

**BEFORE THE INDEPENDENT HEARINGS PANEL
AT TAUPŌ**

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

the hearing of submissions on Plan
Change 43 'Industrial Rezoning' to
the Taupō District Plan

AND

IN THE MATTER OF

Mega Foods – Proposed Geothermal
Ecology Area Provisions –
Broadlands Road West (Area 4)

JOINT STATEMENT ARISING FROM PLANNER EXPERT CAUCUSING

8 November 2023

INTRODUCTION

1. This joint witness statement (**JWS**) is the outcome of planner expert caucusing with respect to the Mega Foods submissions on Plan Change 43 'Industrial Rezoning' to the Taupō District Plan (**PC43**) relating to recommended provisions included in the Council's s42A Report regarding protections for geothermal features and ecology as sought in submissions¹.
2. Minute 18 [5] from the Panel provided directions for the provision of this JWS.
3. Mega Foods own the site at 63 Broadlands Road as sought in PC43 to be rezoned from Rural Environment to Taupō Industrial Environment. Relevant submissions include:
 - (a). submission point OS21.1 supporting the inclusion of 63 Broadlands Road as Taupō Industrial Zoning as the Plan Change as notified; and
 - (b). further submission point FS203.4 opposing 'additional controls' with regard to geothermal features and ecological values as sought in submissions.
4. This expert caucusing session was held on Wednesday 25 October with e-mail correspondence over the intervening period, before convening and agreeing the JWS on 8 November 2023. In person discussions were held on Teams.
5. The experts who attended the caucusing session were:
 - (a) Mr Darren Clark on behalf of Mega Foods; and
 - (b) Mr Matt Bonis on behalf of the Taupō District Council.

BACKGROUND

6. As outlined in the s42A Report:
 - (a) The rezoning of Broadlands Road West (Area 4) did not contain any controls in relation geothermal features and ecology on the site².
 - (b) Submissions, such as that from A Delich³ sought confirmation as to the representation of geothermal ecological values on the site, as established consequent to the ecological reports relied on for the Industrial rezoning. In addition, submissions subsequently sought protections including a buffer of '*at least 20m from any identified geothermal ecosystem with indigenous dominant vegetation*'.
 - (c) Mr Shaw on behalf of Taupō District Council, subsequent to submissions, undertook ecological site surveys and concluded that:

[5.5] *The following features* [as identified in Attachment 1 to his evidence] *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.*

¹ For example, Alana Delich, Department of Conservation, Tukairangi Trust

² S42A [122]

³ OS62.2

- *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.'*

(d) Mr Bonis in the s42A Report⁴ identified the respective higher order policy framework to be achieved in the consideration of ecological protections, including **Objective 3i.2.1** and **Policy 3i.2.2(ii)** (and provisions introduced through PC38 - **Objective 2.6.2, Objective 2.6.3**). The proposal is also to give effect to the relevant provisions of the WRPS that seek the full range of ecosystem types, and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems (**ECO-O1, Policy ECO-P1, ECO-P2**). As well as UFD-P1 / Policy 6.1 / Section 6A Principles / APP11 that:

New development should:

(k) *promote indigenous biodiversity outcomes and **protect significant indigenous vegetation and significant habitats of indigenous fauna.** (My emphasis)*

(e) Mr Bonis recommended a rule framework into Taupō Industrial Environment that:

- Inserted Appendix 11 - Broadlands Road West – Structure Plan Area (*identifying the Geothermal SNAs and associated 20m buffers*).
- Inserted Rule 4h.4.1 (as applicable to **landuse** development within the Broadlands Road West Outline Development Plan) precluding soil disturbance, vegetation removal or establishment of impermeable surfaces, with few exemptions as set as a **non-complying activity**.
- Inserted Rule 4h.4.2 for **subdivision** within that part of the Broadlands Road West – Outline Development Plan on Appendix 11 legally described as Section 14 SO438782 as a **restricted discretionary activity**, with Council's discretion limited to the recognition and protection of Geothermal Significant Natural Areas as identified in the Outline Development Plan.

(f) Mr Clark disagreed, considering the existing discretionary status for subdivision would provide 'the more appropriate' protection of geothermal features under Rule 4h.3.7.

7. The Panel Minute 18 directs the Planning Witnesses to 'conference the potential options for a hybrid of the various options for land use and subdivision provisions (including any policy changes) and produce a Joint Witness Statement (JWS)'.

8. Mr Bonis and Mr Clark understand the options to include:

- Option 1** – Broadlands Road West (Area 4) as zoned Taupō Industrial Environment as notified, and reliance on operative Plan Rule 4h.3.7. That is, the geothermal features would not be identified in an Outline Development Plan, and the discretionary activity status for subdivision would be utilised to account for any protections and management.
- Option 2** – The s42A Recommendations (as above).

⁴ S42A [126]

- (c) **Option 3** – A ‘hybrid’ approach, being: A lesser activity status (other than the s42A Report recommendation as non-complying) for land use and directive in the nature of the wording, in combination with specificity as to subdivision and an ODP (as set out in **Attachment A**).
- (d) **Option 4** – A ‘hybrid’ approach, amending existing Operative Plan provisions, being Subdivision Rule 4h.3.7 ‘Sensitive Overlay’ and Land Use Rule 4h.2.9 to incorporate specific reference to Section 14 SO 438782 requiring an ecological assessment to be undertaken in relation to any geothermal ecology values on the site, as not limited to methods to minimise and mitigate potential adverse effects on geothermal ecology values, including through subdivision design, land use layout, stormwater management and construction activities, so that there is no overall loss in indigenous biodiversity (as set out in **Attachment B**).

MATTERS AGREED

9. Mr Bonis and Mr Clark **agree** on the following matters:
- (a) That the evidence of Mr Shaw is acknowledged as the only ecological evidence available to the Panel.
 - (b) Based on that evidence, Mr Shaw identifies that there are features on the site that achieve the criteria not only in the NPS-IB, but also WRPS APP5.
 - (c) Accordingly, regardless of the application of the NPS-IB to the rezoning of the site, the management of these features is to achieve the relevant policy provisions as identified in [6(d)] above.
 - (d) That the Plan provisions, in being both effective and efficient for the purposes of s32(1)(b) is to strike an appropriate balance between protection and enabling a flexible development regime for the site.
 - (e) That the geothermal ecology resource needs to be protected by provisions in the Plan (on the agreed basis that the resource meets the appropriate threshold in criteria as set out in the evidence of Mr Shaw).
 - (f) That there should be both Subdivision and Land use provisions as associated with the management of the geothermal ecology resource associated with the site, noting that Mr Bonis and Mr Clark depart on the extent to which such requires additional provisions in the District Plan.

10. Mr Bonis and Mr Clark **agree** that the following (more relevant) provisions would apply to the site as rezoned to Taupō Industrial Environment:

Matter	Provision	Standard
Building Coverage	4h.1.2	75%
Earthworks	4h.1.5	2m vertical ground alteration.
Stormwater	4h.1.12	Stormwater for buildings and impermeable surfaces to be disposed of on-site to be hydrologically neutral in a 100 year return event.
Land use – Site defined as ‘Sensitive’	4h.2.9	Any land use a Discretionary Activity
Subdivision – Site defined as ‘Sensitive’	4h.3.7	Any subdivision is a Discretionary Activity, and will be subject to recommendations of appropriate technical assessments including, but not limited to geotechnical assessment, and an ecological assessment where the activity affects land identified as Significant Natural Area.

11. Mr Bonis and Mr Clark **agree** that the definition of ‘Significant Natural Area (SNA) in the Plan is as below, and for the purposes of Operative Plan rule 4h.3.7 would not explicitly necessitate an Ecological Assessment for the site.

***Significant Natural Area (SNA)** – areas of significant indigenous vegetation and/or significant habitats of indigenous fauna that have been identified on the Planning Maps and listed in Schedule 7.8 of the Plan.*

12. Mr Clark considers, that notwithstanding the above, as a discretionary activity (under rule 4h.3.7), relevant matters for consideration as part of a consent application are not restricted. An Ecological Assessment may well be required to address potential ecology effects from a proposed development, particularly when there is existing indigenous biodiversity. This is particularly in light of objective 3i.2.3 of the Operative Plan and clause 3.16 of the NPS-IB.
13. Mr Bonis, as noted at the Hearing, considers that there is uncertainty created as that provision stipulates an ‘an ecological assessment where the activity affects land **identified as a**

Significant Natural Area'. As identified, the geothermal ecological resource at Area 4 is not listed in Schedule 7.8 of the Plan. Regardless, there would be more certainty were the assessed features identified by Mr Shaw explicitly identified in the District Plan (either through specific mapping and / or provision).

14. The Planners agree that the Geothermal Ecology Resource on Broadlands Road – Area 4 are not included in Schedule 7.8, and that the appropriate approach to updating that Schedule in its entirety is via a District wide process.
15. Accordingly, the application of Objective 3i.2.1 'Protection of Significant Natural Areas' and associated policies is arguable as the features identified by Mr Shaw are not included in Schedule 7.8 and hence not defined as Significant Natural Areas; although there is agreement that Objective 3i.2.2 and Objective 3i.2.3 which seek to enhance the broader term of 'natural values' are applicable in terms of s32(1)(a).
16. The Planners agree that Policy 3e.2.5(ii) 'Land Development' requires significant features or areas of natural value are to be either maintained or enhanced.
17. The Planners agree, that should the Panel in weighing up all the evidence proceed with Option 3 (based on the s42A Report), the status for a breach of the 20m buffer rule should be amended from non-complying activity status to restricted discretionary activity (RDA) status. The basis of the amended status is predicated on the Planner's understanding that an RDA status is more enabling and allows appropriate flexibility and considerations of merits, but also provides for an appropriate ecological assessment and ability to decline consent if needed.

MATTERS DISAGREED

18. Mr Bonis and Mr Clark **disagree** on the following matters:

Mr Clark

19. Mr Clark disagrees that the planning response of mapping the investigated areas as SNAs in Option 2 is the more appropriate, for the reasons set out in his evidence. Mr Clark notes that if the Panel were to proceed with Option 3 as now put forward by Mr Bonis, that it does go some way in addressing his concerns, by providing a more enabling rule framework for industrial land use activities and which continues to protect the geothermal ecology resource. The recommended assessment criteria provide an appropriate framework to consider future applications against. However, ultimately, Mr Clark still disagrees with the approach of mapping such areas as SNAs (and their 20m buffers) into the District Plan, for the reasons as stated in his evidence.
20. However, on further consideration, and after hearing the Panel and Section 42A Hearing Summary of Mr Bonis, Mr Clark does agree, that further specificity in both the Subdivision and Land use rules is required to ensure greater consideration of geothermal ecology values at time of site development. This is presented in Option 4 (Attachment B) which draws on

some of the PC43 as amended text regarding the 'Ecological Management Plan' requirements. This would continue to address submitter concerns.

21. Mr Clark notes that both Submissions OS62.1 (Alana Delich) and OS114.14 and OS114.15 (Taupō Climate Action Group), sought the inclusion of added text to the PC43 provisions as notified as follows.
22. Alanah Delich sought the following amendments:

"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."*
23. Taupō Climate Action Group, sought the following amendments:

"We ask that provisions include, but not be limited to:

 - *the inclusion of an ecological assessment of potential geothermal features,*
 - *an ecological mitigation plan and*
 - *a hydrological assessment of effects of development on groundwater recharge."*
24. Mr Clark notes that his recommended amendments in Option 4 address such concerns by including added focus in the Subdivision and Land use rules to require such ecological assessments and management plans. Option 4 will continue to read up to the relevant objectives including objective 3t.2.5 and objective 3i.2.3.
25. Mr Clark's view is that the ability to consider geothermal ecology values more generally at time of application for resource consent, would provide a more efficient means of achieving objectives 3t.2.1 and 3.t.2.5, and noting that the Sensitive Land overlay already anticipates geothermal sensitivities that require further investigation. Mr Clark notes that surface expressions of geothermal activity are dynamic and can 'move' over time – as per Mr Shaw's evidence (paragraph 5.2)
26. Mr Clark also notes, that as per his evidence, any eventual subdivision consent application would be a Non-Complying Activity, due to the split zoning with the Rural Environment covering much of the site. As such, this reinforces the wider considerations of the whole site that would need to be addressed at consenting stage. An informed ecological assessment of the wider site at that time, would provide a more holistic approach to determining ecological opportunities and constraints and optimal site layout of a proposed development.
27. The statutory directive for PC43 to give effect to the National Policy Statement – Urban Development (NPS-UD) and to create well-functioning urban environments that "...enable a variety of sites that are suitable for different business sectors in terms of location and site size" (Policy 1 NPS-UD), is considered to be better met by retaining this more efficient option,

to assess, identify and respond to geothermal features through a subsequent consenting process.

28. Mr Clark notes that the ability for Council to undertake a district wide update to SNAs as required by clause 3.9 of the NPS-IB still remains. He is of the view that the further specificity in the rules wording of Option 4, along with the added ongoing requirements of the NPS-IB (clause 3.16) to subdivision, use and development on the site, will ensure that there remains an appropriate planning framework to govern such activities on the site. This will ensure that this option remains effective in protecting and enhancing geothermal ecology and indigenous biodiversity, and in light of the statutory framework of the NPS-IB.
29. Mr Clark recognises that Submission OS89.21 (Department of Conservation) sought that a “...suitably qualified ecologist confirms whether identified Site 4 qualifies as an SNA or a geothermal SNA” and that Council complete further investigations of the NPS-IB. However, for the reasons set out in his evidence, Mr Clark is of the view that the creation of SNAs through PC43 is not the more appropriate planning response to the ecology evidence. The further specificity in the rules wording in Option 4 will assist in protecting the geothermal resource.
30. The s32AA as required by the Panel Minute for Option 4 is provided in Attachment B.

Mr Bonis

31. To assist in conciseness, and acknowledging that both Planners agree that the site contains ecological significant values that are to be recognised and protected by mechanisms (subdivision and landuse) as associated with a change in zoning from Rural Environment to Taupō Industrial Environment:
32. Mr Bonis considers:
 - a. That given the amended approach from Mr Clark (and a change in land use status to restricted discretionary for 20m buffer areas in Option 4) there is now little light between the approaches recommended (Option 3 and Option 4).
 - b. either approach would provide a mechanism as associated with either land use and / or subdivision to ensure an explicit mechanism to address geothermal significant natural areas on the subject site (Broadlands – Area 4).
33. In conclusion Mr Bonis considers:
 - a. that the approach (Option 4) provided by Mr Clark is the more **efficient**, in considering costs and benefits, as it provides for environmental and economic benefits associated with the protection of the geothermal significant natural area(s) as associated with a specific land subdivision or land use consent application;
 - b. the recommended Option (Option 3) is the more **effective**, in that:

- (a) The proposed regulation responds to assessed, recognised and spatially notated sites which warrant identification as significant indigenous biodiversity in the expert opinion of Mr Shaw.
- (b) Provides greater certainty for both development of the site and protection of ecological values (spatial extent and mechanism, including land-uses proximate to identified features – the 20m buffer); and
- (c) Achieves those provisions of the Plan that seeks that ‘features or areas’ of natural values (as to be identified in the Plan) are protected (Policy 3e.2.5(ii)), Objective 3i.2.2, and associated Policy 3i.2.2(i).
- (d) Responds to submissions seeking amendments to the notified PC43 provisions seeking ecological assessment, mapping and exclusion of activities⁵.

- 34. Ultimately, Mr Bonis concludes that either approach reflects the relevant statutory function to exercise properly informed judgements as to what warrants protection, with Option 3 having pre-empted that exercise in response to submissions, and Option 4 replacing such with a process related enquiry to assess, identify and respond through a subsequent subdivision / land use consenting regime.
- 35. For completeness Mr Bonis does not consider that either Option 3 or Option 4 has any material implications in terms of efficiency or effectiveness at the macro scale in terms of achieving or implementing the NPS-UD. Either approach is able to reconcile the requirements of the NPS-IB with the objectives and policies of the former.
- 36. The s32AA as required by the Panel Minute for Option 3 also provided in Attachment A.

Signed by:

Date:



Mr Matt Bonis

8 November, 2023



Mr Darren Clark

8 November 2023

⁵ A Delich OS62.4, OS62.5, Department of Conservation OS89.21,

ATTACHMENT A – OPTION 3

TRACK CHANGED RULE PROVISIONS

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.

Text amended as a consequence of this Joint Witness Statement is either **bold and orange** where inserted, or ~~orange with a strike through~~ where deleted

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 ⁶40438782 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 Rules⁷

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 restricted discretionary 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.</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 impervious surfaces within their existing footprint as of [the date that part of the rule becomes operative].</u>
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⁶ WRC OS28.20

⁷ A Delich OS62.2, OS62.3, OS62.4, OS62.5; Taupō Climate Action Group OS114.14, OS114.15; Tukairangi Trust OS46.5, OS46.14

	<p><u>The matters over which the Council reserves discretion for the purposes of assessment are:</u></p> <ol style="list-style-type: none"> a. <u>The extent to which adverse effects on the ecological values of the Significant Natural Areas identified in Appendix 11 will be avoided, remedied or mitigated and if mitigated how this will be achieved, for example 'like for like' enhancement.</u> b. <u>The extent to which the activity mitigates pre-existing adverse effects on the Significant Natural Areas identified in Appendix 11.</u> c. <u>The extent to which associated infrastructure such as structures, pipelines and wells will be designed, constructed and placed to avoid, remedy or mitigate adverse effects on ecological values.</u> d. <u>The expected duration of the activity.</u> e. <u>Any further matters arising from the results of a report by a suitably qualified and experienced ecologist as to the effects which the clearance will have on the ecological values of the Significant Natural Areas identified in Appendix 11.</u> f. <u>Any social, economic, environmental and cultural benefits resulting from the proposed activity.</u>
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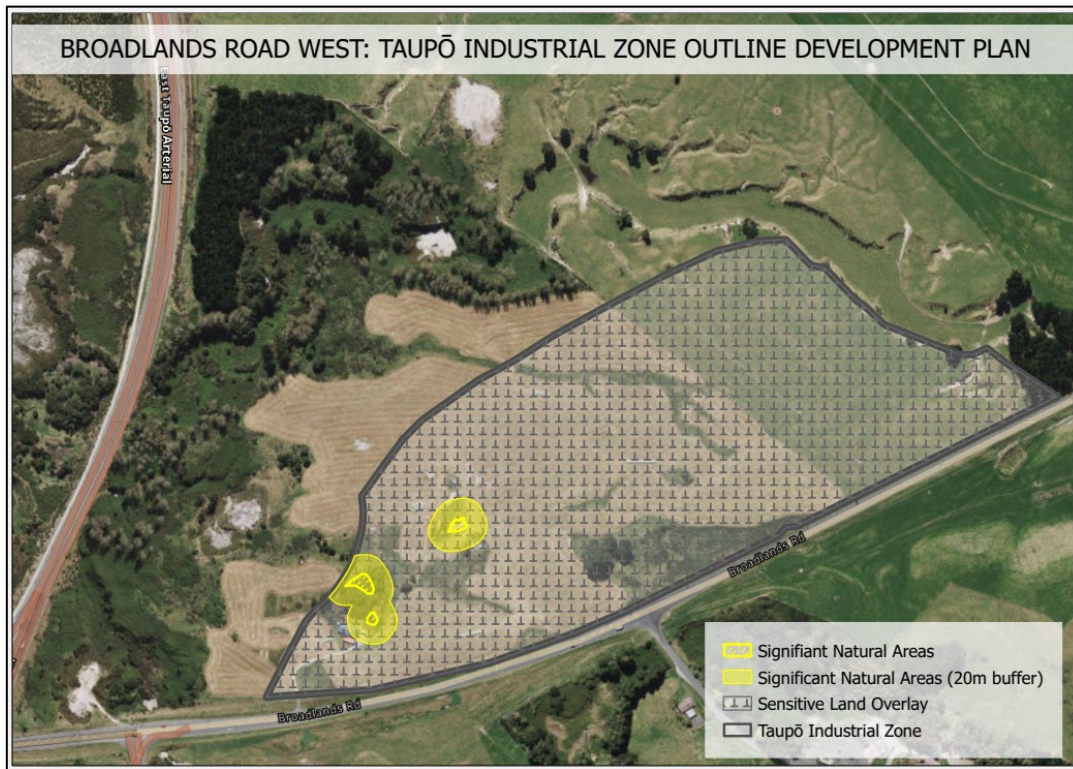
Additional Subdivision Rules for the Broadlands Road West Outline Development Plan area

<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 as related to the Geothermal Significant Natural Areas identified are:</u></p> <ol style="list-style-type: none"> a. <u>The design and layout of subdivision to ensure the recognition and protection of the features identified on the Broadlands Road West – Outline Development Plan (Appendix 11);</u> b. <u>An ecological management plan for the features identified as Geothermal Significant Natural Areas identified on the Broadlands Road West – Outline Development Plan (Appendix 11); and</u> c. <u>Controls on stormwater management and construction activities to maintain ongoing health and function of the features identified. of Significant Geothermal Significant Natural Areas identified on the Broadlands Road West – Outline Development Plan (Appendix 11).</u>
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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 Taupo 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.

Section 32AA Consideration – Bonis

	Option 3 Approach 'Hybrid Approach'
Environmental	
<ul style="list-style-type: none"> Benefits 	<ul style="list-style-type: none"> Surveys identify geothermal kanuka as classified as Threatened – Nationally endangered and Geothermal ecosystems – Critically endangered. Features identified achieve criteria in WPS APP5. Spatial extent, and 20m buffer considered to be appropriate based on expert advice⁸. Inserted new rules as RDA for subdivision (4h.4.2) and land use (Rule 4h.4.1) provide specificity as to managing the indigenous biodiversity resource within the wider context of Industrial land use. Assessment matters seek to provide recognition and protection of features within the context of the Industrial rezoning. Provisions (and spatial notation) provide certainty as to ecological assessment for geothermal areas and associated regime including an ecological management plan as associated with subdivision. No protection under operative Rural Environment zoning.
<ul style="list-style-type: none"> Costs 	<ul style="list-style-type: none"> Ecological investigation as associated with a specific subdivision / land use pattern can provide a more 'flexible' approach to ecological protection, especially where geothermal ecology is dynamic (considered minor costs where development is likely to be occur within the short term).
Economic	
<ul style="list-style-type: none"> Benefits 	<ul style="list-style-type: none"> Increases certainty as to site development / investment and subdivision as features are identified in the District Plan, including buffer areas.
<ul style="list-style-type: none"> Costs 	<ul style="list-style-type: none"> Decreases flexibility to shape subdivision design and land use to a bespoke ecological assessment and land use development (albeit retains greater flexibility in comparison to alternative where activity status is set at discretionary, or non-complying). Administration / consenting costs for ecological assessments and embedding within subdivision design, land use. Potential increase in 'undevelopable' Industrial land resource, albeit able to be accommodated and moderated within 75% site coverage and subdivision design.
Social	

⁸ EIC Shaw. Section 42A [Attachment 1 and 3]

<ul style="list-style-type: none"> • Benefits 	NA
<ul style="list-style-type: none"> • Costs 	NA
Cultural	
<ul style="list-style-type: none"> • Benefits 	<ul style="list-style-type: none"> • Increases certainty of spatial areas to be protected, and the explicit provision of customary use of indigenous biodiversity conducted in accordance with tikanga as a permitted use (as consistent with NPS-IB Clause 3.3(2)(d), 3.10(6)(b).
<ul style="list-style-type: none"> • Costs 	NA
<p>Efficiency:</p> <p><i>The measure of whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society⁹.</i></p>	Approach is efficient. Provides material environmental benefits in terms of the assessment, recognition and protection of specified features (and buffers). Reduced scale of potential development (albeit modest) and flexibility of land use development options.
<p>Effectiveness</p> <p><i>The measure of contribution new provisions make towards achieving the objectives of the plan, and how successful they are likely to be in solving the problem they were designed to address¹⁰.</i></p>	Approach is effective. Achieves those provisions of the Plan that seeks that ‘features or areas’ of natural values (as to be identified in the Plan) are protected (Policy 3e.2.5(ii)), Objective 3i.2.2, and associated Policy 3i.2.2(i).

⁹ Mfe.govt.nz Guide to Section 32 of the Resource Management Amendment Act, pg 18

¹⁰ Mfe.govt.nz Guide to Section 32 of the Resource Management Amendment Act, pg 18

ATTACHMENT B – OPTION 4

This option removes the PC43 as amended text and amends the existing Taupo Industrial Environment subdivision and land use rules to have more specificity with respect to geothermal ecology values and the need for these to be assessed at consenting stage.

Black italicised text = ODP

Green text = PC43 as notified

Black underline text = Proposed Option 4 wording

Amend Rule 4h.3.7:

4h.3 Subdivision Rules

4h.3.7 Any subdivision of land identified as “Sensitive” within the Taupō Industrial Environment is a discretionary activity and will be subject to the recommendations of appropriate technical assessments including, but not limited to: a geotechnical assessment, and an ecological assessment where the activity affects land identified as a Significant Natural Area.

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 and shall also include, but not be limited to:

- establishing a ground temperature profile starting from the margins of the Hot Ground Hazard Area (District Plan maps);
- determination of the groundwater profile and susceptibility to liquefaction and risk of subsurface water flows;
- establishing an understanding of the most likely future state of thermal features; and
- a stormwater management plan.

In applying this rule to the Sensitive Land Overlay within Section 14 SO 438782, an ecological assessment will be required in relation to any geothermal ecology values on the site. Such an assessment shall include an Ecological Management Plan that addresses but is not limited to the following:

- **methods to minimise and mitigate potential adverse effects on geothermal ecology values of identified 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; with the aim of maintaining and enhancing any identified geothermal ecology values, so that there is at least no overall loss in indigenous biodiversity.**

Amend Rule 4h.2.9:

4h.2 Land Use Rules

4h2.9 Any land use within an identified “Sensitive” Environment in the Taupō Industrial Environment is a discretionary activity.

In applying this rule to the Sensitive Land Overlay within Section 14 SO 438782, an ecological assessment will be required in relation to any geothermal ecology values on the site. Such an assessment shall address but not be limited to the following:

- **methods to minimise and mitigate potential adverse effects on geothermal ecology values of identified areas and how these values are to be recognised, provided for and protected, in terms of the accompanying land use layout, stormwater management and construction activities; with the aim of maintaining and enhancing any identified geothermal ecology values, so that there is at least no overall loss in indigenous biodiversity.**

Section 32AA Consideration – Clark

	Option 4 Approach ‘Hybrid Approach’ amending existing Operative Plan provisions
Environmental	
<ul style="list-style-type: none"> • Benefits 	<ul style="list-style-type: none"> • Provisions provide certainty and specificity as to ecological assessment being required to investigate geothermal ecology values, including an ecological management plan as associated with subdivision. This ensures management of the indigenous biodiversity resource within the wider context of Industrial land use. • Ecological investigation as associated with a specific subdivision / land use pattern provides a more ‘flexible’ approach to ecological protection, considering that geothermal ecology is dynamic and can move over time. • The investigated areas will be protected by a discretionary activity rule framework (and lack of any permitted activities) and re-considered at consenting stage. • No protection under current operative Rural Environment zoning.
<ul style="list-style-type: none"> • Costs 	<ul style="list-style-type: none"> • Provisions are not as explicit in protecting identified and mapped SNAs. They provide a less rigid framework that decreases certainty as to the areas that warrant protection.
Economic	
<ul style="list-style-type: none"> • Benefits 	<ul style="list-style-type: none"> • Provides greater ability to more comprehensively determine ecological opportunities and constraints to ‘feed’ into an

	optimal site layout of a proposed industrial development at consenting stage. A 'bigger picture' understanding of the site would be of heightened importance, noting a Non-Complying Activity triggered for subdivision (by the Rural Environment provisions that also apply to the site) would require considerations be given to how the wider site functions.
<ul style="list-style-type: none"> • Costs 	<ul style="list-style-type: none"> • Decreases certainty as to areas that may warrant protection and the ability to respond and design to those constraints from the outset. • Administration / consenting costs for ecological assessments and embedding within subdivision design, land use. • Potential increase in 'undevelopable' Industrial land resource.
Social	
<ul style="list-style-type: none"> • Benefits 	NA
<ul style="list-style-type: none"> • Costs 	NA
Cultural	
<ul style="list-style-type: none"> • Benefits 	<ul style="list-style-type: none"> • Increases opportunity for involvement with tangata whenua into the ecological investigations and management regime at consenting stage by an applicant and in the Council decision making process (NPS-IB Clause 3.3(1)(b), 3.3(1)(e) and 3.3(1)(f)).
<ul style="list-style-type: none"> • Costs 	NA
<p>Efficiency:</p> <p><i>The measure of whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society¹¹.</i></p>	Approach is efficient. Provides material environmental benefits in terms of the site specific assessment, protection and management of geothermal ecology values. Retains greater flexibility in land use and subdivision development options to ensure "a range of industrial activity within the Taupō and Centennial Industrial Environments, where the different scale and intensities of effects can be accommodated and managed, having regard to the nature of environments within and adjoining such areas" (Policy 3t.2.1(i)).
<p>Effectiveness</p> <p><i>The measure of contribution new provisions make towards achieving the objectives of the plan, and how successful they are likely to be in solving the problem they were designed to address¹².</i></p>	Approach is effective. Achieves those provisions of the Plan that seek a "high level of environmental protection in the identified "Sensitive" locations" (Policy 3t.2.5(i)) and "the enhancement of areas of natural value in the Taupō District" (Objective 3i.2.3). Follows the same approach of the existing Sensitive Overlay provisions of the Plan with respect to Subdivision Rule 4h.3.7, that requires relevant technical assessments related to the hot ground/geothermal resource.

¹¹ Mfe.govt.nz Guide to Section 32 of the Resource Management Amendment Act, pg 18

¹² Mfe.govt.nz Guide to Section 32 of the Resource Management Amendment Act, pg 18

