93.82	Mega Food Services Limited		Support	Allow	Keep Mega Food land in industrial plan change (title 621309) and if contact prefer to keep their owned land rural zoned remove their land from the proposed industrial zoning. We note that the remainder of the proposed industrial land should still be zoned Taupō Industrial This is the land owned by the submitter and this is a map of the proposed industrial land which includes contact land on the east side
FS238.71 Sub 93.82	Kaaren Rosser for EnviroNZ		Support	Allow	This outcome would reduce reverse sensitivity effects to the Taupō landfill.
OS114.15	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	Submitter seeks that provisions include, but not be limited to an ecological mitigation plan
OS114.16	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	The submitter seeks that provisions include, but not be limited to a hydrological assessment of effects of development on groundwater recharge.
FS203.8 Sub 114.16	Mega Food Services Limited		Oppose	Oppose	The plan change information does not clearly show the large portion of the Broadlands Road West site that is not proposed for Industrial zoning. We note that only 11ha of the owned 20 ha in title Section 14 SO438782 (title) 631309 is proposed Industrial land and therefore sufficient buffer to SNA and geothermal features are already provided. Therefore there is sufficient space on site for ground water recharge. See following map showing that the proposed industrial zoned land is not within the regional plan buffer setbacks to the geothermal features.
OS114.14	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems	The submitter seeks that provisions include, but not be limited to the inclusion of an

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
				represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	ecological assessment of potential geothermal features,

Geotechnical Matters

- 180) The submission from **Mega Food Services Ltd**¹²² on this matter relate to seeking insertion of a definition for deep geotechnical investigation to Rule 4h.3.7.
- 181) As outlined in the evidence of Ms Philips, deep geotechnical investigation is necessary for Broadland Road West to ensure that discrete areas that represent natural hazard risk on the site can be mitigated during subdivision and subsequent development¹²³.
- 182) Ms Philips outlines that Deep Geotechnical Investigation is described in the NZGS/MBIE Earthquake Geotechnical Engineering Practice Module 2: Geotechnical Investigations for earthquake investigation (Module 2), Section 2.4.2.3, as is the definition of geotechnical professional.
- 183) Accordingly, Ms Philips considers it unnecessary to include a specific definition of Deep Geotechnical Investigation. I agree and **recommend that the submission be rejected**.
- 184) However, should the Hearings Panel consider after hearing all the evidence that greater specificity is required, Rule 4h.3.7 could be amended such that the term ‘Deep Geotechnical Investigation’ can be referenced to include *NZGS/MBIE Earthquake Geotechnical Engineering Practice Module 2: Geotechnical Investigations for earthquake investigation (Module 2)*.
- 185) **Mega Food Services Ltd**¹²⁴ also seek to remove the requirement for Deep Geotechnical Assessment from Rule 4h.3.7 on the basis that a Preliminary Geotechnical Report (**PGAR**) has been undertaken for the site.
- 186) This matter has been considered by Ms Philips¹²⁵ she identifies that the PGAR identifies that the site is geotechnically suitable for the specific development to which it related, as subject to further conditions and based on a site walkover and shallow hand investigation. Accordingly, Ms Philips identifies that the provisions recommended in Rule 4h.3.7 respond to the specifics of the application of the Taupō Industrial zone which may provide for a variety of potential subdivision layouts and configurations and appropriately respond to the geotechnical hazards in relation to such. As she

¹²² OS21.2

¹²³ EIC Philips [3.5]

¹²⁴ OS21.5

¹²⁵ EIC Philips [4.5]

identifies: “The PGAR that currently exists for the site, will not necessarily be applicable to all future development plans” for Broadlands Road West¹²⁶.

- 187) Accordingly, I agree with Ms Philips¹²⁷ that the provision of deep geotechnical investigations accompanying subdivision application for Broadlands Road West – Area 4 is both efficient (in terms of its costs and benefits), and effective in terms of achieving provisions in the WRPS (**HAZ-P1, HAZ-P2**) and the Operative Plan (**Objective 3L2.1** and **Objective 3L2.2**) relating to Natural Hazards.
- 188) The submission is **recommended to be rejected**.

Geothermal Significant Natural Areas

- 189) These submissions can be grouped as follows:
- a. Submissions seeking additional analysis and mapping of Geothermal SNAs, including review of the Geothermal Module of the Waikato Regional Plan to determine whether there are additional Significant Geothermal Features on the Broadlands Road West rezoned site. These submitters include A Delich¹²⁸, the Department of Conservation¹²⁹, and Taupō Climate Action Group¹³⁰. The submission from DoC requests retention of the Rural Environment Zone, and is supported in a further submission by EnviroNZ¹³¹ and opposed by Mega Food Services Limited¹³².
 - b. Submissions seeking that should Broadlands Road West contain additional Geothermal SNA’s, that there should be appropriate protections, including:
 - i. buffers, and provision for essential ecological work and education. These submissions include Tukairangi Trust¹³³, A Delich¹³⁴ (as opposed by further submissions from Mega Food Services Limited¹³⁵);
 - ii. requirements for Ecological Mitigation Plans (A Delich¹³⁶, Taupō Climate Action Group¹³⁷).
- 190) In terms of **submissions seeking additional analysis and mapping of Geothermal SNA’s** I reference the additional analysis undertaken by Mr Shaw in response to submissions¹³⁸; and my consideration of

¹²⁶ EIC Philips [4.5(e)]

¹²⁷ EIC Philips [4.5(g)]

¹²⁸ OS62.3, OS62.4, OS62.5

¹²⁹ OS89.21

¹³⁰ OS114.14

¹³¹ FS238.67

¹³² FS203.6

¹³³ OS46.5, OS46.14

¹³⁴ OS62.1

¹³⁵ FS203.2, FS203.14, FS203.4

¹³⁶ OS62.1

¹³⁷ OS114.15

¹³⁸ EIC Shaw [Section 2.0]

the respective statutory framework, including the NPS-IB which comes into force on 4 August 2023 [Section 2.6].

- 191) I agree [123]] with the analysis of Mr Shaw that a number of features identified reach the threshold for ecological significance, including evaluation against relevant criteria in the WRPS (APP5)¹³⁹, Operative Taupō District Plan (Appendix 5)¹⁴⁰ and NPS-IB (Appendix 1)¹⁴¹. I have recommended that these features warrant being identified as ecologically significant, and accordingly require recognition and protection in the Taupō District Plan.
- 192) Accordingly, I **recommend** that the submissions of A Delich¹⁴² and Taupō Climate Action Group¹⁴³ **be accepted**.
- 193) I recommend that the submission from the Department of Conservation¹⁴⁴ be **accepted in part**. The rezoning to Taupō Industrial Environment as now recommended through this s42A Report introduces protections for these ecologically significant features that would not otherwise exist under the operative Rural Environment¹⁴⁵ as has been sought to be retained by this submitter. Furthermore, the presence of these discrete features does not render an entire 20ha rezoning to Taupō Industrial Environment the less appropriate in terms of a consideration pursuant to s32. This is also recognised by Clause 3.5(1) of the NPS-IB:

3.5 Social, economic, and cultural wellbeing

(1) Local authorities must consider:

(a)

(b) that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms; and ...

- 194) Accordingly, I recommend that the further submissions from EnvironNZ¹⁴⁶ supporting the DoC submission seeking retention of the Rural Environment, and Mega Food Services¹⁴⁷ opposing the provision of additional SNA protections contained in the DoC submission **be rejected**.
- 195) 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).

¹³⁹ EIC Shaw [4.1]

¹⁴⁰ EIC Shaw [4.2]

¹⁴¹ EIC Shaw [4.3]

¹⁴² OS62.3, OS62.4, OS62.5

¹⁴³ OS114.14

¹⁴⁴ OS89.21

¹⁴⁵ EIC Shaw [6.6, 6.7]

¹⁴⁶ FS238.67

¹⁴⁷ FS203.6

- 196) I have identified at [124] the basis of a 20m buffer. Accordingly, I **recommend acceptance** of the submissions of A Delich¹⁴⁸.
- 197) I have also identified that there is a range of conservation activities [124] that would be permitted within the Geothermal SNA and buffer that accords with the submission of Tukairangi Trust¹⁴⁹ and **recommend that submission be accepted in part**; noting that this regulation does not extend to non-regulatory and education activities as also sought by this submitter. The further submissions from Mega Food Services Limited¹⁵⁰ is also therefore **recommended to be accepted in part**.
- 198) Lastly, I have recommended that subdivision associated with Section 14 SO438782 within the Broadlands Road West – Outline Development Plan Area is a restricted discretionary activity with the Council’s discretion reserved to the notated Significant Geothermal Features as associated with matters related to subdivision configuration, an ecological management plan, and controls on stormwater management and construction activities. That approach is based on the evidence provided by Mr Shaw¹⁵¹ and my consideration of the application of the respective statutory framework, I consider the approach to be the more appropriate, **effective** and **efficient** for the reasons outlined in [126] and [127].
- 199) Accordingly, I **recommend acceptance in part** of the submissions from Tukairangi Trust¹⁵², A Delich¹⁵³, and Taupō Climate Action Group¹⁵⁴.

Miscellaneous Matters

- 200) The submission from Contact Energy¹⁵⁵ **seeking that that part of the Broadlands Road West site as owned by Contact Energy retains its Rural Environment** (zoning) is **recommended to be rejected**. This submission is supported in Further Submissions from Mega Food Services Limited¹⁵⁶ and Environ¹⁵⁷. Accordingly, these Further Submissions are **recommended to be rejected**.
- 201) As identified in the evidence of Mr Heath, the inclusion of Industrial rezonings in PC43 is to provide sufficient development capacity for long term (30 year) demand. The rezoning does not require the landowner to facilitate Industrial activity and only enables such.
- 202) In addition, over the 30-year time period associated with the provision of long-term sufficient development capacity, ownership and ownership intent can change.

¹⁴⁸ OS62.5

¹⁴⁹ OS46.5, OS46.14

¹⁵⁰ FS203.3, FS203.2

¹⁵¹ EIC Shaw [5.6]

¹⁵² OS46.5, OS46.14

¹⁵³ OS62.5

¹⁵⁴ OS114.15

¹⁵⁵ OS93.82

¹⁵⁶ FS203.9, FS203.10

¹⁵⁷ FS238.71

- 203) Regardless, as a Tier 3 local authority, the Taupō District Council has responsibilities (NPS-UD, Clause 3.9, 3.10 and 3.11) to monitor, assess and respond to meeting requirements to provide at least sufficient development capacity for business land in urban environments, which requires ongoing consideration as to whether Broadland Road West (in its entirety) is developed in the manner provided.
- 204) Consultation of the alternative land options which ultimately led to the notification of PC43, included meetings with Contact Energy representatives on 5 May 2022, 5 July 2022, and 18 July 2022. It was understood from those meetings that there were several land alternatives where Contact Energy advised the Council that such sites should be disregarded due to encumbrances. Broadlands Road West – Area 4 was not a site identified as being constrained in such a manner.
- 205) Submissions from A Delich¹⁵⁸ and Taupō Climate Action Group¹⁵⁹ **seek to include a requirement for the hydrological assessment of effects of development on groundwater recharge** within Rule 4h.3.7 as it relates to the Broadlands Road West – Area 4 site.
- 206) I note that the status of Rule 4h.3.7 as a discretionary activity means that any effect is able to be considered. The rule is explicit however in ensuring that the determination of groundwater profile and susceptibility to liquefaction and risk of subsurface flows is accounted for, as based on the recommendations from WSP as contained in the s32 accompanying the Plan Change. A specific hydrological assessment of effects is not explicitly required under Rule 4h.3.7.
- 207) This matter has been considered by both Ms Philips and Mr Shaw. Mr Shaw considers that such a requirement is excessive unless a subsurface extraction of geothermal fluid is proposed¹⁶⁰. Ms Philips considers that a hydrological assessment of effects is beyond what would reasonably be required to assess geotechnical risks to industrial development at the Broadlands Road West site¹⁶¹.
- 208) I agree, noting that if there is material discharge or take of groundwater or extraction of geothermal fluid that this is a matter for consideration and consent from the Waikato Regional Council. Accordingly, based on the above I consider the submissions and associated relief would be inefficient in terms of increasing economic costs associated with subdivision, use and development that does not result in material environmental benefits.
- 209) Accordingly, the submissions from A Delich¹⁶² and Taupō Climate Action Group¹⁶³ are **recommended to be rejected**. Consequently, the further submission from Mega Food Services Limited opposing the submission of A Delich¹⁶⁴ and Taupō Climate Action Group¹⁶⁵ is **recommended to be accepted**.

¹⁵⁸ OS62.1

¹⁵⁹ OS114.16

¹⁶⁰ EIC Shaw [6.2, Response to OS62.1]

¹⁶¹ EIC Philips [4.6]

¹⁶² OS62.1

¹⁶³ OS114.16

¹⁶⁴ FS203.4

¹⁶⁵ FS203.8

4.10 Submissions supporting Taupō Industrial Environment for Broadlands Road West – Area 4

- 210) There are three submissions seeking support for the inclusion of 63 Broadlands Road in the Taupō Industrial Environment all received from Mega Food Services Limited¹⁶⁶. These submissions have attracted two Further Submissions in opposition from EnviroNZ¹⁶⁷.
- 211) I have recommended that Broadlands Road West – Area 4, in its entirety be rezoned as Taupō Industrial Environment, as subject to those amendments associated with Geothermal Significant Natural Areas. Accordingly, I recommend that the submissions from Mega Food Services Limited **be accepted**. Conversely the Further Submissions from EnviroNZ are **recommended to be rejected**.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS21.1	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Submitter supports the inclusion of 63 Broadlands Road in the Taupō Industrial zone and seeks this be retained.	Submitter seeks 63 Broadlands Road be retained as industrial land as notified.
FS238.3 Sub 21.1	Kaaren Rosser for EnviroNZ		Oppose	Oppose	63 Broadlands Road is sufficiently close to the landfill to be potentially exposed to adverse effects from the operation of the landfill.
OS21.3	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Section 32	Support	The submitter supports the section 32 and its recommendation to include 63 Broadlands Road as Taupō Industrial Environment.	Retain the s32 report and retain its recommendation to include 63 Broadlands Road as Taupō Industrial Land.
FS238.4 Sub 21.3	Kaaren Rosser for EnviroNZ		Oppose	Oppose	63 Broadlands Road is sufficiently close to the landfill to be potentially exposed to adverse effects from the operation of the landfill.
OS21.4	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Submitter supports the planning maps including 63 Broadlands Road as Taupō Industrial with the sensitive land overlay and seeks this be retained.	Retain the planning maps inclusion of 63 Broadlands Road as Taupō Industrial Environment with the sensitive land overlay.

- 212) For completeness, I note that the Further Submissions from EnviroNZ (FS238) extend beyond the statutory purpose associated with making a further submission pursuant to Clause 8 of Schedule 1. Sub-clause (2) states that:

(2) A further submission given under subclause (1) or (1A) must be limited to a matter in support of or in opposition to the relevant submission made under clause 6 or 6A.

- 213) The Further Submission from EnvironNZ raises issues of adverse effects on the Broadlands Road West Taupō Industrial Zone from the operation of the Taupō Landfill. Putting aside the statutory limitation that further submissions cannot extend to such matters, and that should Mega Food Services Limited seek to withdraw its submissions, this would extinguish the further submission from EnviroNZ, I do not agree that the premise of sensitivity arises.

¹⁶⁶ OS21.1, OS21.3 and OS21.4.

¹⁶⁷ FS238.3, FS238.4, FS238.21

214) I do consider that Industrial activities that would be enabled by the rezoning are not incompatible with proximate well-functioning and managed landfill operations, especially given: the 500m+ separation distance between the proposed rezoned area and the landfill tip face; that presumably there are appropriate conditions of consent applied to the landfill to manage odour and dust nuisance; and Module 6 'Air' of the Waikato Regional Plan, including Policy 1(b) and Rule 6.1.8 requires that there is no objectionable odour to the extent that it causes an adverse effect beyond the property boundary.

4.11 Submissions supporting PC43 in Full

215) There are three submissions fully in support of PC43 as notified including Amplify¹⁶⁸, JM Hargreaves¹⁶⁹ and Federated Farmers¹⁷⁰. The submission from Amplify is supported in a further submission from TIEL¹⁷¹ as is the submission from Federated Farmers¹⁷².

216) Apart from the amendments discussed above, PC43 and the rezoning of Napier Road – Area 7 and Broadlands Road West – Area 4 to Taupō Industrial Environment is recommended. Accordingly, these submissions are **recommended to be accepted in part**.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS55.6	Enterprise Great Lake Taupō trading as Amplify	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Amplify supports the changes. We agree that there is a demand and need for additional industrial land within the Taupō District. It is important for the economic growth and development of the region that a suitable supply of appropriate land is available and support the plan to rezone land to either Taupō or Centennial Industrial Environment. We would encourage more industrial land to be made available than just the proposed areas for assessment. This would assist to provide simplicity for development in the future.	Retain
FS232.2 Sub 55.6	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter is in full support of the PC has notified. The submitter agrees that there is a demand and need for additional industrial land within the Taupō District. It is important for the economic growth and development of the region that a suitable supply of appropriate land is available and support the plan to rezone land to either Taupō or Centennial Industrial Environment.

¹⁶⁸ OS55.6

¹⁶⁹ OS17.7

¹⁷⁰ OS91.22

¹⁷¹ FS232.2

¹⁷² FS232.5

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS17.7	Jennifer Molloy-Hargreaves	Plan Change 43 - Taupō Industrial Zone	Support	Submitter is fully supportive of Plan Change 43.	Retain Plan Change 43 as notified.
OS91.22	Federated Farmers of New Zealand – Rotorua / Taupō	Plan Change 43 - Taupō Industrial Zone	Support	Federated Farmers supports proposed plan change 43 in its entirety. The new land to be rezoned is located adjacent to the existing industrial zone which should allow for easy access to the required infrastructure. The industrial zone is located on the edge of Taupō, and it makes sense to rezone land next to the existing zone rather than locating a new industrial zone elsewhere where it could impact on the rural environment.	(d) the retention of the proposed plan change as currently drafted or with wording to similar effect; and (e) any consequential amendments required as a result of the relief sought
FS232.5 Sub 91.22	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter supports proposed plan change 43 in its entirety, noting that the new land to be rezoned is suitably located near existing industrial zones and adjacent to key transportation networks.

4.12 Submissions opposing PC43 in Full

- 217) The submission from Waikato Regional Council¹⁷³ opposes PC43 and is opposed in Further Submissions from Mega Foods Services Limited¹⁷⁴ and TIEL¹⁷⁵.
- 218) The WRC submission opposes the rezonings on the basis that Industrial development places a risk to Significant Natural Areas and Significant Geothermal Hazards. If rezoned, WRC seek that development of only those portions of the sites which are devoid of geothermal hazards.

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS29.19	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	WRC opposes the proposed rezoning of sites 4 and 7 for industrial development. We recommend TDC to assess areas for development that do not pose risks for Significant Natural Areas (SNAs) and for Significant Geothermal Features (SGFs) and are free from geothermal hazards as these can pose risks for human health.	That site 4 and site 7 are not rezoned for industrial purposes. This is our preferred relief. If not possible to assess other areas for industrial development, that TDC only rezones parts of the sites that are free from geothermal hazards and provide strict controls to manage development within and adjoining sites 4 and 7, including planted buffers protecting the SNAs and SGFs from development and buffers to mitigate air quality issues as well as setbacks from the hot ground overlay. Further, plan provisions must only allow for light commercial activities as permitted activities.

¹⁷³ OS29.19

¹⁷⁴ FS203.1

¹⁷⁵ FS232.1

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
FS203.1 Sub 29.19	Mega Food Services Limited		Oppose	Oppose	We submit that Broadlands Road West should be re-zoned Taupō Industrial. Council has gone through an options appraisal in 2017 with the Growth Management Strategy where it identified a number of other pieces of land for industrial rezoning, but they have decided to proceed with just these two sites. Geothermal areas cover much of the Taupō town. Geotechnical testing provides sufficient detail to assess what actual hazards exist on site. We have provided preliminary geotechnical testing report to council during their s42a analysis for them to be satisfied that 63 Broadlands Road is suitable for development. Detailed geotechnical testing will occur at time of building consent. The Waikato Regional Plan has a setback rule regarding the Geothermal Feature on site. This already provides for sufficient setback from the geothermal feature on site.
FS232.1 Sub 29.19	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL have commissioned an independent geotechnical report prepared by HD Geo to provide a preliminary geotechnical investigation for Site 7. The scope of this assessment included an evaluation of the actual and potential geothermal activity on the site. The key findings of this assessment conclude that the site does not contain any Significant Geothermal Features. On this basis the planted buffers and additional setbacks requested by the submitter are not necessary. Furthermore, given Site 7 is held in pasture, the area does not contain land which could be categorised as 'Significant Natural Area' (SNA). On this basis, TIEL seeks that the PC is approved as notified.

219) As identified in this evidence, both Broadlands Road West – Area 4 and Napier Road – Area 7 are not subject to any notation in either the operative District Plan, Regional Plan or Regional Policy Statement identifying an SNA or SNF. However, as a consequence submissions, further analysis and recommendations in this report, additional Geothermal Significant Natural Areas have been identified, and are to be recognised in an inserted Broadlands Road West Outline Plan, with accompanying protections in terms of both land use and subdivision rules. Accordingly, the provisions of the Plan adequately address the values associated with SNAs and SNFs.

- 220) With respect to geothermal hazards, as set out in the evidence of Ms Philips¹⁷⁶ the boundaries of Broadlands Road West – Area 4 rezoning have been established to ensure a minimum 100m buffer from mapped geothermal hazards. In addition, as notated as Sensitive Land in the Taupō District Plan, additional requirements are sought to be applied to subdivision (Rule 4h.3.7) to ensure appropriate deep geotechnical investigation informs site planning and layout¹⁷⁷. Accordingly, the provisions of the Plan adequately address the risk of geothermal hazards to industrial development on both sites¹⁷⁸.
- 221) As identified above, the rezoning of Napier Road – Area 7 and Broadlands Road West – Area 4 to Taupō Industrial Environment is recommended. The submission from WRC is **recommended to be rejected**, and Further Submissions from TIEL and Mega Foods Services Limited **recommended to be accepted**.

4.13 Additional Rezonings Sought

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought
OS41.18	Rangatira Block Trusts	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The new provisions of the RMA and other relevant legislation has recognised that Māori are entitled, within certain limits, to develop practices and exploit their resources by acquiring and adapting new skills and technology in the same way as other communities	Amend to zone part of the Rangatira E land as industrial as the section 32 evaluation & methodology are flawed and had no regard for the RMA requirement to consider the development of maori owned land as to the following.
OS47.1	Wairarapa Moana Incorporation Ltd	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	There is a lack of provision for Industrially zoned land in Mangakino. We note that the scope of the Industrial Plan Change and the S32 assessment does not include assessment of industrial needs of Mangakino and the surrounding area.	To amend the Industrial zoning to include in this plan change provision for Industrial zoned land in Mangakino for future business growth to support Mangakino and surrounding areas

- 222) The submission from the Rangatira Block Trusts¹⁷⁹ who represent significant Maori land holding trusts that own Rural Environment land on the western side of the Waikato River of approximately some 1500ha.
- 223) The Section 32 accompanying PC43 considered Rangatira E – Site 6, as part of the wider 1500ha referred to.

¹⁷⁶ EIC Philips [4.2(d)]

¹⁷⁷ EIC Philips [4.2(e)]

¹⁷⁸ EIC Philips [4.2(f)]

¹⁷⁹ OS41.18. Includes: Rangatira E Trust, The Proprietors of Hirharama Ponui Block, Rangatira Point Incorporation, Paenoa te Akau Trust, Rangatira 8A14A (Paenoa Te Akau Block), Rangatira 8A16 (61 Huka Falls Rd) and Rangatira 8A17 (Nukuhau)

Figure 5: Rangatira E – Area 6 as assessed in PC43, Section 32



- 224) The Section 32¹⁸⁰ identified that the Rangatira E – Site 6 has the following associated costs and hurdles to accommodate a Taupō Industrial Environment (zone):
- a. the area was not identified in the Taupō Commercial and Industrial Structure Plan (2011) as a Planned Industrial Growth Area¹⁸¹,
 - b. that there are substantial transport infrastructure impediments and costs¹⁸² (including capacity issues associated with the Poihipi Road / Wairakei Drive Intersection and Control Gates Bridge),
 - c. Geotechnical costs¹⁸³ associated with the localised gully system, and
 - d. Economic costs¹⁸⁴ associated with serving and infrastructure connections including the need to create a new high pressure water service network and an absence of wastewater capacity (including for at the Control Gate Bridge)¹⁸⁵, continuity (urban consolidation), and productive soils (44ha is notated as LUC Class 3 soils).
- 225) I agree with the submission that there is a statutory requirement on Taupō District Council to have regard to and take into account the relationship of Maori / Iwi and Hapu with their ancestral land, and aspirations for self-determination. These matters are enshrined in sections 7 and 8 of the Resource Management Act 1991. These matters are elaborated on and provided a local context through PC38 which introduces Strategic Directions Section 2.1.
- 226) Regardless, the respective statutory framework is to be read as a whole, with all competing considerations to be accounted for, and the Council is required to provide a District Plan that responds

¹⁸⁰ PC43. Section 32 [Appendix F]

¹⁸¹ Taupō Commercial and Industrial Structure Plan (2011)[20]

¹⁸² PC43. S32 [Abley. Attachment C. Section 3.3]

¹⁸³ PC43. S32 [WSP. Attachment D. Section 10]

¹⁸⁴ PC43. S32 [PEL. Attachment A. Section 7.6].

¹⁸⁵ PC43. S32 [Council Engineering Team. Attachment B]

to the significant resource management issues and impose provisions, 'for the district'¹⁸⁶ as a whole. Whilst the Maori dimension and issue of iwi determination raised in the submission is important, it is not on its own decisive and other matters still need to be taken into account. Simply, while self-determination associated with development of Maori land to enable Tangata Whenua to enable economic wellbeing requires careful consideration, other matters may in the end be found to be more cogent when considered in the round.

- 227) I consider that the framework allows for the weighing and balancing of all considerations; this includes but is not limited to the scale and degree, and relative significance of the requirement for development on Māori land to enable tāngata whenua to fulfil the cultural, economic and social aspirations of those owners; however other provisions of the Plan also apply and may provide environmental constraints to the full enablement of such aspirations.
- 228) I consider that the s32 assessment demonstrates genuine attention has been provided to the scale and degree of development opportunities (and constraints) associated with the Rangatira E – Site 6.
- 229) Given those identified constraints to the application of the Taupō Industrial Environment (zoning), I consider that rezoning of the Rangatira E – Site 6 would not be **efficient**, as the resultant social, economic and environmental costs outweigh the benefits (including those associated with economic and cultural wellbeing) associated with the rezoning. I have also concluded that such a rezoning would not be **effective** in achieving the respective statutory framework.
- 230) I am therefore not of the view that the 'balance of considerations' referred to above should prevail in support of a rezoning to Taupō Industrial Land of Rangatira E – Site 6, and accordingly I **recommend that this submission be rejected**.
- 231) I also understand that the Council is underway with developing an agreement with the owners of Rangatira E to work in partnership on a structure plan and associated plan change. This will allow the council and the landowner to look at the entirety of this site in a comprehensive manner. This has been identified in the evidence of Ms Samuel (para 16) which outlines the Councils future resource management work programme.
- 232) The submission from Wairarapa Moana Incorporation Ltd¹⁸⁷ seeks provision for Industrially zoned land in Mangakino. No submitter evidence has been provided in support of this submission point, including any recommended area to inform potential further submissions (in either support or opposition), or an accompanying s32 assessment outlining the costs and benefits associated with any proposed area. Mangakino is not subject to PC43.

¹⁸⁶ S75(1), s75(2(a))

¹⁸⁷ OS47.1

233) I also understand that the council (as outline by Ms Samuel) is that a review of the chapter 3e Land Development section of the District Plan is also included in the upcoming work programme, and that this will follow the review of TD2050 (2018) to meet the RPS requirements.

234) **I recommend that this submission be rejected.**

5 Conclusion

235) For the reasons included throughout this report, I consider that the recommended minor amendments to the provisions as otherwise notified within PC43 will ensure that the provisions are the most appropriate way:

- a. to implement:
 - i. the relevant Policies and achieve the Objectives; and
 - ii. the outcomes sought by other relevant statutory documents; and
- b. provide the necessary platform for the efficient and effective administration of provisions.

Matt Bonis
13 July 2023

Attachment A: TABLE OF SUBMISSION POINTS

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS46.15	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Another strange Industrial Zone suggestion is on Poihipi Rd, it doesn't seem appropriate, given the premise to consolidate zones. It is out on a limb in a rural area. It would be easier to make an assessment as to its suitability for industrial zoning if land tenure and proposed use (if known) were made public when calling for submissions.	Do not zone Poihipi Road land as Industrial.	Reject	4.3
OS10.2	Anna Pol	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Submitter opposes the industrial area indicated on the map north and adjacent to Titan Way, due to the elevation and close proximity to rural lifestyle.	Submitter seeks the removal of the proposed industrial area indicated on the map north and adjacent to Titan Way.	Reject	4.3
OS62.2	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	Mitigation to create an indigenous dominant buffer and increase the resilience of a geothermal ecosystem include fencing to exclude vehicles and industrial encroachment, weed control, planting of native buffer vegetation, and animal pest control. Weed and pest control also critical	As the landholders will benefit financially from any plan change which re-zones this land to industrial land, it is prudent to think about the potential for future developers to contribute to ecological mitigation at this site. There are opportunities to improve the existing geothermal ecosystem from the current baseline, which would also increase the resilience of this ecosystem to any potential environmental effects.	Accept in part	4.3, Para 126)
FS203.5 Sub 62.2	Mega Food Services Limited		Oppose	Oppose	For any sort of financial mitigation to be considered, actual damage and adverse effect to the SNA would need to be established. Most of the site will remain in rural zoning and	Reject	4.3

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					only a portion of the site will be zoned industrial, therefore I am not convinced that there will be any adverse effect on the SNA and therefore maintenance of the asset falls to the land owner and other environmental funds that they can apply for. We note that only 11ha of the owned 20 ha in title Section 14 SO438782 (title) 631309 is proposed Industrial land and therefore sufficient buffer to SNA and geothermal features are already provided.		
FS229.10 62.2	Contact Energy Limited		Oppose	Oppose	The submitter is seeking amendments to provide for an indigenous buffer between geothermal ecosystems and industrial development. The submission relates to the proposed Industrial rezoning at Broadlands Road (and therefore appears to be a submission to Plan Change 43 not Plan Change 38). The principle of creating a buffer on industrial zoned land (and potentially rendering areas of industrial land unsuitable for development) is opposed; particularly in the absence of appropriate information and detail to understand the location and scale of the proposed buffer	Reject	4.3
FS232.3 Sub 62.2	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	The HD Geotechnical Report concludes that Site 7 does not contain any evidence of hot springs, steam vents, steaming grounds or mud pools or any area that could be categorised as Significant Geothermal Feature or Significant Natural Area. On this basis, the additional	Reject	4.3

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					restrictions identified by the submitter are not necessary in how they relate to Site 7. Furthermore, it is inappropriate to include plan provisions that require the specific management and mitigation criteria outlined by the submitter. This level of detail (if required) is best managed through a resource consent process. On this basis; TIEL are in opposition to the relief sought by the submitter.		
OS29.26	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone	Seek amendment	Change 1 to the WRPS has been notified and so is a 'proposed policy statement'. District Councils are required, when preparing a change to the district plan, to have regard to the WRPS under section 74(2)(a)(i) of the RMA	Give regard to Change 1 to the WRPS as a 'proposed policy statement' in the proposed plan changes.	Reject	4.4
OS29.32	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone	Seek amendment	WRC considers that PPC38-43 should follow the new plan format provided with the National Planning Standards.	Update PC43 to the new plan format provided with the National Planning Standards 2019	Reject	4.4
OS115.20	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That the objectives and policies of the strategic directions and Plan Changes 38 to 43 recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki as set out within Section 181 of the Settlement Act.	Amend PC43 to recognise and provide for the vision, objectives, values, and desired outcomes in Te Kaupapa Kaitiaki.	Reject	4.4
OS115.26	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That the content and interpretation of the objectives, policies, rules and performance standards of Plan Changes 38-43 respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Amend Plan Changes 43 to respect and reflect a genuine understanding and commitment to the principles of Te Tiriti/The Treaty of Waitangi.	Reject	4.4

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS115.32	Te Kotahitanga o Ngati Tuwharetoa	Plan Change 43 - Taupō Industrial Zone	Seek amendment	That TDC ensure that the content and interpretation of the objectives and policies of Plan Change 38-43 reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities	Amend Plan Change 43 to reflect the new wording of the NBE and SP Acts once these are ratified by the appropriate regional authorities.	Accept in part	4.4
OS101.10	Jane Penton LWAG	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Support	Ref 4.h.37 & our previous comment: 'Low-impact design principles require monitoring and enforcing.	LWAG support the requirement for 'a stormwater management plan' and ask that these are enforceable.	Accept	4.5
OS113.37	Waka Kotahi NZ Transport Agency	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter appreciates that that the Taupō Future Industrial Land Option Economic Multi-Criteria Analysis 2022 indicates that there is a shortfall in industrial land supply. However, considers that not enough investigation has been undertaken against key documents to show the suitability of this rezoning. In order for these two locations (particularly Site 4 - Broadlands) to be considered suitable for rezoning as industrial land, further evaluation of the ability to reduce Vehicle kilometres travelled and service the sites with active and public transport should be undertaken.	The submitter seeks the following relief: For an assessment to be undertaken as to how Site 4 and Site 7 will align with the Waikato Regional Policy Statement - Change 1, the NZ Emissions Reduction Plan, reduction in vehicle kilometres travelled (VKT) and the provision of active and public transport. Subject to the assessments indicating that these measures can be achieved, provision should be made through the rules / standards to ensure delivery of these measures for Site 4 and Site 7.	Reject	4.5
FS203.7 Sub 113.37	Mega Food Services Limited		Oppose	Oppose	The details that NZTA seek form part of an application not a district plan change. Therefore this level of detail is likely to be uncovered when a specific land use is proposed. When an application is needed for land use, assessment against the regional plan can be undertaken at that time and consents sought if needed.	Accept	4.5

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
FS232.7 Sub 113.37	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	The reference to “key documents” by the submitter is vague and needs further explanation. However, as outlined within TIEL’s initial submission in support of the PC, from a transportation perspective, the proposed rezoning of Site 7 provides opportunities to maximise the investment value in the existing and planned transport networks. The PC will enable the relocation of industrial and ‘big box’ car-based retail outlets to locate adjacent to the arterial road network (State Highway 1 and 5), potentially removing these activities and their associated high car use and commercial vehicle needs from the town centre. Site 7 has potential to connect to the existing walking and cycling network along the Eastern Taupō Arterial and is well located in relation to other similar activities, existing and planned residential areas to provide employment opportunities as well as some everyday supporting services which reduces people’s overall need to travel TIEL is in opposition to this submission insofar as it relates to Site 7.	Accept	4.5
OS79.8	Cheal Consultants	Plan Change 43 - Taupō Industrial Zone > 4h Taupō Industrial Environment and Centennial Industrial Environment	Seek amendment	The provision of additional industrially zoned land is excellent to support industrial growth. Map 2 provides for an area of Industrial land in close proximity to Residential zoned land. Neither the subdivisions rules or the assessment criteria	Ensure that the future interface of Map 2 industrial zone with Residential zone, and the amenity of the Eastern gateway to Taupō is considered at the time of subdivision in particular if a controlled activity subdivision is proposed. Identifying the land	Reject	4.6

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				address this. There are provisions relating to avoiding non-industrial activities within the Industrial Zone and existing policy 3t.2.6 requires consideration of this matter. Careful consideration is required to ensure that this policy is sufficient for this location and is reflected in a controlled activity subdivision	as Sensitive with specific assessment criteria could address this. Or the addition of assessment criteria in 4h.4.12.		
OS29.20	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter opposes this provision in part and seeks an amendment.	Amend the rule 4h.3.7 as follows: ...In applying this Rule to the Sensitive Land Overlay within Section 14 SO 40438782 and Lot 1 DP 445148 and Lot 2 DP499406 ,...	Accept in part	4.6
FS238.24 Sub 29.2	Kaaren Rosser for EnviroNZ		Oppose	Oppose	Submitter prefers that Site 4 is not rezoned and that subdivision is discretionary within 1.5km buffer of landfill.	Reject	4.10
OS67.1	Advance Properties Group Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	The land proposed to be zoned for industrial purposes adjoins residentially zoned land. Residential and industrial land uses are considered to be inherently incompatible. The proposed rezoning is incompatible with the Consent Notice due to the notice limiting access onto Napier Taupō and the prescribed landuse which is a campus precinct. Although the s32 report supporting the Plan Change considers site constraints, the report does not refer to the Land Use Consent or the Consent Notice, nor does it assess the effects of the proposed rezoning on the land use outcomes intended through the EUL consent (including the range of	That the rezoning be disallowed	Reject	4.7

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				residential, accommodation, educational, and commercial activities provided for in The Campus Precinct).			
FS232.4 Sub 67.1	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL are in opposition to this submission, as the Taupō District Plan contemplates the interface between the Industrial Zone and Residential Zone land uses, by way of specific setbacks and landscaping requirements. Consent Notices on the Record of Title for the land within Site 7 are not relevant to the proposal to re-zone the land. Furthermore, consent notices may be removed by way of separate regulatory process pursuant to section 221 of the RMA.	Accept	4.7
OS114.17	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Submitter considers the inclusion of the site at 189 Napier Road from Rural to Industrial as inconsistent with 2.4 Strategic Direction Climate Change when there is already a large industrial area opposite this site.	The submitter seeks that the Industrial Zone at 189 Napier Road be removed.	Reject	4.7
FS232.8 Sub 114.17	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL is in opposition to this submission as TDC has confirmed in the S32 report that the existing land zoned industrial isn't sufficient to supply availability in 30 years plus (long term). The PC responds to the lack of sufficient industrial land supply and forecast growth of Taupō. Furthermore, the basis for the submitter's position regarding "Climate Change" is unclear and lacks explanation.	Accept	4.7
OS19.1	Taupō Industrial Estate Limited	Plan Change 43 - Taupō Industrial	Support	Support is for specifically the rezoning of the 4.5ha of land located at 189 Napier Road and	TIEL seek that that Plan Change 43 (PC43) as notified is approved by Taupō District Council. In	Accept	4.8

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
		Zone > Planning Maps		identified in Council's Section 32 analysis as 'Site 7' from Rural Environment to Taupō Industrial.	particular, TIEL seeks that the land identified in Council's 32 analysis as 'Napier Road' be rezoned from Rural Environment to Taupō Industrial.		
FS208.1 Sub 19.1	Warren Ladbrook		Oppose	Oppose	<p>The submission is opposed in its entirety;</p> <p>The reasons for opposing the submission are those set out in the submission of APGL (TDC submitter #67). The submission inappropriately downplays the significance of the Land Use Consent and Consent Notice (explained in my submission) that applies to the property, and applies regardless of the ownership of the property. Further, parts of their submission (eg paras 15 and 16) appear to misunderstand that the role of council as a consent authority is entirely separate to council as landowner. That distinction is a very significant one in terms of local authority transparency. The Napier Road site is required to be developed in accordance with the EUL land use consent until and unless that obligation is removed or varied through a future resource management process which council as consent authority (not landowner) will be responsible for. No rezoning should be contemplated until that process is firstly undertaken and unless the outcome of that process is consistent with the application of an Industrial Environment zoning for the site.</p>	Reject	4.8

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS93.77	Contact Energy Limited	Plan Change 43 - Taupō Industrial Zone	Support	Contact supports the proposed rezoning on Napier Road.	Contact seeks that Taupō District Council adopt PC43 as notified insofar as it relates to the 3.5 hectare block of land on the corner of Napier Road and the ETA, i.e. rezone it to Taupō Industrial Environment.	Accept	4.8
FS232.6 Sub93.77	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter is in full support with the PC as notified.	Accept	4.8
FS209.208 Sub 93.77	Manawa Energy Limited		Support	Allow	Manawa Energy supports this submission	Accept	4.8
OS21.2	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter acknowledges that it is appropriate for subdivision of 63 Broadlands Rd being a discretionary activity however seeks the addition of a definition for 'deep geotechnical investigation'.	Submitter seeks an amendment to add a definition for 'deep geotechnical investigation'.	Reject	4.9
OS21.5	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > 4h.3 Subdivision Rules	Seek amendment	Submitter has attached the Preliminary Geotechnical report undertaken for this site to this submission and no recommendation for a deep geotechnical investigation has been made in this report. The assessment must be informed by the deep geotechnical investigation following and shall also include, but not be limited to.	Amend - strike out the words 'the assessment must be informed by deep geotechnical investigation and shall also include'.	Reject	4.9
OS46.5	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > 4h Taupō Industrial Environment and Centennial Industrial Environment	Seek amendment	The Industrial Zones identified on Broadlands Rd ,adjacent to Broadlands Geothermal Reserve an SNA vested to Iwi is inappropriate without some protection offered. In the past industrial businesses/properties bordering significant geothermal sites have used them as dumps, excavated within the SNAs or caused fires and damaged geothermal flora.	If industrial land is to be zoned by these areas a buffer zone should be afforded or vested for access for essential ecological work, businesses audited for incursion onto SNAs and business owners educated on the ecological significance/ importance and their responsibilities as neighbours to such sites.	Accept in part	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
FS203.2 Sub 46.5	Mega Food Services Limited		Oppose	Oppose	We note the comments made by Tukairangi Trust and agree that owners of land should act responsibly. Mega Foods Limited purchased the land off Taupō District Council approx 5 years ago and we are not aware of either land owner using the site as dumps and wonder if perhaps the general public have used them for such purpose in the past. Same too for any damage to the SNA adjoining the site.	Accept in part	4.9
OS46.14	Tukairangi Trust	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The Industrial Zones identified on Broadlands Rd ,adjacent to Broadlands Geothermal Reserve an SNA vested to Iwi is inappropriate without some protection offered. In the past industrial businesses/properties bordering significant geothermal sites have used them as dumps, excavated within the SNAs or caused fires and damaged geothermal flora.	If industrial land is to be zoned by these areas a buffer zone should be afforded or vested for access for essential ecological work, businesses audited for incursion onto SNAs and business owners educated on the ecological significance/ importance and their responsibilities as neighbours to such sites.	Accept in part	4.9
FS203.3 Sub 46.14	Mega Food Services Limited		Oppose	Oppose	These are issues of concern but not in the scope of a plan change. Fly tipping and damage to SNAs are public nuisance issues and need to be dealt with by the appropriate council monitoring officer.	Accept in part	4.9
OS62.1	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	In New Zealand, areas of geothermal vegetation are classified as naturally uncommon ecosystems, as they were rare prior to human colonisation. Of the five geothermal ecosystem types that have been identified, three are found within Broadlands Road geothermal area. These are Heated Ground, Fumaroles and Hydrothermally	If "Broadlands West" is to be re-zoned, I suggest that the following bulleted additions to the text in plan change 43, 4h.3.7 would address the concerns of this submission: "...shall also include, but not be limited to: • Ecological assessment of potential geothermal features, • Ecological mitigation plan	Reject	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				altered ground – now cool. All three of these rare geothermal ecosystems have been described as a critically endangered (Holdaway et al. 2012, Wiser et al. 2013). Geothermal ecosystems require the correct surrounding geological conditions to exist. They cannot be created like a native forest or a wetland. That is why it is particularly important to protect the geothermal ecosystems we have left. Geothermal kanuka (<i>Kunzea tenuicaulis</i>) is the predominant geothermal vegetation at Broadlands Road geothermal area and is a Threatened – Nationally Endangered species (De Lange et al. 2017).	<ul style="list-style-type: none"> Hydrological assessment of effects of development on groundwater recharge.” 		
FS203.4 Sub 62.1	Mega Food Services Limited		Oppose	Oppose	We disagree that additional assessment is necessary as a significant buffer to the SNA has already been provided. Ecological assessment would normally be required when the SNA is on the site where the development will occur. The proposed re-zoned land will be located some distance from the SNA and Geothermal feature. We note that Broadlands Road Reserve has no Geothermal Water Features so therefore a hydrological assessment of the effects of development on groundwater recharge would not be necessary.	Accept	4.9
OS62.3	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	The S32 does review “Natural Values” within SNA108, and I note that “site 4” is set back 100m from SNA 108. However,	The S32 should review the Geothermal Module of the Waikato Regional Plan in the context of the Broadlands Road	Accept	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				the geothermal values have not been adequately taken into account. The 100m setback from SNA108 does not include the potential geothermal vents in the centre of the site (outlined in pink in the attached Figure 1 map).	West site, and Significant Geothermal Features are not mapped. (Most recent map, as per Wildlands 2021 included in Figure 1).		
OS62.4	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	There are relevant rules in the Geothermal Module to the proposed plan change 43 at Broadlands Road West. In particular section 7.6.6 – Surface Activities Affecting Significant Geothermal Features. The geothermal module of the regional plan does not seem to have been reviewed as part of this plan change.	Review the Geothermal Module as part of the section 32 for Plan Change 32.	Accept	4.9
OS62.5	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	The Broadlands Road West Site has not had adequate ecological assessment completed as part of this proposed plan change. Potential hot vents towards the centre of the site (likely geothermal heated ground, or hydrothermally altered ground now cool – both critically endangered ecosystems) have not been included in the 100m setback from SNA108.	These areas must be assessed by a qualified ecologist, and if found to be geothermal ecosystems, must be excluded from the plan change with an appropriate buffer (minimum 20m). Any development of this site must come with conditions of contributing to the restoration of the adjoining geothermal systems, in order to halt the on-going decline of these critically endangered ecosystems.	Accept	4.9
OS89.21	Department of Conservation	Plan Change 43 - Taupō Industrial Zone	Oppose	Identified Site 4 is proposed to be rezoned from Rural Environment to Industrial Land. There is a lack of detail in the Section 32 Evaluation Report for Plan Change 43 in relation to the potential adverse effects on SNA180 from the rezoning of Site 4 to Industrial Land.	Retain identified Site 4 at 63 Broadlands Road and 261 Broadlands Road, Taupō as Rural Environmental Zone. Alternatively, complete additional investigations to determine whether there are any adverse effects on SNA180 or any area that meets the criteria of a SNA or geothermal SNA from	Accept in part	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					<p>the proposed rezoning of identified Site 4 to Industrial Land. Suggested relief includes, but is not limited to:</p> <ol style="list-style-type: none"> 1. A suitably qualified ecologist confirms whether identified Site 4 qualifies as an SNA or a geothermal SNA. 2. Complete further investigation to determine if other aspects of the NPS-IB should be explored in relation to the proposed rezoning. The NPS-IB is expected to be gazetted in December 2022. 3. Provide an Ecological Assessment to determine the indigenous biodiversity values of SNA180 and the impact (if any) of the proposed Industrial Land rezoning on those values through the application of the effects management hierarchy. 		
FS238.67 Sub 89.21	Kaaren Rosser for EnviroNZ		Support	Support	EnviroNZ supports the retention of the existing zoning but for reverse sensitivity reasons in relation to Taupō landfill.	Reject	4.9
FS203.6 Sub 89.21	Mega Food Services Limited		Oppose	Oppose	We believe that sufficient buffer to SNA has been provided. This is not shown very well in the plan change information. However approx 100m buffer has been provided and this will be sufficient to protect the SNA. We note that when the district wide performance standards are reviewed buffers to SNAs can be considered at that stage.	Reject	4.9
OS93.82	Contact Energy Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	Contact opposes PC43 in part. The eastern half (approximately) of the Broadlands Road site is land owned by Contact. It is unclear	Contact seeks its land proposed as industrial zoning remain as rural.	Reject	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
				as to why Taupō District Council is proposing to rezone Contact's land in this locality to Taupō Industrial Environment. Contact has previously advised Taupō District Council that it has no intention to develop (or allow others to develop) this part of its property for industrial purposes (at least in the foreseeable future). Contact is concerned that rezoning this land might create false expectations and the outcome will not assist Taupō District Council meet its obligations under the National Policy Statement on Urban Development 2020.			
FS203.9 Sub 93.82	Mega Food Services Limited		Support	Allow	Regarding 'Broadlands Road West' proposed re-zoning: We note that contact do not want their owned land re zoned. They want their land to remain in rural zone. We do not oppose this request. Their request relates to Lot 1 DP 445148, title 563557 which is located to the east of Mega Food Services site. The following snip from Grip shows the Contact land that this submission point relates to:	Reject	4.9
FS203.10 Sub 93.82	Mega Food Services Limited		Support	Allow	Keep Mega Food land in industrial plan change (title 621309) and if contact prefer to keep their owned land rural zoned remove their land from the proposed industrial zoning. We note that the remainder of the proposed industrial land should still be zoned Taupō Industrial. This is the land owned by the submitter and this is a map of the proposed	Reject	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					industrial land which includes contact land on the east side		
FS238.71 Sub 93.82	Kaaren Rosser for EnviroNZ		Support	Allow	This outcome would reduce reverse sensitivity effects to the Taupō landfill.	Reject	4.9
OS114.15	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	Submitter seeks that provisions include, but not be limited to an ecological mitigation plan	Accept in part	4.9
OS114.16	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	The submitter seeks that provisions include, but not be limited to a hydrological assessment of effects of development on groundwater recharge.	Reject	4.9
FS203.8 Sub 114.16	Mega Food Services Limited		Oppose	Oppose	The plan change information does not clearly show the large portion of the Broadlands Road West site that is not proposed for Industrial zoning. We note that only 11ha of the owned 20 ha in title Section 14 SO438782 (title) 631309 is proposed Industrial	Accept	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					land and therefore sufficient buffer to SNA and geothermal features are already provided. Therefore there is sufficient space on site for ground water recharge. See following map showing that the proposed industrial zoned land is not within the regional plan buffer setbacks to the geothermal features.		
OS114.14	Taupō Climate Action Group	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Geothermal ecosystems represent a unique habitat type that cannot be artificially created, and ongoing development of these areas contributes to the decline of these critically endangered ecosystems. Industrial development on the edge of other geothermal areas within the Taupō District has led to damage.	The submitter seeks that provisions include, but not be limited to the inclusion of an ecological assessment of potential geothermal features,	Accept	4.9
OS21.1	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Submitter supports the inclusion of 63 Broadlands Road in the Taupō Industrial zone and seeks this be retained.	Submitter seeks 63 Broadlands Road be retained as industrial land as notified.	Accept	4.10
FS238.3 Sub 21.1	Kaaren Rosser for EnviroNZ		Oppose	Oppose	63 Broadlands Road is sufficiently close to the landfill to be potentially exposed to adverse effects from the operation of the landfill.	Reject	4.10
OS21.3	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Section 32	Support	The submitter supports the section 32 and its recommendation to include 63 Broadlands Road as Taupō Industrial Environment.	Retain the s32 report and retain its recommendation to include 63 Broadlands Road as Taupō Industrial Land.	Accept	4.10
FS238.4 Sub 21.3	Kaaren Rosser for EnviroNZ		Oppose	Oppose	63 Broadlands Road is sufficiently close to the landfill to be potentially exposed to adverse	Reject	4.10

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					effects from the operation of the landfill.		
OS21.4	Mega Food Services Limited	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Submitter supports the planning maps including 63 Broadlands Road as Taupō Industrial with the sensitive land overlay and seeks this be retained.	Retain the planning maps inclusion of 63 Broadlands Road as Taupō Industrial Environment with the sensitive land overlay.	Accept	4.10
OS55.6	Enterprise Great Lake Taupō trading as Amplify	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Support	Amplify supports the changes. We agree that there is a demand and need for additional industrial land within the Taupō District. It is important for the economic growth and development of the region that a suitable supply of appropriate land is available and support the plan to rezone land to either Taupō or Centennial Industrial Environment. We would encourage more industrial land to be made available than just the proposed areas for assessment. This would assist to provide simplicity for development in the future.	Retain	Accept in part	4.11
FS232.2 Sub 55.6	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter is in full support of the PC has notified. The submitter agrees that there is a demand and need for additional industrial land within the Taupō District. It is important for the economic growth and development of the region that a suitable supply of appropriate land is available and support the plan to rezone land to either Taupō or Centennial Industrial Environment.	Accept in part	4.11
OS17.7	Jennifer Molloy-Hargreaves	Plan Change 43 - Taupō Industrial Zone	Support	Submitter is fully supportive of Plan Change 43.	Retain Plan Change 43 as notified.	Accept in part	4.11

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS91.22	Federated Farmers of New Zealand – Rotorua / Taupō	Plan Change 43 - Taupō Industrial Zone	Support	Federated Farmers supports proposed plan change 43 in its entirety. The new land to be rezoned is located adjacent to the existing industrial zone which should allow for easy access to the required infrastructure. The industrial zone is located on the edge of Taupō, and it makes sense to rezone land next to the existing zone rather than locating a new industrial zone elsewhere where it could impact on the rural environment.	(d) the retention of the proposed plan change as currently drafted or with wording to similar effect; and (e) any consequential amendments required as a result of the relief sought	Accept	
FS232.5 Sub 91.22	Taupō Industrial Estate Limited (TIEL)		Support	Support	The submitter supports proposed plan change 43 in its entirety, noting that the new land to be rezoned is suitably located near existing industrial zones and adjacent to key transportation networks.	Accept	4.11
OS29.19	Waikato Regional Council	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Oppose	WRC opposes the proposed rezoning of sites 4 and 7 for industrial development. We recommend TDC to assess areas for development that do not pose risks for Significant Natural Areas (SNAs) and for Significant Geothermal Features (SGFs) and are free from geothermal hazards as these can pose risks for human health.	That site 4 and site 7 are not rezoned for industrial purposes. This is our preferred relief. If not possible to assess other areas for industrial development, that TDC only rezones parts of the sites that are free from geothermal hazards and provide strict controls to manage development within and adjoining sites 4 and 7, including planted buffers protecting the SNAs and SGFs from development and buffers to mitigate air quality issues as well as setbacks from the hot ground overlay. Further, plan provisions must only allow for light commercial activities as permitted activities.	Reject	4.12

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
FS203.1 Sub 29.19	Mega Food Services Limited		Oppose	Oppose	We submit that Broadlands Road West should be re-zoned Taupō Industrial. Council has gone through an options appraisal in 2017 with the Growth Management Strategy where it identified a number of other pieces of land for industrial rezoning, but they have decided to proceed with just these two sites. Geothermal areas cover much of the Taupō town. Geotechnical testing provides sufficient detail to assess what actual hazards exist on site. We have provided preliminary geotechnical testing report to council during their s42a analysis for them to be satisfied that 63 Broadlands Road is suitable for development. Detailed geotechnical testing will occur at time of building consent. The Waikato Regional Plan has a setback rule regarding the Geothermal Feature on site. This already provides for sufficient setback from the geothermal feature on site.	Accept	4.12
FS232.1 Sub 29.19	Taupō Industrial Estate Limited (TIEL)		Oppose	Oppose	TIEL have commissioned an independent geotechnical report prepared by HD Geo to provide a preliminary geotechnical investigation for Site 7. The scope of this assessment included an evaluation of the actual and potential geothermal activity on the site. The key findings of this assessment conclude that the site does not contain any Significant Geothermal Features. On this basis the planted buffers and additional setbacks	Accept	4.12

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					requested by the submitter are not necessary. Furthermore, given Site 7 is held in pasture, the area does not contain land which could be categorised as 'Significant Natural Area' (SNA). On this basis, TIEL seeks that the PC is approved as notified.		
OS41.18	Rangatira Block Trusts	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	The new provisions of the RMA and other relevant legislation has recognised that Māori are entitled, within certain limits, to develop practices and exploit their resources by acquiring and adapting new skills and technology in the same way as other communities	Amend to zone part of the Rangatira E land as industrial as the section 32 evaluation & methodology are flawed and had no regard for the RMA requirement to consider the development of maori owned land as to the following.	Reject	4.13
OS47.1	Wairarapa Moana Incorporation Ltd	Plan Change 43 - Taupō Industrial Zone > Planning Maps	Seek amendment	There is a lack of provision for Industrially zoned land in Mangakino. We note that the scope of the Industrial Plan Change and the S32 assessment does not include assessment of industrial needs of Mangakino and the surrounding area.	To amend the Industrial zoning to include in this plan change provision for Industrial zoned land in Mangakino for future business growth to support Mangakino and surrounding areas	Reject	4.13

Attachment B: RECOMMENDED AMENDMENTS

In the Plan Change as notified **new text to be inserted is underlined, bold and red** and ~~text to be deleted has strike through~~. Text that has been moved, but not amended is green and underlined twice.

Text amended as a consequence of recommendations to submissions is either **bold and purple** where inserted, or ~~purple with a strike through~~ where deleted.

Only those parts of each section that are being varied are included in this document.

The complete Taupō District Plan is on the Council website at www.Taupō.govt.nz

4h.3 Subdivision Rules

4h.3.7 Any subdivision of land identified as “Sensitive” within the Taupō Industrial Environment is a **discretionary** ... a Significant Natural Area. In applying this Rule to the Sensitive Land Overlay within Section 14 SO ¹⁸⁸40438782 and Lot 1 DP 445148, the assessment must be informed by deep geotechnical investigation ...

Insert as 4h.4 and renumber accordingly...

4h.4 Broadlands Road West Outline Development Plan area Rules¹⁸⁹

Also refer to the General and Subdivision Rules for the Taupo Industrial Environment

Additional Land use Rules for the Broadlands Road West Outline Development Plan area

<u>Rule 4h.4.1</u>	<p><u>The following activities in or within 20m of any Geothermal Significant Natural Areas identified in the Broadlands Road West – Outline Development Plan on Appendix 11 are permitted. Any other activity, involving soil disturbance, vegetation removal or establishment of permeable surfaces, except as provided by Rule 4h.4.2 is a non-complying activity:</u></p> <ul style="list-style-type: none"> <u>i. Vegetation clearance of invasive exotic plants;</u> <u>ii. Soil disturbance associated with fencing to protect the feature; or</u> <u>iii. The sustainable customary use of indigenous biodiversity conducted in accordance with tikanga.</u> <u>iv. Replacement, and maintenance of existing buildings, landscaping and pervious surfaces within their existing footprint as of [the date that part of the rule becomes operative].</u>
--------------------	---

¹⁸⁸ WRC OS28.20

¹⁸⁹ A Delich OS62.2, OS62.3, OS62.4, OS62.5; Taupō Climate Action Group OS114.14, OS114.15; Tukairangi Trust OS46.5, OS46.14

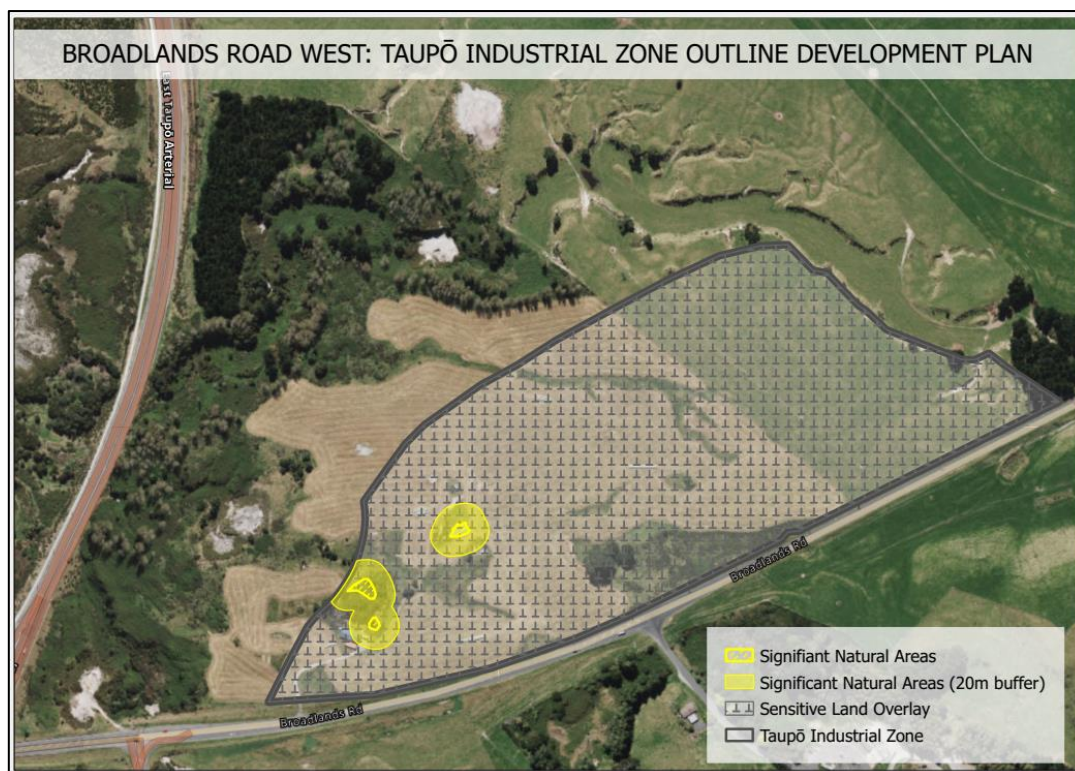
Additional Subdivision Rules for the Broadlands Road West Outline Development Plan area

<p><u>Rule 4h.4.2</u></p>	<p><u>Any subdivision within that part of the Broadlands Road West – Outline Development Plan on Appendix 11, legally described as Section 14 SO438782 is a restricted discretionary activity. For the purposes of 4h.4.2, the matters over which the Council reserves control for the purpose of assessment are:</u></p> <ul style="list-style-type: none"> <li data-bbox="518 667 1402 795">i. <u>The design and layout of subdivision to ensure the recognition and protection of Geothermal Significant Natural Areas identified on the Broadlands Road West – Outline Development Plan (Appendix X);</u> <li data-bbox="518 817 1402 945">ii. <u>An ecological management plan for the features identified as Geothermal Significant Natural Areas identified on the Broadlands Road West – Outline Development Plan; and</u> <li data-bbox="518 967 1402 1095">iii. <u>Controls on stormwater management and construction activities to maintain ongoing health and function of Significant Geothermal Features identified on the Broadlands Road West – Outline Development Plan.</u>
---------------------------	---

4h.45 Assessment Criteria....

Insert as Appendix 11:

Appendix 11: Broadlands Road West Outline Development Plan



Subdivision Design

Ensure protection of 'Geothermal Significant Natural Areas' inclusive of 20m wide buffer, including through the avoidance of earthworks, community infrastructure (including but not limited to road reserves), and impervious surfaces.

Requirement for an Ecological Management Plan

An Ecological Management Plan (EMP) prepared by a suitably qualified and experienced ecologist shall be provided for approval as associated with the first subdivision application associated with that Record of Title legally described as Section 14 SO438782 within the Broadlands Road West Taupō Industrial Environment as shown in the Outline Development Plan above. The requirement for an EMP applies regardless of the extent or scale of the subdivision proposed.

The EMP shall detail methods to minimise and mitigate potential adverse effects on ecological values represented by the identified Geothermal Significant Natural Areas and how these values are to be recognised, provided for and protected in terms of the accompanying subdivision design, stormwater management and construction activities, including but not limited to the application of consent notices.

Required Environmental Outcome

To maintain, or enhance the Geothermal Significant Natural Areas identified on the Broadlands Road West Outline Development Plan, so that there is at least no overall loss in indigenous biodiversity.

Attachment C: EVIDENCE IN CHIEF – ECONOMICS, TIM HEATH

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management
Act 1991 ("**the Act**")

AND

IN THE MATTER of Plan Change 43 ("**PC43**") -
Taupō Industrial Land under the
Taupō District Plan

**STATEMENT OF EVIDENCE OF TIM HEATH ON BEHALF OF THE TAUPŌ
DISTRICT COUNCIL**

ECONOMICS

3 July 2023

1. INTRODUCTION

1.1 My name is Timothy James Heath.

1.2 I am a property consultant, market analyst and urban demographer for Property Economics Limited, based in Auckland. I established the consultancy in 2003 to provide property development and land use planning research services to both the private and public sectors throughout New Zealand.

1.3 I hold a Bachelor of Arts (Geography) and a Bachelor of Planning both from the University of Auckland. I have undertaken property research work for 25 years, and regularly appear before Council, Environment Court, and Board of Inquiry hearings on economic and property development matters.

1.4 I advise district and regional councils throughout New Zealand in relation to industrial, residential, retail and business land use issues as well undertaking economic research for strategic planning, plan changes, District Plan development and National Policy Statement on Urban Development 2020 (“**NPS-UD**”), National Policy Statement on Highly Productive Land 2022 (“**NPS-HPL**”), and Medium Density Residential Standards 2022 (“**MDRS**”) capacity implementation.

1.5 I also provide consultancy services to a number of private sector clients in respect of a wide range of property issues, including residential capacity assessments, retail, industrial, and commercial market assessments, development feasibilities, forecasting market growth and land requirements across all property sectors, and economic cost benefit analysis.

1.6 I am authorised by Taupō District Council (“**Council**”) to give this statement of evidence. The purpose of this evidence is to summarise the key findings from my economic evaluation of a range of different industrial area options to guide Plan Change 43 – Taupō Industrial Rezonings (“**PC43**”)¹.

1.7 I have read the Code of Conduct for Expert Witnesses (“**Code**”) outlined in the Environment Court's Consolidated Practice Note 2023 and confirm that I will comply with it in preparing my evidence. I confirm that the issues I will address

¹ *Taupō Future Industrial Land Options Economic Multi-Criteria Analysis, September 2022.....*

are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I will not omit to consider material facts known to me that might alter or detract from my opinions.

2. SCOPE OF EVIDENCE

2.1 I was engaged by Council to undertake the requisite economic analysis to assess future industrial demand / land requirement, and then evaluate a range of potential industrial land rezone options to guide the development of PC43. This was undertaken utilising a multi-criteria analysis (“**MCA**”) with areas assessed independently of each other.

2.2 In particular, my economic research was designed to assist Council meet its NPS-UD obligations in terms of land supply sufficiency over the short-, medium- and long-term (3-, 10- and 30-year timeframes, respectively).

3. PC43 OVERVIEW

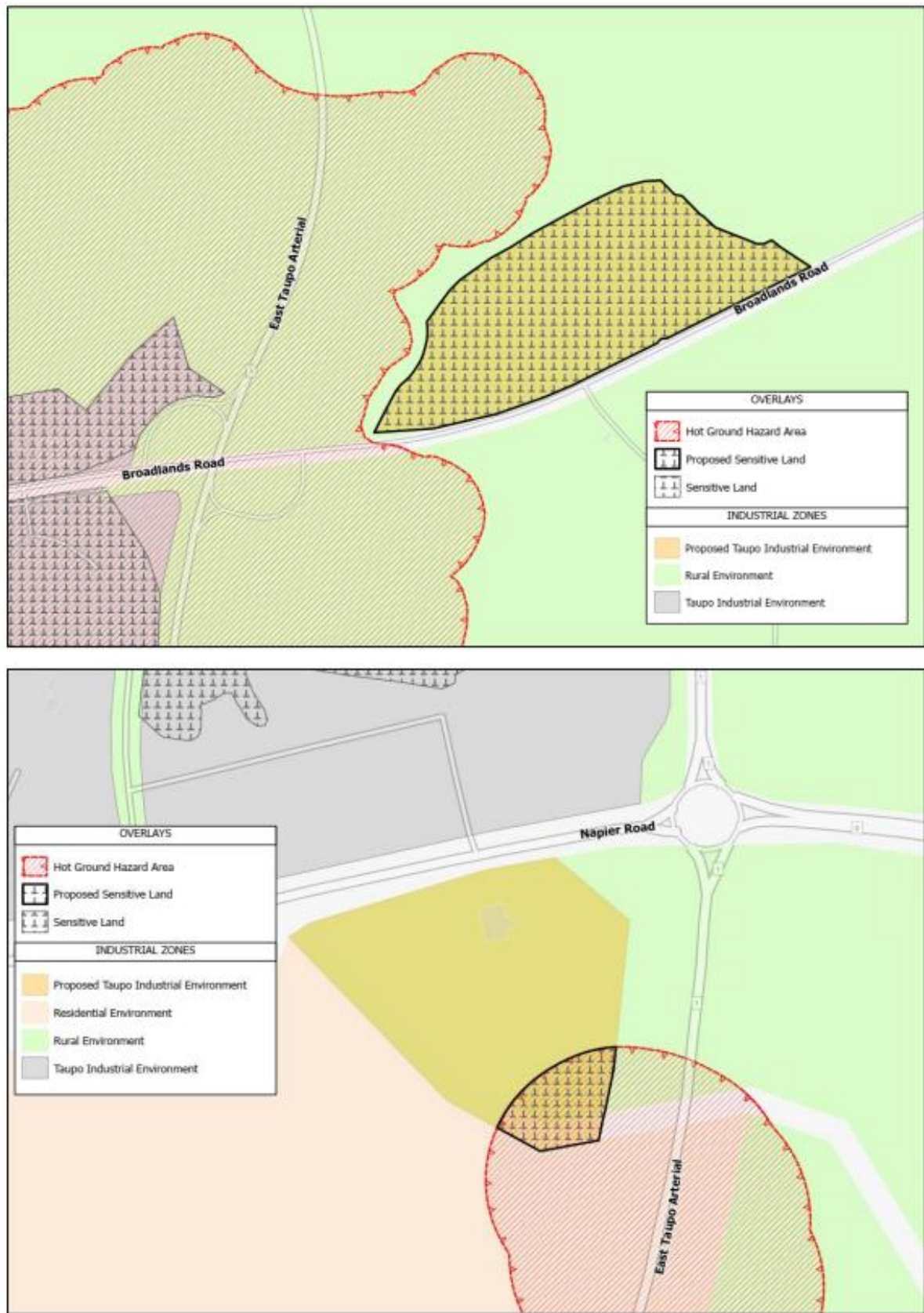
3.1 PC43 rezones two additional industrial areas, being Broadlands Road West and Napier Road from Rural Environment to Taupō Industrial Environments under the Taupō District Plan (“**District Plan**”).

3.2 Specifically, Broadlands Road West is identified as an Urban Growth Area in Section 3e of the District Plan and is some 20ha in extent. Napier Road is around 3.5ha and provides a practical and discrete extension to the Crown Road Taupō Industrial Zone.

3.3 The purpose of the rezoning is to provide Taupō district with further zoned industrial land supply to assist in meeting forecast demand in the long term (30 year), as well as provide for a variety of sites suitable for different business sectors (industrial and trade) in terms of location and site size within the district.

3.4 Figure 1 following identifies the two areas proposed to be rezoned.

FIGURE 1: PROPOSED TAUPO INDUSTRIAL ENVIRONMENT



Source: Taupō District Council

4. ECONOMIC ASSESSMENT SUMMARY

- 4.1 My analysis shows that there is currently just under 38ha of vacant industrial land within the District available for industrial use.
- 4.2 My analysis determined, based on projected industrial growth, there is an estimated requirement for an additional 90ha of industrial land by 2053, with the NPS-UD competitive margins² included.
- 4.3 This level of projected demand, set against current vacant industrial zoned land capacity of around 38ha, indicates there is an insufficient level of industrial zoned land within the district of around 53ha by 2053. Over the medium 10-year term there is sufficient zoned industrial land to accommodate projected industrial growth.
- 4.4 This is shown in Table 1 following. It is within this context that additional industrial land options were sought.

TABLE 1: TAUPŌ DISTRICT INDUSTRIAL LAND SUFFICIENCY

Taupō District Industrial	2020	2023	2033	2053
Industrial Employment Base	3,930	3,974	4,119	4,786
Net Additional Land Requirement (ha)	-	4.0	17.3	78.6
Industrial Land Requirement Including NPS Buffer (ha)	-	4.8	19.9	90.4
Current Vacant Industrial Land (ha)	37.8			
Net Supply and Demand Differential (ha)	37.8	33.0	17.8	-52.6

Source: Taupō District Council, Stats NZ, Property Economics.

- 4.5 The economic MCA was undertaken with six key variables identified as being the most salient for the decision-making process of ranking preferred options. Each criterion is given a percentage weighting indicating its ranked importance to the process in determining best placement for future industrial land. Each option's criteria is scored from -5 to +5 (0 inclusive) independently of one another,

² As per 3.22 of the NPS-UD, a "Competitiveness Margin" is a margin of development capacity, over and above the expected demand that tier 1 and tier 2 local authorities are required to provide, that is required in order to support choice and competitiveness in housing and business land markets. The competitiveness margins for both housing and business land are: for the short term and medium term 20%, and for the long term 15%.

4.6 The weighted criteria each option was assessed against are in the following table:

TABLE 2: MCA CRITERIA AND WEIGHTING

Criterion	Weighting
Constrained Land – how constrained is the land for development (hills, valleys, swamps, floodplains, etc.) or encumbered with regulatory constraints?	30%
Infrastructure – does the land have infrastructure, or is it infrastructure ready? Are there significant impediments / costs to getting infrastructure for the land?	25%
Contiguity – does the geospatial position of the land make sense in the context of other industrial areas and other zones?	20%
Sufficiency – does the proposed option provide sufficient industrial land to meet demand over the life of the district plan / 30-years?	10%
Productive Land Opportunity Cost – Is the industrial land use likely to result in the loss of productive land or high-class soils (NPS-HPL)?	10%
Likelihood of generation of reverse sensitivities – how likely is the option to generate reverse sensitivities with the surrounding environment and is it likely to prevent future growth?	5%

4.7 Table 2 following summarises the scoring and ranking of options of the MCA. The weighted total represents the ordinality of preferences with a cardinal ranking following. This cardinal ranking represents, from an economic perspective, the best industrial land options to unlock in order.

TABLE 3: SUMMARY OF ECONOMIC MCA AND RANKED OPTIONS

	1 - Centennial Northern Extension	2 - Centennial Eastern Extension	3 - Centennial Southern Extension	4 - Broadlands Road West	5 - Broadlands Road East	6 - Rangatira E	7 - Napier Road	8A - Aratiatia Road	Applied Weight
Constrained Land	-5 (fatal)	+3	0	+5	0	0	+5	+1	30%
Infrastructure	+3	+3	-2	+4	+2	-3	+5	+3	25%
Contiguity	+5	+5	+3	+2	+2	-3	+1	+5	20%
Sufficiency	+5	+1	+1	+1	+3	+5	0	+1	10%
Productive Land Opportunity Cost	-4	0	+5	0	-1	-4	+5	+5	10%
Likelihood of Generating Reverse Sensitivities	+5	+5	+5	+5	+5	+2	+2	+5	5%
Weighted Total	+0.6	+3.0	+1.0	+3.3	+1.4	-1.2	+3.6	+2.9	-
Rank	7	3	6	2	5	8	1	4	-

Source: Property Economics

- 4.8** My economic MCA showed that the best option, given the current and future anticipated industrial land requirements of Taupō, based on economic considerations are Option 7: Napier Road followed by Option 4: Broadlands Road West.
- 4.9** Given my economic analysis, I support PC43 and the proposed rezoning of the Napier Road and Broadland Road West sites from Rural Environment to Taupō Industrial Environments.

Tim Heath

3 July 2023

Attachment D: EVIDENCE IN CHIEF – TRANSPORT, DAVE SMITH

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management
Act 1991 ("**the Act**")

AND

IN THE MATTER of Plan Change 43 ("**PC43**") -
Taupō Industrial Land under the
Taupō District Plan

**STATEMENT OF EVIDENCE OF DAVID JOHN ROBERT SMITH ON
BEHALF OF THE TAUPŌ DISTRICT COUNCIL**

TRANSPORTATION

6 July 2023

1 Introduction

1.1 My name is David John Robert Smith.

1.2 I hold a Bachelor of Technology (with Honours) in Industrial Operations Research and Master of Philosophy in Operations Research from Massey University. I am a Chartered Member of the Institute of Logistics and Transport (CMILT), a member of Engineering New Zealand (MEngNZ) and a member of the NZ Modelling User Group sub-group of ENZ. I have been appointed to the NZ Transport Agency Independent Professional Advisors panel for Transportation Modelling. I am also certified as a Hearings Commissioner having completed the Making Good Decisions course in 2019.

1.3 I hold the position of Technical Director of Transportation Planning at Abley. I have been in this position since 2018 and have been at Abley for over 11 years. I lead a range of development planning and transportation planning projects for both public and private sector clients.

1.4 My previous work experience includes 23 years of transportation planning and engineering experience. I have managed and led numerous projects related to transportation business cases, transportation research and Resource Management Act (RMA) related matters for public and private sector clients. As an expert witness I have represented Environmental Protection Authority, Foodstuffs South Island Limited, Auckland Council, Selwyn District Council, Queenstown-Lakes District Council, Taupō District Council, Ports of Auckland and Fonterra.

1.5 My role in relation to Private Plan Change 43 (PC43) is as an independent expert witness to Taupō District Council on traffic and transportation matters. I am the author of Attachment C "*High Level Transport Assessment of Proposed Industrial Land Areas*" of the PC43 Section 32 report.

1.6 In my assessment I have reviewed the following documents:

- a Waka Kotahi submission (submission point 113.37);
- b Transport-related matters in the Section 32 report.

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 2014 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.

3 Scope of evidence

3.1 I have prepared evidence in relationship to:

- a Overview of my High-Level Transport Assessment report;
- b Matters raised through submissions; and
- c Conclusions.

3.2 I have not undertaken a site visit at the time of preparing this evidence but am familiar with the Taupō urban area having been involved in transportation planning in the District since 2001. I have familiarised myself with the sites through online aerial and street view imagery.

4 Overview of High-Level Transport Assessment

4.1 I was engaged in 2022 by Taupō District Council to undertake a high-level transport assessment of a potential future plan change proposal to increase the supply of Industrial land in the vicinity of Taupō Township.

4.2 This assessment comprises a multi-criteria analysis which assesses eight sites against:

- a Transport network capacity;
- b Road Safety; and
- c Their individual alignment with the seven priorities contained within the Taupō District Council Transport Strategy – Connecting Taupō 2020-2050 (Transport Strategy).

4.3 The assessment of transport network capacity and road safety directly fed into the alignment assessment with the Transport Strategy, noting that two of the Transport Strategy priorities specifically relate to Road Safety (safe) and Transport Network Capacity (maintaining predictable travel times in the face of growth). Other priorities in the assessment covered the ability to access the sites by walking and cycling, and how well connected the site is to the rest of New Zealand.

4.4 I assigned a score to each site based on the level of alignment with the seven priorities from 'very poor' results to 'very good'. The results demonstrate that Site 7 is the most suitable for potential Industrial rezoning from a transportation perspective, and this corresponds to the Napier Road site which is part of PC43.

4.5 Five of the other sites had identical mid-range scores (and thereby scored second equal in the assessment) including the Broadlands Drive site 4 which is also part of PC43. One further site was considered less suitable. I refer to the assessment in more detail in evidence in response to Waka Kotahi submission points.

5 Transport-related submissions

5.1 Taupō District Council have requested that I respond to one submission points from the Waka Kotahi NZ Transport Agency submission as follows:

“OS113.37 – Not enough investigation has been undertaken against key documents to show the suitability of this rezoning. In order for these two locations (particularly Site 4 - Broadlands) to be considered suitable for rezoning as industrial land, further evaluation of the ability to reduce Vehicle kilometres travelled and service the sites with active and public transport should be undertaken.”

Vehicle kilometres travelled (VKT) assessment

6 The high-level assessment included as Attachment C to the Section 32 report included several criteria which indirectly seek to minimise VKT. These are as follows:

- a Inclusivity – this is the extent to which the sites are distant from residential areas such that workers are likely to have to rely on private motor vehicle travel to get to work; and
- b Well-connected to the rest of New Zealand – this is the extent to which industrial traffic can readily access the State Highway network without additional travel through local roads including residential areas.

7 I note that the two sites selected in the scope of PC43 had the highest combined score across these attributes, and this was influential in the resulting recommendation of these sites from a transport perspective.

8 To consider the likely relative VKT of the sites in more detail I have undertaken a modelling assessment using the Taupō Tracks Transportation Model. I have run the future 2041 morning peak model for each of the eight assessment locations to compare the change in VKT on the Taupō network when the same quantum of industrial land use is loaded into each location.

9 The results are shown in Table One. This demonstrates that sites 4 and 7 (which correspond to PC43) have the lowest VKT of the eight sites that were investigated. I consider that this demonstrates in relative terms that the most appropriate sites have been selected to reduce the quantum of vehicular travel and corresponding vehicle-related emissions.

Scenario	Scenario VKT	Rank
Site 1	78276	7
Site 2	78197	6
Site 3	78080	5

Scenario	Scenario VKT	Rank
Site 4 (in PC43)	77748	2
Site 5	77970	4
Site 6	77796	3
Site 7 (in PC43)	77630	1
Site 8a	78300	8

Table One Summary of modelling VKT assessment

Servicing the sites with active transport

- 10 The Taupō cycling network in the vicinity of the Plan Change sites is shown in Figure Two with the two sites denoted by stars. Since this map was prepared the shared path along the East Taupō Arterial has been established such that the Napier Road site is well served for walking and cycling.
- 11 The Broadlands Road site has an eastbound cycle lane currently terminating just to the west of the site which provides excellent connectivity for cycle access. It is noted that a proposed eastbound cycle lane is included on the map which would necessitate formalising the current shoulder for cycling in much the same manner as the westbound cycle lane.

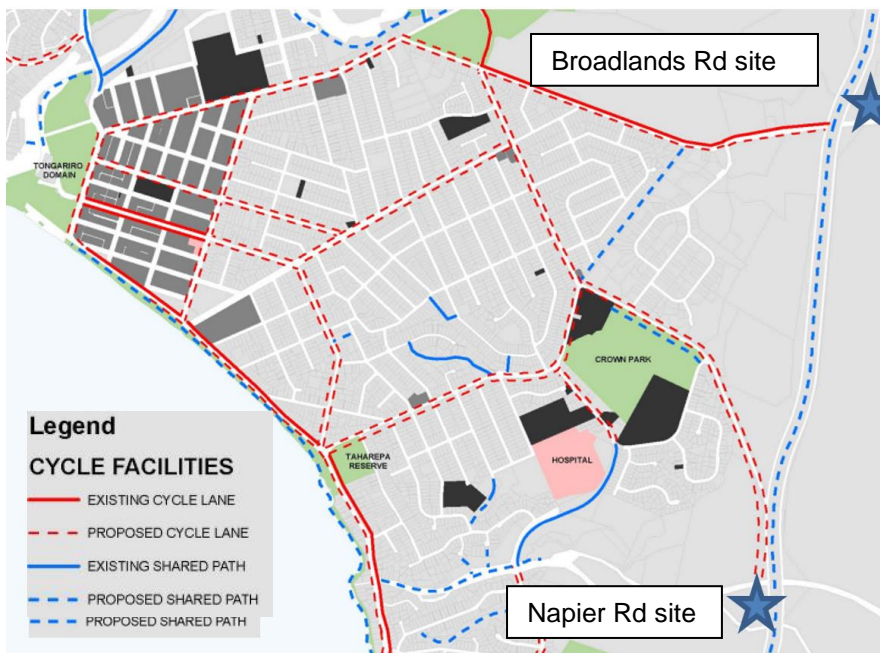


Figure One Excerpt from Taupō Cycle Network¹

¹ <https://www.Taupōdc.govt.nz/repository/libraries/id:25026fn3317q9slqygm/hierarchy/our-services/a-to-z/documents/Cycle%20Network%20Taupō.pdf>

- 12 For the Broadlands Road site, I note that the establishment of the westbound cycle lane proposed by Council is a relatively simple modification within the existing sealed carriageway to remark the shoulder as a cycle lane (to be consistent with the north side of the road). I also note that Taupō District Council have made provision in their Long-term Plan 2021-31² to continue to invest in cycling and pedestrian facilities across the District. It is feasible to provide extend the existing and proposed cycle lane from the SH1 underpass to the Plan Change site as and when required.
- 13 In my view the provision of cycle infrastructure is a matter which can be addressed through subsequent resource consent applications relating to **the Plan Change site**. The implementation of these improvements would provide a continuous facility to support the uptake of cycling for industrial workers and visitors. I note there is currently no pedestrian provision through the SH1 underpass, however I consider that the likelihood of pedestrians accessing the site is very small.
- 14 For the Napier Road site, I understand from Ms Samuels from Council that there is an existing land use and subdivision consent application to establish a mixed-use commercial activity on this site at 189 Napier Road.
- 15 I note that this application proposes to include a shared walking and cycling path along the Napier Road frontage connecting directly to **the** East Taupō Arterial shared path. A median refuge is also proposed to assist pedestrians connecting between the Plan Change site and destinations on the north side of Napier Road. I consider that these improvements are feasible and appropriate in the context of the site, and deliver an excellent level of provision for active travel trips, both locally and further afield by connecting to the wider active travel network.
- 16 For the Napier Road Plan Change site, I support the current proposal and any future resource consent applications to provide:
- a a shared path along the site frontage to connect to the East Taupō Arterial shared path – this will provide walking and cycling connectivity to the central Taupō as well as to East Urban Lands to the south; and
 - b a safe pedestrian crossing facility across Napier Road to connect the shared path to current activities on the north side of Napier Road.

² Refer page 56 of <https://www.taupodc.govt.nz/repository/libraries/id:25026fn3317q9slqygym/hierarchy/Council/Plans%20and%20strategies/LTP/Taupo%20District%20Council%20Long-term%20Plan%202021-31.pdf>

17 I can confirm that the current resource consent application delivers on both these improvements which in my view would encourage the uptake of walking and cycling.

Servicing the sites with Public Transport

18 Taupō currently has one regular urban bus service which operates seven times per day, six days per week, and this is shown in Figure One below. I understand from Taupō District Council staff that the size of the buses running this service have recently been reduced due to low patronage in an effort to manage the costs of the service. I consider that this epitomises the challenge of providing public transport in smaller urban areas with little or no congestion to deter self-driving which is not unique to Taupō.

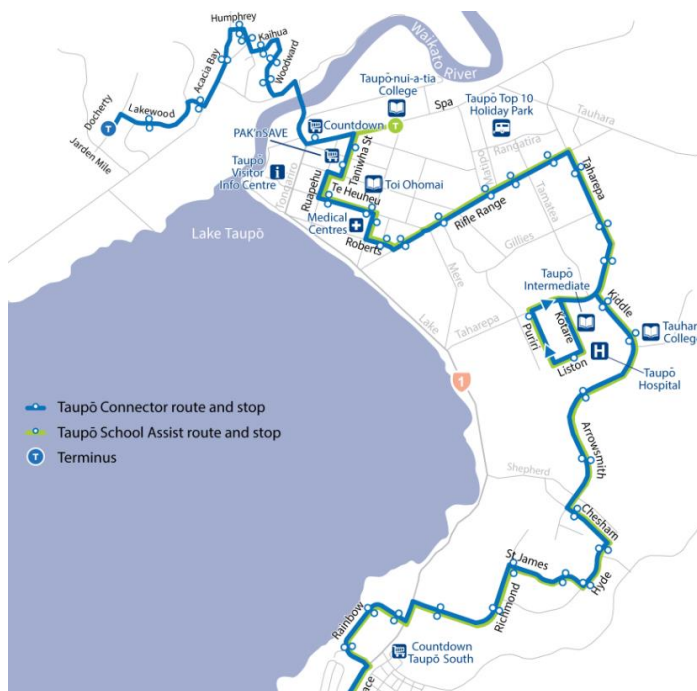


Figure Two Urban Taupō bus service route

19 I agree that it is essential to provide every opportunity to establish public transport services and note it is the mandate of Waikato Regional Council to manage public transport services throughout the region, and not Taupō District Council.

20 I consider that both plan change sites can be suitably served by any potential future bus service because:

- a there is sufficient room within the carriageway of the Broadlands Road and Napier Road corridors adjacent to the Plan Change sites to establish bus stops and associated infrastructure (seating, shelter and signage);

- b* there is potential to establish a primary road within the Plan Change sites with sufficient carriageway width such that a public transport service could also be run through the site, although this in my view is only practical for the Broadlands Road due to the larger geographic extent of the site; and
- c* the two sites connect well to adjacent urban activity such that any future service that were to be established would have a greater catchment than just the Plan Change site itself.

21 Conclusions

- 21.1 I have reviewed the submission point 113.37 from Waka Kotahi and provided an assessment of:
- a* Vehicle kilometres travelled (VKT) for the plan change sites relative to other candidate sites, and have demonstrated that the two sites produce the lowest VKT of the candidate sites and thereby are the most sustainable sites with respect to reducing vehicle travel and vehicle-related emissions;
 - b* Ability to service the site for active travel especially for cycling and have made several recommendations to support the uptake of active modes of transport for staff and visitors to the Plan Change sites, which in my view can be addressed by way of conditions on subsequent resource consent applications relating to each site; and
 - c* Ability to service the site with public transport should the Waikato Regional Council choose to establish a service, by confirming that the adjacent arterials and main spine road through the Broadlands site are suitable to accommodate public transport services and infrastructure.
- 21.2 I consider that this adequately addresses the additional information requested by Waka Kotahi under submission point 113.37.

David John Robert Smith

6 July 2023

Attachment E: EVIDENCE IN CHIEF – GEOTECHNICAL, MADDISON PHILLIPS

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management
Act 1991 ("**the Act**")

AND

IN THE MATTER of Plan Change 43 ("**PC43**") -
Taupō Industrial Land under the
Taupō District Plan

**STATEMENT OF EVIDENCE OF MADDISON PHILLIPS ON BEHALF OF THE
TAUPO DISTRICT COUNCIL**

GEOTECHNICAL

12 July 2023

1. INTRODUCTION

1.1 My name is Maddison Thelma Phillips.

1.2 I am a Geotechnical Engineer for WSP in Queenstown and have been employed by WSP (previously Opus) for 5 years.

1.3 I hold a Bachelor of Engineering (Hons) in Civil Engineering from the University of Auckland (2014). I am a Chartered Professional Engineer in the practice area of Geotechnical Engineering. I have practiced in the field of geotechnical engineering for 8 years, 2 years of which I was living and working in the Taupō district.

1.4 I am authorised by Taupō District Council ("**Council**") to give this statement of evidence. The purpose of this evidence is to consider submissions on Plan Change 43 that relate to geotechnical engineering.

1.5 I have read the Code of Conduct for Expert Witnesses ("**Code**") outlined in the Environment Court's Consolidated Practice Note 2023 and confirm that I will comply with it in preparing my evidence. I confirm that the issues I will address are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I will not omit to consider material facts known to me that might alter or detract from my opinions.

2. SCOPE OF EVIDENCE

2.1 I was engaged by Council on 1 August 2022 to complete a geotechnical desktop assessment to support the Section 32 and Planning Assessment for Plan Change 43. The assessment is summarised in the following reports:

(a) Taupo Industrial Plan Change, Preliminary Desktop Geotechnical Assessment, 15 September 2022 (Rev C)

(b) Taupo Industrial Plan Change, Preliminary Geotechnical Assessment Addendum Report, 15 September 2022 (Rev B)

2.2 I am now engaged by Council to prepare evidence in relation to PC43, specifically for matters relating to geotechnical engineering.

- 2.3** I have read the relevant geotechnical related submissions to understand concerns of submitters.
- 2.4** I have not undertaken a site visit but have familiarised myself with the areas of the Plan Change through site visit notes and photos from the WSP Taupo team as well as aerial imagery.
- 2.5** Findings and recommendations from WSP's Preliminary Geotechnical Assessment Reports are not re-written as part of this evidence. I have simply responded to submissions specifically and referred to information in other documents as required.

3. PC43 OVERVIEW

- 3.1** PC43 rezones two areas within the Taupo District from Rural Environment to Taupo Industrial environment. The purpose of the rezoning is to increase the available land for industrial development in the Taupo District. The two areas are identified as Broadlands Road West (Site 4) and Napier Road (Site 7).
- 3.2** An understanding of geo-hazards that have the potential to impact each site is key when determining the suitability of a piece of land for development. The potential consequence of geo-hazards on rural zoned land are very different to land developed for industrial purposes.
- 3.3** Preliminary geotechnical assessment of Site 4 and Site 7 identified that the following geo-hazards have the potential to affect land development:
- (a) Liquefaction;
 - (b) Tomo formation;
 - (c) Expression of geothermal activity at ground surface and hot ground;
 - (d) Subsidence due to the extraction of geothermal fluids.
- 3.4** Based on existing geotechnical investigation data and the geotechnical assessment by HD Geo Ltd, geotechnical hazards do not present intolerable risk to development of Site 7 for industrial purposes. Accordingly, rezoning of the site for Industrial activities is appropriate.
- 3.5** Intolerable risk from natural hazards exists on Site 4, however these risks can be mitigated by excluding development from discrete areas within the site.

Geotechnical hazards within the site are likely to be able to be reasonably mitigated as part of engineering design in the future but geotechnical investigation is required to confirm this. Accordingly, with such discrete mitigation in place, as informed by engineering design, rezoning for Industrial activities is appropriate.

- 3.6** WSP recommended that geotechnical investigation be completed as a requirement within an Outline Development Plan (ODP). These recommendations were incorporated within rule 4h.3.7 as modified to include requirement for geotechnical investigation and assessment.

4. RESPONSE TO SUBMISSIONS

- 4.1** Relevant submissions considered are structured as follows:

Submissions Opposing Rezoning

- 4.2** Submission OS29.19 from Waikato Regional Council (WRC) opposes the rezoning of Site 4 and Site 7.

- (a) WRC seeks to not rezone the sites on the basis that industrial development poses a risk to Significant Natural Areas (SNAs), Significant Geothermal Features (SGFs) and human health due to geothermal hazards.
- (b) If the sites are to be rezoned, then WRC would like to see only portions of the sites which are free from geothermal hazards rezoned. As well as requirements for planted buffers, setbacks from the hot ground overlay and only providing for light commercial operations as permitted activities.
- (c) I have only considered the geotechnical elements of submission OS29.19.
- (d) The boundaries of Broadlands Road West (Site 4) have been set to ensure a minimum 100m buffer from mapped geothermal hazards, identified as SGFs in the Waikato Regional Council's Geothermal Module (Module 7 of the Waikato Regional Plan).

- (e) Additionally, the entirety of the Broadlands Road West (Site 4) is identified as Sensitive Land and therefore Subdivision Rule 4h.3.7 applies. Therefore, any industrial development of the area is a discretionary activity requiring technical assessment. Geotechnical assessment is specifically named as a technical assessment required under Rule 4h.3.7. Rule 4h.3.7 also requires the geotechnical assessment is informed by deep geotechnical investigation.
- (f) Under rule 4h.3.7 geotechnical assessment must include establishment of ground temperature profiles, determination of groundwater profile, assessing susceptibility to liquefaction, potential for subsurface water flows, establishing an understanding of likely future state of thermal features and a stormwater management plan.
- (g) The requirements of rule 4h.3.7 ensures that assessment of geotechnical hazards, including geothermal hazards, is completed for the entire area identified as Sensitive Land regardless of buffer zones or existing mapped features. This is particularly important for Site 4 where expression of geothermal activity was identified outside the area designated 'Hot Ground Hazard Area' or SGF.
- (h) The geotechnical assessment will need to prove that industrial development of the site will either not be impacted by geothermal hazards, or appropriate means to mitigate the impacts of geothermal hazards have been developed. The assessment will need to cover known geothermal hazards as well as investigation to adequately determine if any other geothermal hazards are present on the site. The assessment also goes further, requiring thought about the future state of thermal features which will require specialist input.
- (i) Based on the consideration of submission OS29.49 above, in my opinion the provisions of the plan adequately address the risk of geothermal hazards to industrial development of both sites.

Submissions Seeking Amendments

4.3 Submission OS29.20 from WRC seeks the requirement for application of rule 4h.3.7 to apply to Lot 2 DP499406.

- (a) It is my understanding that PC43 relates to the following sites, legally described as:
 - (i) Broadlands Road West: Part of Section 14 SO 438782 and Lot 1 DP 445148.
 - (ii) Napier Road: Lot 1 DP 499406 and Lot 2 DP 499406
- (b) Based on existing geotechnical investigation data and the geotechnical assessment by HD Geo Ltd, geotechnical hazards do not present intolerable risk to development of the Napier Road site for industrial purposes. Accordingly, further investigation and assessment through rule 4h.3.7 is not necessary at the subdivision stage.
- (c) Based on the consideration of submission OS29.20 above, there is a slight error in the legal description of Section 14 SO 438782, which must be updated. There is sufficient existing geotechnical investigation and assessment for Lot 2 DP499406 and therefore including this parcel within rule 4h.3.7 is unnecessary.

4.4 Submission OS21.2 from Mega Foods seeks definition of deep geotechnical investigation be added to rule 4h.3.7.

- (a) Deep geotechnical investigation is described in the NZGS/MBIE Earthquake Geotechnical Engineering Practice Module 2: Geotechnical investigations for earthquake investigation (Module 2), Section 2.4.2.3.
- (b) Investigation scoping under rule 4h.3.7 should be informed by Module 2, as this is a guidance document that all geotechnical engineers and engineering geologists working in New Zealand should use when executing and reviewing geotechnical site investigations.

- (c) Table 2.1 and 2.2 of Module 2 also defines the recommended density of deep geotechnical investigation for Subdivision Consent Applications.
- (d) The type, depth and amount of deep investigation must be determined by an appropriately qualified and experienced geotechnical engineer or engineering geologist for each specific site based on the type of development planned and the geotechnical hazards present on the site. The definition of a geotechnical professional is also included in Module 2.
- (e) Based on the consideration of submission OS21.2 above, in my opinion the provisions of the plan do not need to be amended to include the definition of deep geotechnical investigation.

4.5 Submission OS21.5 from Mega Foods seeks to strike the requirement for deep geotechnical investigation from rule 4h.3.7.

- (a) Submission OS21.2 seeks to strike the requirement for deep ground investigation on the basis that the Preliminary Geotechnical Assessment Report (PGAR) for 63 Broadlands Road prepared by Cheal, dated 22 March 2018 does not specifically recommend deep investigation.
- (b) The PGAR by Cheal was prepared to inform commercial development of part of Site 4 only. The report concluded that the site is geotechnically suitable for the commercial development proposed by Mega Foods subject to recommendations in the report. The assessment was based on a site walkover and shallow hand investigation.
- (c) The PGAR by Cheal does recommend further geotechnical investigation to confirm preliminary geotechnical findings. The type, depth and density of investigation recommended is not included in the report.
- (d) The site walkover by WSP identified expression of thermal features at ground surface within Site 4. These features are not described in the

PGAR by Cheal indicating that site conditions may have changed since March 2018.

- (e) An application for subdivision of the sites in question under PC43 could be submitted by any landowner into the future, with their own development plans. The provisions of Rule 4h.3.7 require each application to appropriately consider geotechnical hazards in relation to the proposed development. The PGAR prepared by Cheal will not necessarily be applicable to all future development plans for Site 4.
- (f) Module 2 specifies the minimum requirements for deep geotechnical investigation to inform development. The requirements of Module 2 should be followed unless specific reasons are provided for deviating from the recommendations. It would be more appropriate for an application for subdivision to present specific reasons for deviating from the recommendations in Module 2, rather than excluding the requirement for deep geotechnical investigation from rule 4h.3.7.
- (g) Based on the consideration of submission OS21.5 above, in my opinion the requirement for deep geotechnical investigation should not be removed from rule 4h.3.7.

4.6 Submission OS26.1 from Alana Delich and OS114.16 from Taupo Climate Action Group seeks to include the requirement for hydrological assessment of effects of development on groundwater recharge within rule 4h.3.7, specifically for the Broadlands Road West site.

- (a) I have only considered the geotechnical elements of submission OS26.1.
- (b) Rule 4h.3.7 points to the issue of development potentially modifying the groundwater regime of the site as well as geothermal activity as a hazard to industrial development by requiring determination of the groundwater profile and understanding of the most likely future state of thermal features at the site.
- (c) Based on the consideration of submission OS26.1 and OS114.16 above, in my opinion a hydrological assessment of effects is beyond

what would reasonably be required to assess geotechnical risks to industrial development at the Broadlands Road West site.

4.7 Submissions OS26.3 and OS26.4 from Alana Delich are seeking the Section 32 is reviewed and informed by the Geothermal Module of the Waikato Regional Plan in the context of Broadlands Road West.

- (a) The boundaries of Broadlands Road West (Site 4) have been set to ensure a minimum 100m buffer from mapped geothermal hazards, identified as SGFs in the Waikato Regional Council's Geothermal Module (Module 7 of the Waikato Regional Plan). A 100m buffer is greater than the 20m buffer referred to within the Geothermal Module for activities in the vicinity of SGFs.
- (b) Further, it is a requirement under Rule 4h.3.7 that a ground temperature profile is established for the site, and an understanding of the most likely future state of thermal features is determined.
- (c) Based on the consideration of submissions OS26.3 and OS26.4 above, in my opinion the Geothermal Module of the Waikato Regional Plan has been adequately considered within the PC43 Section 32 in terms of geotechnical hazards to industrial development of the site.

Maddison Thelma Phillips

12 July 2023

Attachment F: EVIDENCE IN CHIEF – ECOLOGY, WILLIE SHAW

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management
Act 1991 ("**the Act**")

AND

IN THE MATTER of Plan Change 43 ("**PC43**") -
Taupō Industrial Land under the
Taupō District Plan

**STATEMENT OF EVIDENCE OF WILLIAM BRUCE SHAW
ON BEHALF OF TAUPŌ DISTRICT COUNCIL**

ECOLOGY

11 July 2023

1. INTRODUCTION

- 1.1** My name is William Bruce Shaw.
- 1.2** I am Principal Ecologist and a Director of Wildland Consultants Ltd, based in Rotorua. I have a Master of Science degree from the University of Canterbury, 1980, and a Bachelor of Science in Earth Sciences and Biology (double major) from the University of Waikato, 1977.
- 1.3** My professional memberships include the Royal Society of New Zealand (MRSNZ), the New Zealand Ecological Society, the New Zealand Institute of Forestry (MNZIF), the New Zealand Biosecurity Institute, the Ornithological Society of New Zealand, and the New Zealand Botanical Society.
- 1.4** I am the author of 24 conference papers, 25 scientific or technical publications, 39 published articles, and more than 500 ecological reports, species lists, and general ecological accounts.
- 1.5** I have been a practising ecologist since 1980, and have lectured in ecology and nature conservation at Lincoln College and the Waiariki Institute of Technology. I previously worked for a consulting firm in Christchurch, and have undertaken ecological survey work and related assessments in urban, rural, and remote back country situations over more than 40 years. From 1986-1990 I was employed as a Scientist by the Forest Research Institute, Rotorua, specialising in forest ecology, threatened plants, vegetation mapping, and the ranking and management of natural areas. From 1990 to 1996 I was a Conservancy Advisory Scientist (1990-1994) and then (1994-1996) Protection, Planning and Use Manager for the Department of Conservation. I also performed national-level roles with the Department.
- 1.6** Since 1996 I have been Principal Ecologist and a Director of Wildland Consultants Ltd. I have particular expertise in the evaluation of ecological significance, ecological management, especially ecological restoration, and the assessment of ecological effects of actual and proposed land uses.
- 1.7** Ecological evaluation is a discipline in which I have more than 35 years of experience having, in the 1980s, developed an ecological ranking system that was applied regionally and nationally by the Department of Conservation. I have also developed, for Environment Waikato, a technical guideline for application of natural heritage criteria in their Regional Policy Statement, been an advisor to the Ministry for the Environment on criteria for the evaluation of Section 6(c)

of the Resource Management Act, developed ecological evaluation criteria for the previous Bay of Plenty Regional Policy Statement (which became operative in January 2008), and developed (with Dr Kelvin Lloyd) ecological criteria for the Canterbury Regional Policy Statement.

1.8 My professional experience in Taupō District extends over c.35 years and includes the following:

- Surveys and provision of management advice on geothermal areas.
- Ecological assessments of proposed subdivisions.
- Ecological input for structure plans.
- Botanical surveys of reserves.
- Ecological assessments of Significant Natural Areas on private land.
- Provision of advice on the management of threatened ecosystems, habitats, and species, including management of pest plants and animals.
- Two major assessments of contorta pine, a serious pest plant across the Kaingaroa Plateau and adjacent inland ranges.
- Ecological assessments of major infrastructure projects, such as the Taupō Eastern Arterial and the associated bridge over the Waikato River.
- Wetland surveys along the Waikato River.
- Avifauna surveys along the Waikato River and on the Waikato hydro lakes.
- Ecological assessments of proposed tourism/recreational developments, such as mountain biking and walking trails, ziplines, ski facilities, and other activities.
- Botanical surveys of large tracts of indigenous forest.
- Forest condition surveys.
- Ecological assessments of large exotic plantation forest estates.
- Preparation of ecological restoration plans for terrestrial and wetland sites.

1.9 I am authorised by Taupō District Council (“**Council**”) to give this statement of evidence. The purpose of this evidence is to address the Plan Change and ecological submissions on this.

1.10 I have read the Code of Conduct for Expert Witnesses (“**Code**”) outlined in the Environment Court's Consolidated Practice Note 2023 and confirm that I will comply with it in preparing my evidence. I confirm that the issues I will address are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I will not omit to consider material facts known to me that might alter or detract from my opinions.

2. BACKGROUND AND SCOPE OF EVIDENCE

2.1 Taupō District Council commissioned Wildland Consultants to prepare an ecological assessment of the Plan Change in 2008, and then to respond to submissions on ecology in 2023.

2.2 I note that Taupō District Council has adopted buffers around the Broadlands Road geothermal area, as recommended in Wildland Consultants (2008).

2.3 It should be noted that geothermal systems are naturally dynamic and surface expressions of geothermal activity can heat or cool over time. It should also be noted that the subject site is within a wider area that is being affected by ground subsidence due to the abstraction of subsurface geothermal fluid for energy generation. Such draw off can result in unexpected changes in relation to surface expressions of geothermal activity. This may result in either new geothermal features appearing in locations where they previously did not exist, or in other cases they can cease to be active.

2.4 Since 2008, the following should be noted in relation to the classification of geothermal vegetation and species:

- Geothermal ecosystems have been classified as being naturally uncommon ecosystems (Williams *et al.* 2007) and four types have been classified as critically endangered (Holdaway *et al.* 2012, Wiser *et al.* 2013), including two types present at the subject site: geothermally heated ground and geothermally heated ground (now cool).
- Geothermal kanuka (*Kunzea tenuicaulis*) is now classified as Threatened-Nationally Endangered (de Lange *et al.* 2018), compared to the 2008 classification of At Risk-Range Restricted Declining (Hitchmough *et al.* 2007) under its previously-recognised scientific name *Kunzea ericoides* var. *microflorum*.

3. PC43 OVERVIEW

- 3.1** Plan Change 43 seeks to rezone two additional areas to 'Taupō Industrial Environments' from 'Rural Environment', being Broadlands Road West and Napier Road.
- 3.2** The purpose of the rezonings is to assist Taupō District Council to meet its obligations under the National Policy Statement for Urban Development (2020) in terms of industrial land supply over the long term.

4. STATUTORY CONTEXT

- 4.1** Key policies from the Waikato Regional Policy Statement and the criteria set for the evaluation of the significance of indigenous biodiversity are set out in Attachment 3, along with definitions of significant geothermal feature types.
- 4.2** The criteria also correspond to, and are consistent with, the criteria set in Appendix 5 to the Operative Taupō District Plan for Significant Natural Area Identification in Taupō District.
- 4.3** The National Policy Statement for Indigenous Biodiversity (NPS-IB) becomes operative in August 2024 and contains provisions addressing geothermal ecosystems, vegetation, and habitats, including a set of criteria (Appendix 1 of the NPS-IB) for the evaluation of ecological significance.

5. FURTHER SITE EVALUATION 2023

Field Inspection June 2023

- 5.1** Given the passage of time since the original assessment in 2008, a site visit was undertaken to the Broadlands Road site on 23 June 2023 by Senior Ecologist, Dr Chris Bycroft, to update ecological information on that site.
- 5.2** The following work was undertaken and various observations were made during the site visit on 23 June 2023:
- Geothermal surface features and related vegetation were mapped and described.
 - Ground temperatures were measured, in the upper 10 centimetres, to determine whether surface features are still active (surface expressions of geothermal activity are dynamic and can 'move' over time).

5.3 It was found that there are a number of 'active' geothermal features on the site and there was also evidence of former geothermal activity that is now represented by open ground with the same ambient temperature as adjacent non-geothermal ground.

5.4 Various sites were identified where plant species typical of geothermal habitats were present, such as geothermal kānuka. Refer to Figure 1 in Attachment 1 in this evidence.

Ecological Significance

5.5 The following features identified during the site visit are ecologically significant in terms of the Waikato Regional Policy Statement Appendix 5 criteria set (and the NPS-IB criteria set):

- Active geothermal sites i.e., with heated ground.
- Previously active geothermal sites that now have cool ground but nevertheless have retained the presence of thermotolerant indigenous species.
- Sites with indigenous species classified at 'Threatened' or 'At Risk.'

Refer to the map in Attachment 1 for the location of these features, which cover c.6739 square metres of the total structure plan area.

There are some small areas of cool ground with no vascular geothermal-specific plant species or they were dominated by exotic grassland species and these small areas, in my view, do not reach the threshold or trigger the criteria for ecological significance. These areas are notated as Areas (3) in Figure 1 appended to this Evidence.

Future Management

5.6 The following provisions could be applied to future management of the site:

- a. Design the layout of the subdivision to ensure the recognition and protection of Significant Geothermal Features identified within the Broadlands Road West – Outline Development Plan (ODP);
- b. Provide an ecological management plan (EMP) for the features identified as Significant Geothermal Features identified within the Broadlands Road West – Outline Development Plan; and

- c. Establish controls on stormwater management and construction activities to maintain the ongoing health and function of Significant Geothermal Features identified within the Broadlands Road West – Outline Development Plan.

6. RESPONSES TO SUBMISSIONS

6.1 There are 38 individual submission points on Plan Change 43. Of these, eight (8) relate to ecological matters associated with the two sites. Principally the submissions seek that Broadlands West is not rezoned to industrial given concerns associated with ecological and geothermal features and values, and whether potentially adverse effects are appropriately acknowledged and mitigated.

6.2 Relevant submissions considered are set out below, with a response to each submission point:

- OS29.19 – Waikato Regional Council. The rezonings should be declined, or if not only rezoned where there are appropriate buffers for protecting the SNAs and SGFs [Significant Geothermal Features] from development.

Response:

- This submission is supported, through the recognition and protection of ecologically-significant geothermal sites which will occur as part of the rezoning (refer to 6.7 and 6.8 below).
- OS46.5 - Tukairangi Trust - If industrial land [Broadlands] is to be zoned by these areas a buffer zone should be afforded or vested for access for essential ecological work, businesses audited for incursion onto SNAs.

Response:

- This submission is supported.
- OS62.1- Alana Delich – For Broadlands West, the following be included as rules: to 4h.3.7: Ecological assessment of potential geothermal features; Ecological mitigation plan; and Hydrological assessment of effects of development on groundwater recharge.

Responses:

- The need for ecological assessment of geothermal features is supported.
- An ecological management plan would be beneficial.
- A hydrological assessment of qualitative discharge seems excessive unless subsurface extraction of geothermal fluid is proposed.
- OS62.3- Alana Delich - The S32 should review the Geothermal Module of the Waikato Regional Plan in the context of the Broadlands Road West site, and Significant Geothermal Features are not mapped.

Response:

- Geothermal features have now been mapped.
- OS62.5- Alana Delich - The Broadlands Road West Site has not had adequate ecological assessment completed as part of this proposed plan change. If found to be geothermal ecosystems, must be excluded from the plan change with an appropriate buffer (minimum 20m).

Responses:

- Further information is provided in this evidence.
- A 20 metre buffer would be appropriate around the additional features that have been identified. Refer to the map in Attachment 1.
- OS89.21- Department of Conservation - Identified Site 4 is proposed to be rezoned from Rural Environment to Industrial Land. There is a lack of detail in the Section 32 Evaluation Report for Plan Change 43 in relation to the potential adverse effects on SNA180 from the rezoning of Site 4 to Industrial Land.

Responses:

- Further information is provided in this evidence.
- A 20 metre buffer would be appropriate for ecologically-significant geothermal sites.

- OS114.14 - Taupō Climate Action Group - The submitter seeks that provisions include, but not be limited to the inclusion of an ecological assessment of potential geothermal features.

Responses:

- Further information is provided in this evidence.
 - A 20 metre buffer would be appropriate for ecologically-significant geothermal sites.
- OS114.15 - Taupō Climate Action Group - The submitter encourages caution towards the rezoning of the Broadlands Road West Area. Submitter seeks that provisions include, but not be limited to an ecological mitigation plan.

Responses:

- Further information is provided in this evidence.
- A 20-metre buffer would be appropriate for ecologically-significant geothermal sites.

These submissions are grouped by distance of zone to geothermal features at Broadlands Road and requirements for further ecological assessments.

6.3 Submissions seeking additional buffering at Broadlands Road. Submissions OS29.19, OS46.5, OS62.3 and OS62.5 (Waikato Regional Council, Tukairangi Trust, Alana Delich) seek additional buffering of the geothermal features/SNA180.

Responses:

- Further information is provided in this evidence.
- A 20-metre buffer would be appropriate for ecologically-significant geothermal sites.

Submissions seeking ecological mitigation plans or further ecological assessment at Broadlands Road.

6.4 Submissions OS62.1, OS89.21, OS114.15 and OS114.14 (Alana Delich, Department of Conservation, Taupō Climate Action Group, Taupō Climate

Action Group) all seek provisions relating to ecological assessments of geothermal areas and or provisions including an ecological mitigation plan.

- 6.5** All submissions have been addressed by undertaking an additional site inspection.
- 6.6** Status quo management includes grazing and general rural land use practices. As such there is currently no protection of the ecologically-significant geothermal sites present within the site proposed for industrial zoning.
- 6.7** Future industrial zoning – if combined with a 20 metre setback and implementation of an Ecological Management Plan - would help to sustain these features in the future.

7. SUMMARY AND CONCLUSIONS

- 7.1** Further field evaluation at the Broadlands Road site has identified additional features that warrant protection.
- 7.2** Several previously unmapped geothermal features, containing geothermal vegetation, or vegetation typical of geothermal habitats, were found adjacent to SNA 180.
- 7.3** Given the uniqueness of geothermal vegetation and habitats, buffers should be established to protect these additional features.
- 7.4** Buffers around the geothermal features should be delineated from the edges of these features.
- 7.5** Establishment of a buffer from these features, and some distance from the currently mapped SNA feature, will address the potential for adverse effects raised by submitters. It is feasible to retire and protect these sites and an ecological management plan would provide useful direction on how to keep these features (and their 20 metre buffers) in good condition.
- 7.6** The following provisions could be applied to future management of the site:
 - Design the layout of the subdivision to ensure the recognition and protection of Significant Geothermal Features identified within the Broadlands Road West – Outline Development Plan;

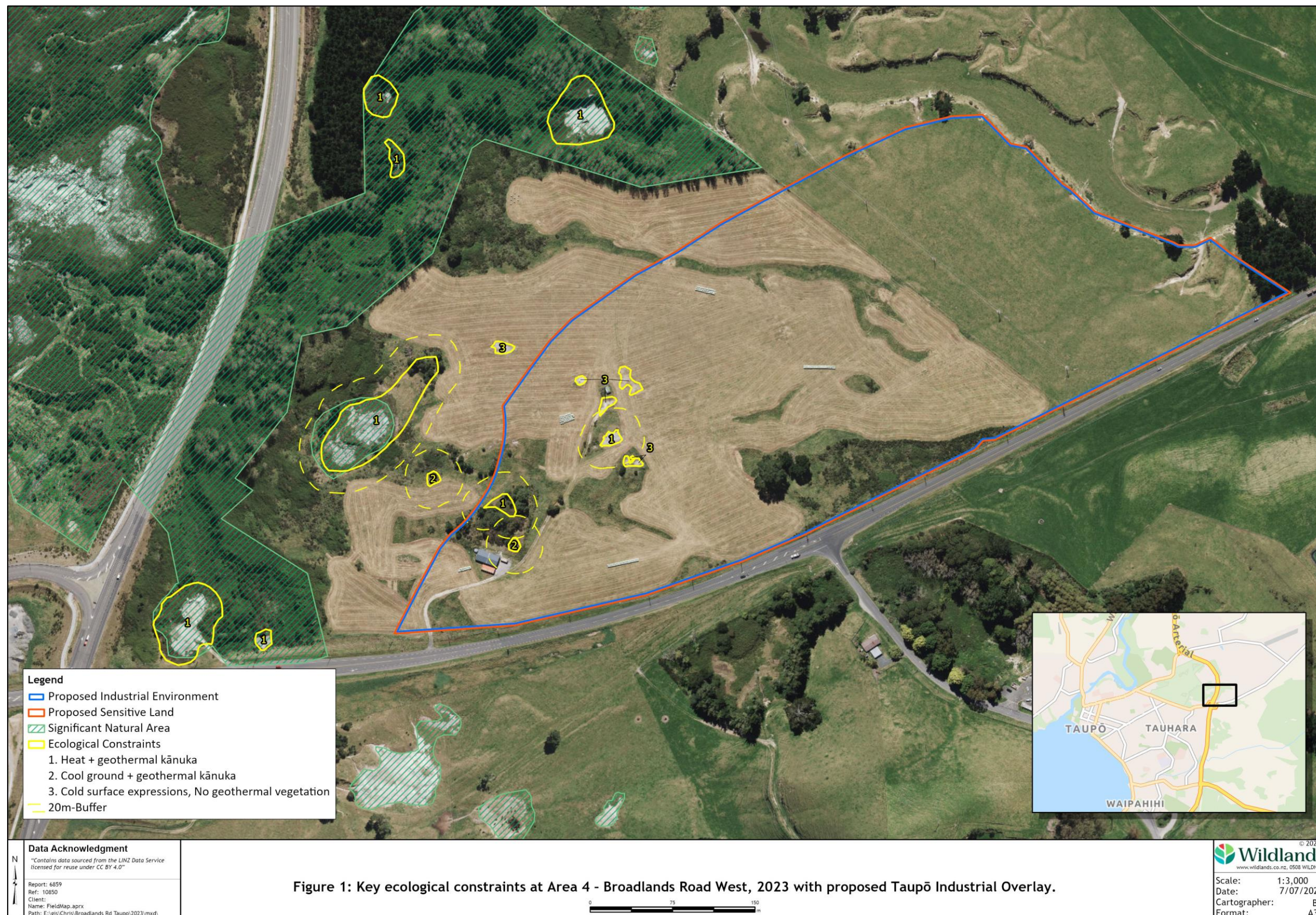
- Provide an ecological management plan for the features identified as Significant Geothermal Features identified within the Broadlands Road West – Outline Development Plan;
- Establish controls on stormwater management and construction activities to maintain the ongoing health and function of Significant Geothermal Features identified within the Broadlands Road West – Outline Development Plan.

REFERENCES

- de Lange P.J., Rolfe J.R., Barkla J.W., Courtney S.P., Champion P.D., Perrie L.R., Beadel S.M., Ford K.A., Breitwieser I., Schonberger I., Hindmarsh-Walls R., Heenan P.B., and Ladley K. 2018: Conservation status of New Zealand indigenous vascular plants, 2017. *New Zealand Threat Classification Series 22*. Department of Conservation, Wellington. 82 pp.
- Hitchmough R., Bull L. and Cromarty P. (compilers) 2007: New Zealand Threat Classification System lists - 2005. Science & Technical Publishing, Department of Conservation, Wellington.
- Holdaway R.J., Wiser S.K., and Williams P.K. 2012: Status assessment of New Zealand's naturally uncommon ecosystems. *Conservation Biology* 26: 619-629.
- Lebel T, Pennycook S Barrett M. 2018. Two new species of *Pisolithus* from Australasia, and an assessment of the confused nomenclature of *P. tinctorius*. *Phytotaxa* 348: 163.
- Wildland Consultants 2004: Geothermal vegetation of the Waikato Region - Revised 2004. *Wildland Consultants Ltd Contract Report No. 896*. Prepared for Environment Waikato. 238 pp.
- Wildland Consultants 2014a: Geothermal vegetation of the Waikato Region, 2014. *Wildland Consultants Ltd Contract Report No. 3330*. Prepared for Waikato Regional Council. 526 pp.
- Wildland Consultants 2020: Significant Natural Areas of the Taupō District 2019. *Wildland Consultants Ltd Contract Report No. 4881a. Volume 1. 3330*. Prepared for Taupō District Council. 54 pp.
- Wildland Consultants 2023: Geothermal vegetation in the Waikato Region *Wildland Consultants Ltd Contract Report No. 3330d*. Prepared for Waikato Regional Council. 599 pp.
- Williams P.A, Wiser S., Clarkson B., and Stanley M.C. 2007: New Zealand's historically rare terrestrial ecosystems set in a physical and physiognomic framework. *New Zealand Journal of Ecology* 31: 119-128.
- Wiser S.K., Buxton R.P., Clarkson B.R., Hoare R.J.B., Holdaway R.J., Richardson S.J., Smale M.C., West C., and Williams P.A. 2013: New Zealand's naturally uncommon ecosystems. In Dymond J.R. (ed.) *Ecosystem services in New Zealand – conditions and trends*. Manaaki Whenua Press, Lincoln, New Zealand. pp. 49–61.

William Bruce Shaw

11 July 2023



FIELD INSPECTION PHOTOGRAPHS 23 JUNE 2023



Plate 1: Small examples of geothermally-influenced bare (now cool) ground in grazed pasture. NZTM E1871396 N5714103.



Plate 2: This small patch appears to have been geothermal in the past, but is now cool and has been modified by vehicle use/parking. NZTM E1871426 N5714081.



Plate 3: Geothermally-influenced bare ground (now cool). Note the silver birch on margins. NZTM E1871449 N5714034.



Plate 4: One of two more active areas of geothermal ground within the subject area. Temperatures of 50°C were recorded in the geothermal kānuka on the right side. NZTM E1871449 N5714055.



Plate 5: A few low-growing geothermal kānuka (<0.5 metres tall) on the edge of geothermally-influenced bare ground. The small hummock is predominantly the exotic grass Indian doab. NZTM E1871452 N5714059.



Plate 6: The fungus *Pisolithus*, with at least four species of *Pisolithus* at geothermal sites in the central North Island. The conservation status of these species in Aotearoa New Zealand has not been assessed.
NZTM E1871441 N5714061.



Plate 7: Largest patch of geothermal vegetation in the subject area, covering c.0.2 ha. Maritime pine is present on margins, often around 15 metres tall, with scattered silver birch at the southern end. Geothermal kānuka forms an almost complete ground cover. Temperatures of 98°C were recorded along the fence line at 10 cm (bare ground in foreground). The area of geothermally-influenced grassland in the foreground is almost entirely Indian doab.
NZTM E1871323 N5714004.



Plate 8: A small area of bracken (0.5 metres tall) with a few geothermal kānuka and broom is present at the southern end of the fenced geothermal area. Soil temperature in this area is 13°C. A small area of geothermally-influenced bare ground (now cool) was present. NZTM E1871367 N5713947.



Plate 9: Most of the eastern part of the subject area has a cover of exotic grasses, with no evidence of geothermal activity.
NZTM E1871853E N5714095.



Plate 10: Pasture grassland in the southwestern part of the subject area.
NZTM E1871223 N5713935.

REGIONAL-LEVEL STATUTORY CONTEXT

**WAIKATO REGIONAL POLICY STATEMENT POLICIES
ON INDIGENOUS BIODIVERSITY**

11.1.1 Maintain or enhance indigenous biodiversity

Regional and district plans shall maintain or enhance indigenous biodiversity, including by:

- a. providing for positive indigenous biodiversity outcomes when managing activities including subdivision and land use change;
- b. having regard to any local indigenous biodiversity strategies developed under Method 11.1.11; and
- c. creating buffers, linkages and corridors to protect and support indigenous biodiversity values, including esplanade reserves and esplanade strips to maintain and enhance indigenous biodiversity values.

11.1.2 Adverse effects on indigenous biodiversity

Regional and district plans shall recognise that adverse effects on indigenous biodiversity within terrestrial, freshwater and coastal environments are cumulative and may include:

- a. fragmentation and isolation of indigenous ecosystems and habitats;
- b. reduction in the extent and quality of indigenous ecosystems and habitats;
- c. loss of corridors or connections linking indigenous ecosystems and habitat fragments or between ecosystems and habitats;
- d. the loss of **ecological sequences**;
- e. loss or disruption to migratory pathways in water, land or air;
- f. effects of changes to hydrological flows, water levels, and water quality on ecosystems;
- g. loss of buffering of indigenous ecosystems;
- h. loss of ecosystem services;
- i. loss, damage or disruption to ecological processes, functions and ecological integrity;
- j. changes resulting in an increased threat from animal and plant pests;
- k. effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems;
- l. noise, visual and physical disturbance on indigenous species, particularly within the ; and

- m. loss of habitat that supports or provides a key life-cycle function for indigenous species listed as 'Threatened' or 'At Risk' in the New Zealand Threat Classification System lists.

11.1.3 Avoidance, remediation, mitigation and offsetting (for indigenous biodiversity that is not significant)

Regional and district plans:

- a. for non-significant indigenous vegetation and non-significant habitats of indigenous fauna (excluding activities pursuant to 11.1.4):
- i. shall require that where loss or degradation of indigenous biodiversity is authorised adverse effects are avoided, remedied or mitigated (whether by onsite or offsite methods).
 - ii. should promote biodiversity offsets as a means to achieve no net loss of indigenous biodiversity where significant residual adverse effects are unable to be avoided, remedied or mitigated.
 - iii. when considering remediation, mitigation or offsetting, methods may include the following:
 - i. replacing the indigenous biodiversity that has been lost or degraded;
 - ii. replacing like-for-like habitats or ecosystems (including being of at least equivalent size or ecological value);
 - iii. the legal and physical protection of existing habitat;
 - iv. the re-creation of habitat; or
 - v. replacing habitats or ecosystems with indigenous biodiversity of greater ecological value.
- b. for significant indigenous vegetation and significant habitats of indigenous fauna Method 11.2.2 applies

Waikato RPS APP5 – Criteria for determining significance of indigenous biodiversity

Previously assessed site

1. It is indigenous vegetation or habitat for indigenous fauna that is currently, or is recommended to be, set aside by statute or covenant or by the Nature Heritage Fund, or Ngā Whenua Rāhui committees, or the Queen Elizabeth the Second National Trust Board of Directors, specifically for the protection of biodiversity, and meets at least one of criteria 3-11.

Ecological values

2. In the Coastal Marine Area, it is indigenous vegetation or habitat for indigenous fauna that has reduced in extent or degraded due to historic or present anthropogenic activity to a level where the ecological sustainability of the ecosystem is threatened.
3. It is vegetation or habitat that is currently habitat for indigenous species or associations of indigenous species that are: classed as threatened or at risk, or endemic to the Waikato region, or at the limit of their natural range.
4. It is indigenous vegetation, habitat or ecosystem type that is under-represented (20% or less of its known or likely original extent remaining) in an Ecological District, or Ecological Region, or nationally.
5. It is indigenous vegetation or habitat that is, and prior to human settlement was, nationally uncommon such as geothermal, chenier plain, or karst ecosystems, hydrothermal vents or cold seeps.
6. It is wetland habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities) that has not been created and subsequently maintained for or in connection with: waste treatment; wastewater renovation; hydro electric power lakes (excluding Lake Taupō); water storage for irrigation; or water supply storage; unless in those instances they meet the criteria in Whaley et al. (1995).
7. It is an area of indigenous vegetation or naturally occurring habitat that is large relative to other examples in the Waikato region of similar habitat types, and which contains all or almost all indigenous species typical of that habitat type. Note this

criterion is not intended to select the largest example only in the Waikato region of any habitat type.

8. It is aquatic habitat (excluding artificial water bodies, except for those created for the maintenance and enhancement of biodiversity or as mitigation as part of a consented activity) that is within a stream, river, lake, groundwater system, wetland, intertidal mudflat or estuary, or any other part of the coastal marine area and their margins, that is critical to the self sustainability of an indigenous species within a catchment of the Waikato region, or within the coastal marine area. In this context “critical” means essential for a specific component of the life cycle and includes breeding and spawning grounds, juvenile nursery areas, important feeding areas and migratory and dispersal pathways of an indigenous species. This includes areas that maintain connectivity between habitats.
9. It is an area of indigenous vegetation or habitat that is a healthy and representative example of its type because: its structure, composition, and ecological processes are largely intact; and if protected from the adverse effects of plant and animal pests and of adjacent land and water use (e.g. stock, discharges, erosion, sediment disturbance), can maintain its ecological sustainability over time.
10. It is an area of indigenous vegetation or habitat that forms part of an ecological sequence, that is either not common in the Waikato region or an ecological district, or is an exceptional, representative example of its type.

Role in protecting ecologically significant area

11. It is an area of indigenous vegetation or habitat for indigenous species (which habitat is either naturally occurring or has been established as a mitigation measure) that forms, either on its own or in combination with other similar areas, an ecological buffer, linkage or corridor and which is necessary to protect any site identified as significant under criteria 1-10 from external adverse effects.

Waikato RPS 9B significant geothermal feature types

Table 9-1: Significant geothermal feature types.

Feature Type	Definition
Geyser	Any naturally-occurring geothermal spring that occasionally or frequently erupts producing an intermittent or continuous discharge by the evolution of a phase dominated by steam or other gases, vigorous enough to eject forcefully liquid water by surging, boiling, throwing, splashing, or jetting it into the air above a static water level or vent opening. This includes hot water geysers, perpetual spouters, soda geysers, and crypto-geysers. The area of a geyser comprises that of the spring basin and the area covered (perhaps intermittently) by surface water composed of the undiluted discharge from the geyser, and by any sinter deposits created by that discharge.
Spring vigorously depositing sinter	Any naturally-occurring geothermal spring that vigorously deposits sinter on surfaces covered by its outflow, or any submerged geothermal spring that would be likely to vigorously deposit sinter if it were no longer submerged. The area of a spring vigorously depositing sinter comprises that of the spring basin, together with the area covered by any surface water composed of the undiluted outflow from the pool and any sinter deposits created by that outflow.
Recent sinter	Any sinter body that has received natural sinter deposition since 1900. This includes carbonate sinters (travertine). The area of a recent sinter body consists of that of all interconnected sinter in a single occurrence and the land formations underlying it, and any naturally occurring geothermal spring that flows over the sinter body.
Geothermal habitat on heated ground or cooled acid ground	Any area of terrestrial habitat of thermotolerant indigenous species on current or formerly geothermally heated ground.
Habitat dependent on geothermally-altered atmosphere	Any area of terrestrial habitat of indigenous thermotolerant species that is tolerant of, or dependent on geothermal alteration of, atmospheric conditions.
Mud geyser	Any naturally-occurring geothermally heated mud pool that occasionally or frequently erupts. The eruption produces an intermittent or continuous discharge caused by the evolution of a phase dominated by steam or other gases. This must be vigorous enough to forcefully raise liquid mud by surging, boiling, throwing, splashing, or jetting it into the air above a static water level. This includes mud volcanoes exhibiting this behaviour. The area covered by a mud geyser includes the mud pool, its banks, and any mud formations built up by the ejection of mud from the pool.
Molten sulphur-producing spring	A hot spring whose water supply passes through elemental sulphur bearing rock at a temperature sufficiently high to melt the sulphur (119°C) and bring it to the surface.
Superheated fumarole	Any naturally-occurring vent, including those found underwater, whose main discharge consists of steam and other gases of geothermal origin with a temperature greater than the local boiling temperature of water. The area of a fumarole consists of the vent, any surface accumulating

Feature Type	Definition
	mineral deposits derived from its gases, and any ecosystems dependent on the heat and fluid flowing from the vent.
Mud pool	Any naturally-occurring basin of turbid water or mud heated (or recently heated) by geothermal processes. The area of a mud pool comprises that of the pool itself, its banks, and any mud formations built up by the ejection of mud from the pool.
Geothermally-influenced aquatic habitat	Any area of naturally-occurring seasonal or permanent aquatic habitat of thermotolerant, thermophilic, or extremophilic indigenous species in a water body or part thereof influenced by natural geothermal input, or in a geothermally-influenced water body.
Geothermally-influenced water body	<p>Any naturally-occurring wetland, lake, pool, or stream, or portion thereof (including the bed and banks), whose chemical or temperature profile is significantly influenced by natural geothermal input and which is either:</p> <ul style="list-style-type: none"> • a standing water body of greater than 30 m² surface area, or • a flowing water body longer than 100 metres and with a flow greater than 0.1 m³/sec <p>in which natural geothermal input has caused the water to have:</p> <ul style="list-style-type: none"> • a temperature of greater than 30°C, or • a chloride concentration of greater than 120 g/m³, or • a sulphate concentration of greater than 60 g/m³, or • geothermal mineral deposition, <p>measured at least seven days after a significant rainfall event.</p> <p>In large or poorly mixed water bodies, only those portions which meet the above conditions are included in this definition.</p>
Hydrothermal eruption crater	Any naturally-occurring crater produced by the explosive boiling of geothermal water without the direct involvement of near-surface magma, and by the consequent ejection of material derived from the rock matrix. The area of a hydrothermal eruption crater comprises that of the crater, its sides, and the ejecta deposited around the crater.
Culturally significant feature	Any geothermal surface feature, whether artificial, natural, or modified that is deemed significant following consideration of the criteria for determining significance of cultural heritage resources in section 10A of the Regional Policy Statement.

Table 9-1 above lists Significant Geothermal Feature types. There are other Geothermal Features in the region that have not been included as significant. These include but are not limited to:

- Fumaroles producing steam of less than 100°C;
- Heated or steaming ground;
- Geothermally altered ground;
- Collapse pits;
- Geothermal springs or seeps; and
- Ancient sinter.

Waikato Regional Plan definitions of significant geothermal features

Significant Geothermal Features: 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 are Geothermal Features of the types defined in the table below.

Feature Type	Definition
Geyser	Any naturally occurring geothermal spring that occasionally or frequently erupts producing an intermittent or continuous discharge by the evolution of a phase dominated by steam or other gases, vigorous enough to eject forcefully liquid water by surging, boiling, throwing, splashing, or jetting it into the air above a static water level or vent opening. This includes hot water geysers, perpetual spouters, soda geysers, and crypto-geysers. The area of a geyser comprises that of the spring basin and the area covered (perhaps intermittently) by surface water composed of the undiluted discharge from the geyser, and by any sinter deposits created by that discharge.
Spring Vigorously Depositing Sinter	Any naturally occurring geothermal spring that vigorously deposits sinter on surfaces covered by its outflow, or any submerged geothermal spring that would be likely to vigorously deposit sinter if it were no longer submerged. The area of a spring vigorously depositing sinter comprises that of the spring basin, together with the area covered by any surface water composed of the undiluted outflow from the pool and any sinter deposits created by that outflow.
Recent Sinter	Any sinter body that has received natural sinter deposition since 1900 but which is no longer receiving natural sinter deposition. This includes carbonate sinters (travertine). The area of a recent sinter body consists of that of all interconnected sinter in a single occurrence and the land formations underlying it.
Geothermal habitat on heated ground or cooled acid ground	Any area of terrestrial habitat of thermotolerant indigenous species on current or formerly geothermally heated ground.
Habitat dependent on geothermally-altered atmosphere	Any area of terrestrial habitat of indigenous thermotolerant species that is tolerant of, or dependent on geothermal alteration of, atmospheric conditions.
Mud Geyser	Any naturally occurring geothermally heated mud pool that occasionally or frequently erupts. The eruption produces an intermittent or continuous discharge caused by the evolution of a phase dominated by steam or other gases. This must be vigorous enough to forcefully raise liquid mud by surging, boiling, throwing, splashing, or jetting it into the air above a static water level. This includes mud volcanoes exhibiting this behaviour. The area covered by a mud geyser includes the mud pool, its banks, and any mud formations built up by the ejection of mud from the pool.
Molten Sulphur-Producing Spring	A hot spring whose water supply passes through elemental sulphur bearing rock at a temperature sufficiently high to melt the sulphur (119 °C) and bring it to the surface.

Feature Type	Definition
Superheated Fumarole	Any naturally occurring vent, including those found underwater, whose main discharge consists of steam and other gases of geothermal origin with a temperature greater than the local boiling temperature of water. The area of a fumarole consists of the vent, any surface accumulating mineral deposits derived from its gases, and any ecosystems dependent on the heat and fluid flowing from the vent.
Mud Pool	Any naturally occurring basin of turbid water or mud heated (or recently heated) by geothermal processes. The area of a mud pool comprises that of the pool itself, its banks, and any mud formations built up by the ejection of mud from the pool.
Geothermally-Influenced Aquatic Habitat	Any area of naturally occurring seasonal or permanent aquatic habitat of thermotolerant, thermophilic, or extremophilic indigenous species in a water body or part thereof influenced by natural geothermal input, or in a Geothermally-Influenced Water Body.
Geothermally-Influenced Water Body	<p>Any naturally occurring wetland, lake, pool, or stream, or portion thereof (including the bed and banks), whose chemical or temperature profile is significantly influenced by natural geothermal input and which is either:</p> <ul style="list-style-type: none"> • a standing water body of greater than 30 m² surface area, or • a flowing water body longer than 100 metres and with a flow greater than 0.1 m³/sec <p>in which natural geothermal input has caused the water to have:</p> <ul style="list-style-type: none"> • a temperature of greater than 30°C, or • a chloride concentration of greater than 120 g/m³, or • a sulphate concentration of greater than 60 g/m³, or • geothermal mineral deposition <p>measured at least seven days after a significant rainfall event. In large or poorly mixed water bodies, only those portions which meet the above conditions are included in this definition.</p>
Hydrothermal Eruption Crater	Any naturally occurring crater produced by the explosive boiling of geothermal water without the direct involvement of near-surface magma, and by the consequent ejection of material derived from the rock matrix. The area of a hydrothermal eruption crater comprises that of the crater, its sides, and the ejecta deposited around the crater.
Culturally Significant Feature	Any geothermal surface feature, whether artificial, natural, or modified that is deemed significant following consideration of the criteria for determining significance of cultural heritage resources in Appendix 4 of the Waikato Regional Policy Statement.

Attachment G: TAUPŌ COMMERCIAL AND INDUSTRIAL STRUCTURE PLAN (2011) PLANNED INDUSTRIAL GROWTH AREAS

Implementation

Industrial Zoning

The Structure Plan identifies land on the eastern side of Taupō town as appropriate for future industrial development. The study areas were generally identified for urban expansion in the Taupō Urban Structure Plan (2004), and confirmed in Taupō District 2050, the district wide growth management strategy (2006). This Structure Plan reviewed this earlier work, and carried out a land constraints exercise which then identified gross developable areas.

It is these gross developable areas which will be rezoned to Industrial Environment. In doing so, the northern land has been further identified as Industrial Environment (Heavy), and land shown in the Structure Plan as sensitive, has been identified as Industrial Environment (Sensitive).

The Industrial (Heavy) land is located adjacent to existing industrial activity on Centennial Road and Rakaunui Road. This area has had a history of planning for heavy industry, and existing industrial land generally consists of large allotments, and predominantly yard based industrial activity. The land is also located close to geothermal activity and primary geothermal resource users, so it makes sense to recognise this resource in providing for future activity.

Areas have been identified as Industrial (Sensitive) because they exhibit characteristics that will require more careful treatment than is necessary in other locations. For reasons such as prominent location, natural hazards, or gully formations, extra care will need to be taken at the time of subdivision and development.

The Airport is presently part of the Rural Environment. It is proposed to zone additional industrial land just to the north, as well as the existing airport to better reflect the current land use and range of existing airport activity (see map on page 23).

The gross developable areas have been identified through the economic report as generally being sufficient in land area to cater for the next 20 years of projected demand for this type of land. In addition, the Structure Plan process has also identified the extent of necessary future infrastructure upgrades. These upgrades are all able to be achieved, but will be costly, and the timing of infrastructural upgrades will be left to the market. This means that the landowner will be responsible for

the provision and cost of infrastructure, at the time of subdivision or development.

The Structure Plan also recommends a number of other industrial zoning provisions to be included in a District Plan change, to manage the subdivision of land and future land use activity. These include provisions to manage signage, landscaping and the amount of retail activity that may take place on a property.



20

ATTACHMENT H: CHANGE 1 TO THE WRPS: RELEVANT AMENDMENTS TO THE POLICY FRAMEWORK

OPERATIVE WRPS COMPARISON TABLE – SEPT 2022, RESTRUCTURING TO NATIONAL PLANNING STANDARDS

Restructured Numbering Sept 2022	PC43 Referencing (s32)	Relevant Provision Text
IM-O1	Objective 3.1: Integrated Management	<p><i>Natural and physical resources are managed in a way that recognises:</i></p> <ul style="list-style-type: none"> d) <i>the needs of current and future generations;</i> e) <i>the relationships between environmental, social, economic and cultural wellbeing;</i>
IM-O8	Objective 3.10 Sustainable and efficient use of resources	<i>Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste</i>
UFD-O1	Objective 3.12 Built Environment	<p><i>Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:</i></p> <ul style="list-style-type: none"> a) <i>promoting positive indigenous biodiversity outcomes;</i> b) <i>preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;</i> c) <i>integrating land use and infrastructure planning, ..</i> e) <i>recognising and protecting the value and long-term benefits of regionally significant infrastructure;</i> g) <i>minimising land use conflicts, including minimising potential for reverse sensitivity; ...</i>
UFD-P1	Policy 6.1 Planned and coordinated subdivision, use and development.	<p><i>Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:</i></p> <ul style="list-style-type: none"> a) <i>has regard to the principles in section 6A;</i> b) <i>recognises and addresses potential cumulative effects of subdivision, use and development;</i> c) <i>is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and</i> d) <i>has regard to the existing built environment.</i>
UFD-P2	Policy 6.3 Co-ordinating growth and infrastructure	<p><i>Management of the built environment ensures:</i></p> <ul style="list-style-type: none"> a) <i>the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure....</i>
UFD-P8 [Note deleted by Change 1]	Policy 6.11 Implementing Taupō District 2050	<p><i>Growth in the Taupō District will be managed in a way that:</i></p> <ul style="list-style-type: none"> a) <i>recognises that Taupō District 2050 provides for the management of future growth, including by:</i> <ul style="list-style-type: none"> i. <i>recognising the appropriateness of the urban growth areas as an important resource for providing for new urban land development and as the focus for future urban growth;</i>

APP11	6A Development Principles (for the purpose of Policy 6.1)	<p><i>General Development Principles</i></p> <p><i>New development should:</i></p> <ul style="list-style-type: none"> <i>a) support existing urban areas in preference to creating new ones;</i> <i>b) occur in a manner that provides clear delineation between urban areas and rural areas;</i> <i>c) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;</i> <i>d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;</i> <i>e) connect well with existing and planned development and infrastructure;</i> <i>i) promote compact urban form, design and location to:</i> <ul style="list-style-type: none"> <i>i) minimise energy and carbon use;</i> <i>ii) minimise the need for private motor vehicle use;</i> <i>iii) maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;</i> <i>iv) encourage walking, cycling and multi-modal transport connections; and</i> <i>v) maximise opportunities for people to live, work and play within their local area;</i> <i>k) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna....</i> <i>o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;</i> <i>q) consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered.</i>
-------	---	--

SPECIFIC PROVISIONS ASSOCIATED WITH DOMAINS AND TOPICS

Ecology

ECO-01	Objective 3.19 Ecological Integrity and indigenous vegetation	<i>The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.</i>
ECO-P1	Policy 11.1 Maintain or Enhance indigenous biodiversity	<p><i>Policy 11.1 Maintain or Enhance indigenous biodiversity</i></p> <p><i>Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems, with a particular focus on:</i></p> <ul style="list-style-type: none"> <i>(a) working towards achieving no net loss of indigenous biodiversity at a regional scale;</i> <i>(b) the continued functioning of ecological processes;</i> <i>(c) the re-creation and restoration of habitats and connectivity between habitats;</i> <i>(d) supporting (buffering and/or linking) ecosystems, habitats and areas identified as significant indigenous vegetation and significant habitats of indigenous fauna;</i> <i>(e) providing ecosystem services;</i> <i>(f) the health and wellbeing of the Waikato River and its catchment;</i> <i>(g) contribution to natural character and amenity values;</i> <i>(h) tāngata whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment;</i> <i>(i) managing the density, range and viability of indigenous flora and fauna; and</i> <i>(j) the consideration and application of biodiversity offsets.</i> <p><i>Method 11.1.1 seeks that district plans should provide for indigenous vegetation when managing land use change.</i></p>

Amenity and Landscapes

IM-09	Objective 3.21 Amenity	<i>The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced</i>
NATC-P1	Policy 12.2 Preserve Natural Character	<p><i>Ensure that activities within ... wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character and:</i></p> <ul style="list-style-type: none"> <i>a. where natural character is pristine or outstanding, activities should avoid adverse effects on natural character;</i> <i>b. where natural elements/influences are dominant, activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character;</i> <i>c. where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered;</i> <i>d. promote the enhancement, restoration, and rehabilitation of the natural character of ... lakes and rivers and their margins; and</i> <i>e. regard is given to the functional necessity of activities being located in or near ...lakes, or rivers and their margins where no reasonably practicable alternative locations exist.</i>

Geotechnical Risk

HAZ-P1	Policy 13.1 Natural Hazard Risk	<p><i>Natural hazard risks are managed using an integrated and holistic approach that:</i></p> <ul style="list-style-type: none"> <i>(a) Ensures the risk from natural hazards does not exceed an acceptable level;</i>
--------	--	--

	Management Approach	(b) .. (c) <i>Avoids the creation of new intolerable risk...</i>
HAZ-P2	Policy 13.2 Manage Activities to reduce the risks from natural hazards	<i>Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level including by:</i> (a) <i>ensuring risk is assessed for proposed activities on land subject to natural hazards;</i> (b) <i>reducing the risks associated with existing use and development where these risks are intolerable;</i> (c) <i>avoiding intolerable risk in any new use or development in areas subject to natural hazards;</i>
	Section 6A 'Development Principles'	<i>new development:</i> (h) <i>be directed away from ... natural hazard areas....:</i>

CHANGE 1 PROPOSED CHANGES TO THE WRPS – OCT 2022

The amendments introduced to the WRPS through Change 1 are considered to include:

- c. Definitions: Including that of a Tier 1 local authority, Urban Environment, and Well-functioning urban environment, which all take their interpretation directly from the NPS-UD.
- d. Amend IM-O5 to ensure that Land use is managed to:
 - (2) support reductions in greenhouse gas emissions within urban environments and ensure urban environments are resilient to the current and future effects of climate change.
- e. Amend UFD-01 Urban Form and Development (previously Objective 3.12) to insert:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

12. strategically planning for growth and development to create responsive and well-functioning urban environments, that:

a. support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change;

d. ensure sufficient development capacity, supported by integrated infrastructure provision, for identified housing and business needs in the short, medium and long term;

e. improves connectivity within urban areas, particularly by active transport and public transport;

f. take into account the values and aspirations of hapū and iwi for urban development.

- f. Amend UFD-P2 Co-ordinating growth and infrastructure (previously Policy 6.3) to insert:

Management of the built environment ensures:

- 2. *the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated or as required for tier 3 local authorities as set out in UFD-P18 and its associated methods;*

- g. Delete UFD-P8 (Previously Policy 6.11) as follows:

~~*Growth in the Taupō District will be managed in a way that:*~~

- ~~*1. recognises that Taupō District 2050 provides for the management of future growth, including by: ...*~~
~~*3. ... their merits under the RMA.*~~

- h. Insert new UFD-P18 as follows:

New urban development in tier 3 local authority areas shall be managed in a way that:

- 1. recognises and provides for the intended urban development pattern as set out in any agreed council-approved growth strategy or equivalent council-approved strategies and plans;*
- 2. contributes towards sufficient development capacity required to meet expected demand for housing and for business land over the short term, medium term, and long term as set out in the National Policy Statement on Urban Development;*
- 3. focuses new urban development in and around existing settlements;*
- 4. prevents a dispersed pattern of settlement and the resulting inefficiencies in managing resources that would arise from urban and rural residential development being located in the rural environment outside of identified urban growth areas;*
- 5. avoids the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of identified urban growth areas in providing a supply of land for urban development;*
- 6. ensures that any development is efficient, consistent with, and supported by, appropriate infrastructure necessary to service the area;*
- 7. has particular regard to the principles in APP11;*
- 8. recognises environmental attributes or constraints to development and addresses how they will be avoided or managed including those specifically identified in UFD-M8, high class soils as identified in LF-M41, and planning in the coastal environment as set out in CE-M1;*
- 9. in relation to urban environments:*
 - a. concentrates urban development through enabling heights and density in those areas of an urban environment with accessibility by active or public transport to a range of commercial activities, housing and community services, and where there is demand for housing and business use;*
 - b. provides for high-quality urban design which responds positively to local context whilst recognising and allowing for amenity values of the urban and built form in areas planned for intensification to develop and change over time, and such change is not, in and of itself, an adverse effect;*
 - c. enables a diverse range of dwelling types and sizes to meet the housing needs of people and communities, including for:*
 - i. households on low to moderate incomes; and*
 - ii. Māori to express cultural traditions and norms;*
 - d. enables a variety of site sizes and locations in urban environments suitable for different business sectors;*
 - e. supports reductions in greenhouse gas emissions including through providing for an increasingly compact urban form that supports less carbon intensive transport modes such as active and public transport.*

- i. Insert new Method UFD-M69 as follows:

UFD-M69 – Council-approved growth strategy or equivalent in tier 3 local authority areas Tier 3 local authorities shall prepare a new or updated council-approved growth strategy, or equivalent council-approved plans and strategies, to manage growth in accordance with UFD-P18.

The growth strategy or equivalent council-approved plans and strategies must be notified within two years of either the operative date of Plan Change 1 to the Regional Policy Statement or the date at which a council determines that it is a tier 3 local authority, and must address:

- 1. how the local authority will provide sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term as set out in the National Policy Statement on Urban Development 2020;*
- 2. the values and aspirations of hapū and iwi for urban development;*
- 3. the location and extent of urban settlements meeting the definition of a tier 3 urban environment;*
- 4. the location, land use types, staging, density and trigger requirements of future urban growth areas;*
- 5. identification of any areas within urban environments where greater heights and density of urban form are to be enabled;*

6. the type, scale and staging of infrastructure required to support or service development capacity, including three waters infrastructure, along with the general location of the corridors and other sites required to provide it;
 7. the multi-modal transport links and infrastructure required to service urban development and urban environments, both within an area of new development and connecting to neighbouring areas and existing transport infrastructure, in a way that provides good accessibility between housing, jobs, community services, natural spaces and open spaces; and
 8. the development principles in APP11.
- The council-approved growth strategy or equivalent council-approved strategies and plans must be developed through a non-Resource Management Act special consultative procedure or a Schedule 1 Resource Management Act process.

- j. Insert new Method UFD-M70 as follows:

UFDD-M70 – District Plans

Tier 3 local authorities shall include provisions in district plans to give effect to UFD-P18.

- k. Insert new Method UFD-M72 as follows:

UFD-M72 – Interim arrangements

Until such time as a local authority has prepared or updated its council-approved growth strategy, or equivalent council-approved strategies and plans, in accordance with UFD-M69, urban growth shall be managed in accordance with the Regional Policy Statement, the council's district plan, existing adopted council-approved growth strategies for the district, and the council's current infrastructure strategy.

- l. Amend APP11 Development Principles (previously Attachment 6.1 for the purposes of Policy 6.1) as follows:

General development principles

~~New development should~~ The general development principles for new development are:

(a)