

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-

IN THE MATTER of the Resource Management Act 1991

AND IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the RMA

AND IN THE MATTER of Plan Change 43 (Taupo Industrial Land) to the Taupo District Plan

AND IN THE MATTER of an appeal against part of the Taupo District Council decision on Plan Change 43

BETWEEN **RANGATIRA E TRUST** acting through its Trustees **JAMES ALEXANDER WILSON, GLORIA McLAUGHLIN, REIMA RUTA HALL and SUSAN SMITH**

Appellant

AND **TAUPO DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION
ON TAUPO DISTRICT PLAN CHANGE 43 (TAUPO INDUSTRIAL LAND)**

Dated: 29 July 2024

Le Pine & Co
Lawyers
PO Box 140
Taupo 3351
New Zealand

Solicitor acting: Alan Vane
Email: avane@lepine.co.nz

Tel: (07) 378 5030
Fax: (07) 378 6523

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON
TAUPO DISTRICT PLAN CHANGE 43 (TAUPO INDUSTRIAL LAND)**

To: The Registrar
Environment Court
Auckland

1. Rangatira E Trust appeals against part of a decision of Taupo District Council on Taupo District Plan Change 43: Taupo Industrial Land.
2. The part of the decision appealed is that contained in the Independent Hearings Panel Recommendation Report 6 on Plan Change 43: Taupo Individual Land dated 15 February 2024 Issue 4a: Rezoning of Rangatira E land, adopted by the Taupo District Council, and in which a request by Rangatira E Trust for a rezoning of part of Rangatira E's land as Industrial was declined.
3. Rangatira E Trust made a submission on that Plan Change. While the submission made by Rangatira E Trust was part of a bundled submission on Taupo District Plan Changes 38-43 by a group of adjacent (to each other) Māori land blocks landholding trusts (of which Rangatira E Trust was one of seven trusts), the Independent Hearings Panel and the Taupo District decision treated rezoning of part of Rangatira E Trust land as Industrial as a discrete issue. This Appeal therefore is by Rangatira E Trust solely and is specific to the Rangatira E Block land only.
4. Rangatira E Trust is not a trade competitor for the purpose of section 308D of the Act.
5. Rangatira E Trust received notice of the decision on 14 June 2024.
6. The decision was made by Taupo District Council.
7. The part of the decision that Rangatira E Trust is appealing against is that contained in the Independent Hearings Panel Recommendation Report on Plan Change 43: Taupo Individual Land dated 13 February 2024 Issue 4a: Rezoning of Rangatira E land, adopted by the Taupo District Council, and in which a request by Rangatira E Trust for a rezoning of part of Rangatira E's land as Industrial was declined.

8. The reasons for the appeal are as follows:
- (1) Rangatira E's original submission sought a zoning of part of its land from Rural to Industrial, generally as shown on Master Plans previously lodged with Taupo District Council during the period 2021 to 2023.
 - (2) An area of 76 hectares approximately of Rangatira E's Trust's land on the northern boundary of Poihipi and Scoria Roads, Taupo was identified in those Master Plans as being suitable for rezoning as Industrial.
 - (3) During the course of the hearing for Rangatira E Trust's submission on Plan Change 43, the area of Rangatira E Trust's land sought by Rangatira E Trust to be rezoned was reduced to approximately 19 hectares in the area on the corner of Poihipi and Scoria Roads, just to the north of Taupo CBD.
 - (4) The reduced area of 19 hectares is flat or gently sloping, has no known contamination, no identified fault lines or geothermal hazards and is not the subject of any landscape or other overlays. It is located two kilometres approximately from the Taupo commercial centre.
 - (5) The principal and overriding reason expressed for Taupo District Council's decision on Rangatira E Trust's requested rezoning of an area of approximately 19 hectares of its land on the corner of Poihipi and Scoria Roads, Taupo is that such rezoning would not give effect to the National Policy Statement on Highly Productive Land (**NPS-HPL**).
 - (6) Rangatira E Trust says that decision is in error and that NPS-HPL is not a bar to rezoning the 19 hectares at issue as Industrial as requested, for the following reasons:
 - (a) The subject area (19 hectares approximately) is mapped by the NZ Land Resource Inventory as HPL 3.
 - (b) As such, it is also subject to NPS-HPL, Policy 5 of which provides that:

“the urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.”

- (c) Clauses 3.6(4) and (5) of NPS-HPL provides for exceptions to Policy 5. They state:

“3.6 Restricting urban rezoning of highly productive land.

- (4) *Territorial authorities that are not Tiers 1 or 2 may allow urban rezoning of highly productive land only if:*

(a) *the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*

(b) *there are no other reasonably practicable and feasible options for providing the required development capacity; and*

(c) *the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

- (5) *Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-*

functioning urban environment. (Emphasis added).

- (d) Rangatira E Trust says that a rezoning of the subject 19 hectares qualifies as an exception under clauses 3.6(4) and (5) of the NPS-HPL for the following reasons:
- (i) Taupo District Council is a Tier 3 territorial authority;
 - (ii) So far as clause 3.6(4)(a) is concerned:
 - 1. Plan Change 43 has the objective of short term (3 years), medium term (10 years), and long term (30 years) demand for Industrially zoned land.
 - 2. Taupo District Council evidence was/is that 90.4 hectares of additional Industrially zoned land is required to meet long term demand;
 - 3. Existing vacant industrially zoned land amounts to 38 hectares, which provides only for short and medium term demand (until 2023 only);
 - 4. Additional Industrially zoned land provided for by the Taupo District Council decision on Plan Change 43 adds only 24 hectares approximately, which when combined with the existing 38 hectares of Industrially zoned land, only provides for a total of 62 hectares only of Industrially zoned land – when the evidence is that 90.4 hectares is required.
 - 5. Manifestly, clause 3.6(4)(a) of NPS-HPL is satisfied.

(iii) So far as clause 3.6(4)(b) is concerned:

1. No other reasonably practicable and feasible options for providing for 90.4 hectares of Industrially zoned land for the long term were identified by the evidence on Plan Change 43, other than rezoning at least 19 hectares of Rangatira E Trust's land as Industrial.
2. Rezoning at least 19 hectares of Rangatira E Trust land as Industrial as requested is practicable, feasible, and efficient for providing the required development capacity, having regard in particular to its proximity to the Taupo CBD and to existing and future residential areas and to Contact Energy's Geothermal power stations on Poihipi Road (for power supply).
3. Manifestly, clause 3.6(4)(b) of NPS-HPL is satisfied.

(iv) So far as clause 3.6(4)(c) is concerned:

1. The Rangatira E Block is a large area of Māori land, presently all zoned rural and sandwiched between the main Taupo urban areas (comprising the Taupo CBD and the Nukuhau residential areas) and the Acacia Bay residential areas – it is identified in section 3e.6 Urban Growth Areas of the Operative Taupo District Plan as part of the Northern Urban Growth Area;
2. The subject area of 19 hectares approximately is marginally productive and marginally economic rurally zoned land, despite its present mapping as HPL 3. The

soils are predominantly pumice and productive use of the land is constrained by the fertiliser restrictions and stock limits imposed by the Lake Taupo Water Protection Scheme.

3. By reason thereof, the Rangatira E Trust has for several years now been urging the Taupo District Council to provide zonings of the Rangatira E Trust land which allow the Māori beneficiaries of the Rangatira E Trust to realise environmental, social, cultural, and economic aspirations for and on their land.
4. Rezoning the subject area of 19 hectares approximately as Industrial at this point, apart from being practicable, feasible, and efficient, will enable the Trust and its beneficiaries to generate a much higher economic return relative to the current marginal farming activity, and in particular, provide opportunity for funding of development of other areas of the Rangatira E Block, thereby promoting environmental, social, cultural and economic benefits for the beneficiaries of Rangatira E Trust.
5. Similar benefits will accrue to the Taupo community generally as well.
6. In short, the benefits outweigh the costs associated with loss of a small area of marginally productive rural land, taking into account both tangible and intangible values.

7. Clause 3.6(4)(c) of NPS-HPL is therefore satisfied.

(v) So far as clause 3.6(5) of NPS-HPL is concerned:

1. 19 hectares approximately of land classed as HPL 3 is minimal in the context of the total area of productive rural land in the Taupo District.

2. Given the shortfall in the required Industrial Development capacity of 90.4 hectares, there is justification in the circumstances applying to the Rangatira E Trust land for a greater area than 19 hectares of Rangatira E Trust land to be rezoned as Industrial.

3. In that context, rezoning of only 19 hectares as Industrial is less than the minimum necessary to provide the required Industrial Development capacity, and clause 3.6(5) is therefore satisfied.

9. Rangatira E Trust seeks the following relief:

(1) Rezone at least 19 hectares approximately of Rangatira E Trust's land on the corner of Poihipi and Scoria Roads, Taupo as Industrial.

(2) Any additional changes which are required to the text and the maps of the Taupo District Plan (including Plan Change 38) arising from or with respect to Plan Change 43 to give effect to the relief sought in this Appeal.

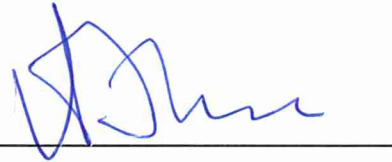
10. The following documents are attached to this notice:

(a) A copy of Rangatira E Trust's submission (incorporated in a joint submission with other Māori trusts collectively called "**the Rangatira Blocks**") in the Plan Change processes, marked "**A**".

- (b) A copy of the relevant decision, marked "B".
- (c) A copy of Recommendation Report 6 Plan Change 43: Taupo Industrial land, adopted by Council, marked "C" and forming part of the Decision.
- (d) A list of names and addresses of persons to be served with a copy of this notice, marked "D".

DATED this 29th July 2024

Rangatira E Trust by its solicitor)
and duly authorised agent, **ALAN**)
FREDRIC SPENCER VANE)



The address for service of the Appellant is at the offices of Le Pine & Co, Solicitors, Level 1, Waipapa House, Corner of Paora Hapi and Gascoigne Streets, Taupo; PO Box 140 Taupo 3351.

Telephone: (07) 378 5030

Email: avane@lepine.co.nz

Contact person: Alan Vane, solicitor for the Appellant

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal. To become a party to the appeal, you must:

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 247(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this Notice served on you does not have attached a copy of the Appellant's submission and/or the decision appealed. These documents may be obtained, on request, from the Appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

“A”

**IN THE ENVIRONMENT COURT
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IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the RMA

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BETWEEN **RANGATIRA E TRUST** acting through its Trustees **JAMES ALEXANDER WILSON, GLORIA McLAUGHLIN, REIMA RUTA HALL** and **SUSAN SMITH**

Appellant

AND **TAUPO DISTRICT COUNCIL**

Respondent

**APPELLANT’S SUBMISSION ON TAUPO DISTRICT PLAN CHANGE 43
(TAUPO INDUSTRIAL LAND)**

Taupō District Council
Private Bag 2005
Taupō Mail Centre
Taupo 3352

Email: districtplan@taupo.govt.nz

Dear Sir/Madam

Submission to Proposed Taupo DC Plan Changes 38 - 43 (PPC 2022) – RMA Form 5

Submitters

- 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)
- Rangatira 8A17 (Nukuhau)

Consultant lodging submission:
C/O RCG Ltd
PO Box 9672 Newmarket 1148
Attn: John Lenihan
Email: johnle@rcg.co.nz
Ph: 021817336

Introduction and Background

The above submitters could not gain an advantage in trade competition through this submission.

The submitters are all significant Maori land holding trusts who own all the undeveloped land on the western side of the river, from Rangatira Park, part of Nukuhau, through Acacia Bay to Rangatira Point; an area of 1500 hectares. The Submitters represent the interest of over 8,000 individuals who are mana whenua of land in Taupo and are directly impacted by these plan changes.

The Council's Strategic Plan 2050, recognised these landowners as significant with an important interest in the development of the city and region.

The submitters have been engaged with Council executive for the last 18 months on their development aspirations for their land. Master planned communities of commercial and residential use have been provided to the Council for comment and feedback. The Submitters

are a group with a large landholding who are working together to bring change and sustainable management of land capable of development to the district. The aspirations of the Submitters is to provide for the community at large and the mana whenua. This requires exploration of commercial opportunities and arrangement with Council and the Crown to open this land up.

Taupo is not alone in going on this journey. Tauranga has worked with Maori land trusts to open land for development in Papamoa. Hamilton and Rotorua have worked with mana whenua to develop Maori land blocks. The Submitters wish to work with Council to deliver the Taupo 2050 strategy.

The recent engagement with the Council has been instigated by the Submitters. However, the Council's response had been limited and not particularly open. Taupo District Council has not been collaborative. There has been a long history of Council not informing the Submitters on planning issues that impact them, or consulting the Submitters proactively. As the Council is aware there is an explicit duty to involve mana whenua in planning decisions. A partnership that promotes collaborative decision making would benefit the Taupo District and all its people.

Commentary on Proposed Plan Changes

Proposed Taupo DC Plan Changes 38 - 43 (**PPC 2022**) is described by the Council as being the first bundle in a series of plan changes aimed to ensure the District Planning framework is operating efficiently and effectively. Since the plans were notified, the Natural and Built Environment Bill has been introduced and open for submission, along with the Spatial Planning Bill. In looking at the resource management reforms, it is clear that the aim of the new framework is to ensure mana whenua have a say over the development of their land and any district in which they own land. The new framework promotes partnership and collaboration.

PPC 2022 is an opportunity for the Taupo council to lead. As such the submission focuses on changes the Submitters wish to see implemented to allow for a wider range of activities to take place on their land – instead of limiting development to Papakainga with no access to commercial, industrial or lifestyle activities. The Submitters view is that the Council has to engage with the Submitters as land owners to ascertain the needs of the whole community.

Instead, the Council has set a new Strategic Direction (**PPC 38**) which seeks to limit the capacity and use of the property owned by the Submitters. No basis for this approach has been outlined in the section 32 reports.

There is no meaningful mention in the PPC 2022 as to engagement with the Submitters. For instance whilst some members of the community were involved in the pre-consultation phase between 13 May and 13 June 2022 and preparation of background documents that became the section 32 reports, the Submitters were not approached – not as a collective or as individuals. Some of the Submitters, using their own initiative met with Council staff on 11 April 2022, but that was a short engagement and did not result in meaningful follow up discussions. That one meeting certainly has not transformed into planning provisions that allow mana whenua to provide for their beneficiaries into the future by using land to provide opportunities.

Draft plan provisions were not as stated in the section 32 report, tested with the Submitters. This formal submission process is the first opportunity the Submitters have had to provide feedback to the Council on PPC 2022. The Submitters consider the Council's approach to be disrespectful to the mana whenua interests. Meaningful consultation is required to develop a framework that allows the Submitters to participate in the same manner as other parties in the District.

The Submitters, despite owning the most significant land-holding adjacent to Taupo township, have not been invited to be part of the Iwi Reference Group, or considered an "Iwi Partner" and this is in spite of the Submitters making this request in writing for inclusion in the District Plan Change process.

The submitters consider they are directly affected by the PPC 2022 and request to be heard in relation to this submission. Two hours is requested to be heard given the number of land owning trusts that form the Submitters group.

The submission is a summary of issues only. The Submitters may produce further submissions and evidence at the hearing.

Comments on each plan change as follows

PC 38 Strategic Directions

Submission	Stance	Reasons	Decision Requested
2.1 Tangata Whenua	Support		
2.1.2 Objectives	Support		
2.1.3 Policy Item 5	Object/Amend	This policy wording is ambiguous and can be interpreted that Maori Multiple owned land should remain as under-utilised and un-developed.	Amend by adding to the policy that public structure planning processes would enable the re-zoning of land and provision of infrastructure to remove constraints and enable development of Multiple Maori owned land.

Submission	Stance	Reasons	Decision Requested
2.1.3 Policy Item 6	Object/amend	The wording of this policy does not recognise that the District Plan and supporting documents such as TDC 2050 growth Strategy (2018) do not have the provisions to enable development, the current provisions have restrained development.	Amend by removing "within the provisions of the plan"
2.3 Urban Form & Development	Object/amend	The District Plan does not provide a framework for urban development on multiple Maori owned land. Existing urban areas including the Town Centre have been protected at the expense of Maori land.	Amend to add to the second paragraph after 2050 " and supports urban development on Muliple Māori owned land."
2.3.2 Objectives Item 2	Object/amend	TD2050 (2018) discounted multiple maori owned land from future development, and infrastructure solutions have excluded maori landowners from involvement with capacity strategy and solutions	Amend after 2050 2018" and to support urban development on Muliple Māori owned land, to maximise efficient use of potential unzoned & unserviced Maori land along with existitng..."
2.3.2 Item 6	Object/amend	Muliple Maori owned land is currently not part of the planned urban built form & so this objective is written ambiguously and can be interpreted to be exclusionary of Maori land. In order for something to detract from form and function – that form and	Item 5 already supports the Town Centre Environment as the "primary" centre. Remove objective 6 as un-necessary and poorly defined.

		<p>function has to be detailed.</p> <p>This is a poorly written objective.</p>	
2.3.3 Policy Item 3	Object/amend	<p>TD2050 (2018) discounted multiple maori owned land from future development, and infrastructure solutions have excluded maori landowners from involvement with capacity strategy and solutions</p>	<p>Amend after 2050 2018" and to support urban development on Multiple Māori owned land, to maximise efficient use of potential unzoned & unserved Maori land along with existing..."</p>
2.3.3.Ploicy Item 4	Object/amend	<p>The introduction of "fragmented development" requires some explanation, Taupo by virtue of geography and geology is fragmented. The current lack of existng and planned infrastructure on the western side of the river is resulting in inefficiencies elsewhere and detrimental to the development of Multiple owned Maori land.</p> <p>Item 5 covers the issue of efficient and effective infrastructure and landuse.</p>	<p>Remove item 4</p>
2.3.3 Policy Item 7	Object/amend	<p>Development on maori land should not just be restricted to Papakaiinga.</p>	<p>Remove "the " and "of papakainga"</p>

Submission	Stance	Reasons	Decision Requested
2.3.3 Policy Item 8	Object/amend	<p>This is a poorly drafted policy that confuses non-residential "activity" with the "built form" of residential neighbourhoods, and the use of the term "boundaries". Either this is a policy about the scale of built form or a policy about the scale of activities.</p> <p>What residential neighbourhoods are being "protected" from is also unclear. Maori land has a history and culture of being mixed use. Contemporary urban planning advocates for mixed use activity, with the scale of activity and therefore the scale of built form being determined by transportation systems, public service provisions, and environmental attributes.</p>	Amend to remove this policy
2.5 Infrastructure	Object/Amend	There is no mention of developing infrastructure to enable development of Māori land, and recognition that Māori land has been disadvantaged historically by investment decision making of Council and its District Plan	Include maori land in the objectives and policy section wording.
2.6 Natural Environment Values	Object/Amend	Maori land has been left in a more natural state due to a framework of statutes and planning practices and a legal	Objectives and Policy wording needs to be changed to include the ability for Maori-landowners to determine

		system based on freehold property . This has restricted the development of Maori land. The loss of environmental values, character and amenity on other land should not be a burden to remedy on Maori landowners, where maori land is treated as reserves or to be protected.	how they develop their land and what should be protected, enhanced or mitigated.

PC42 General Rural & Rural Lifestyle Environments

Submission	Stance	Reasons	Decision Requested
3b.1 Introduction	Object/Amend	The District Plan should recognise that Maori land has most often been forced into a rural zoning status by statutes, court rulings and planning frameworks, usually against the wishes of Maori landowners or without consultation. 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 wording to incorporate this reasoning.
3b.1 Rural Lifestyle	Object/Amend	Council has identified 5000 hectares of rural land for re-zoning as Rural Lifestyle of which 4000 hectares are on the western side of the Waikato River, none of this land is multiple owned Maori Land. All of it sits further beyond The	amend to reject the all the sites identified in the maps for re-zoning and rezone the Rangatira blocks

PC 43 Industrial.

Submission	Stance	Reasons	Decision Requested
	Object/Amend	The District Plan should recognise that Maori land has most often been forced into a rural zoning status by statutes, court rulings and planning frameworks, usually against the wishes of Maori landowners or without consultation. 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;

This Plan Change is to simply rezone rural land to increase the Industrial land supply in Taupo.

Council identified 8 sites with proximity to the urban area with proximity to supporting infrastructure. 7 of the sites are all on the east side.

The Rangatira E option was added due to it being tabled to Council in a meeting in April 2022.

A Total of 285 hectares was considered in the section 32 report with only one Maori owned block (20% of the total land considered) with a narrow and non-evidence based assessment

24.5 hectares on 2 blocks made the final selection for re-zoning . Council had identified that 80-90 hectares of new industrial land would be needed by 2053. The 24.5h may fulfil the 10 year projected requirement only.

Objection is based on a flawed section 32 evaluation & methodology that excluded the benefits to the Maori community, their economy & environment has not been identified & assessed- despite our masterplan shared with Council consultants preparing s32 reports. No input from iwi owners has been included. The rationale and analysis from the Maori/iwi perspective is lacking entirely. Maori involvement in Industrial development has not been addressed.

“B”

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Appellant

AND **TAUPO DISTRICT COUNCIL**

Respondent

**RESPONDENT'S DECISION ON TAUPO DISTRICT PLAN CHANGE 43
(TAUPO INDUSTRIAL LAND)**

Alan Vane

From: John Lenihan <johnle@rcg.co.nz>
Sent: Tuesday, 23 July 2024 9:58 am
To: Alan Vane
Subject: FW: Plan Changes 38 and 40-43 Decisions
Attachments: 66x200_Plan38Changes_2024-06-14.pdf

John Lenihan
Director

021 817336
09 303 1501
Level 3, 11-15 Great South Road
Epsom, Auckland 1051

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From: Hilary Samuel <hsamuel@taupo.govt.nz>
Sent: Friday, June 14, 2024 10:12 AM
Cc: District Plan <districtplan@taupo.govt.nz>
Subject: Plan Changes 38 and 40-43 Decisions

Good morning submitters

I'm pleased to finally tell you that the decisions on Plan Changes 38 and 40-43 have been notified today. You can find the decisions here: <https://www.taupodc.govt.nz/council/consultation/taupo-district-plan-changes-38-43>

The provisions, including mapping, have also now been uploaded into the ePlan: <https://taupo.isoplan.co.nz/eplan>

Any person who has made a submission on these five plan changes may appeal the respective decision on their submission to the Environment Court. **Appeals must be in the prescribed form and lodged with the Environment Court by 5pm on 29 July 2024.**

Also always, please do not hesitate to contact me if you have any questions.

Hilary Samuel Senior Policy Advisor

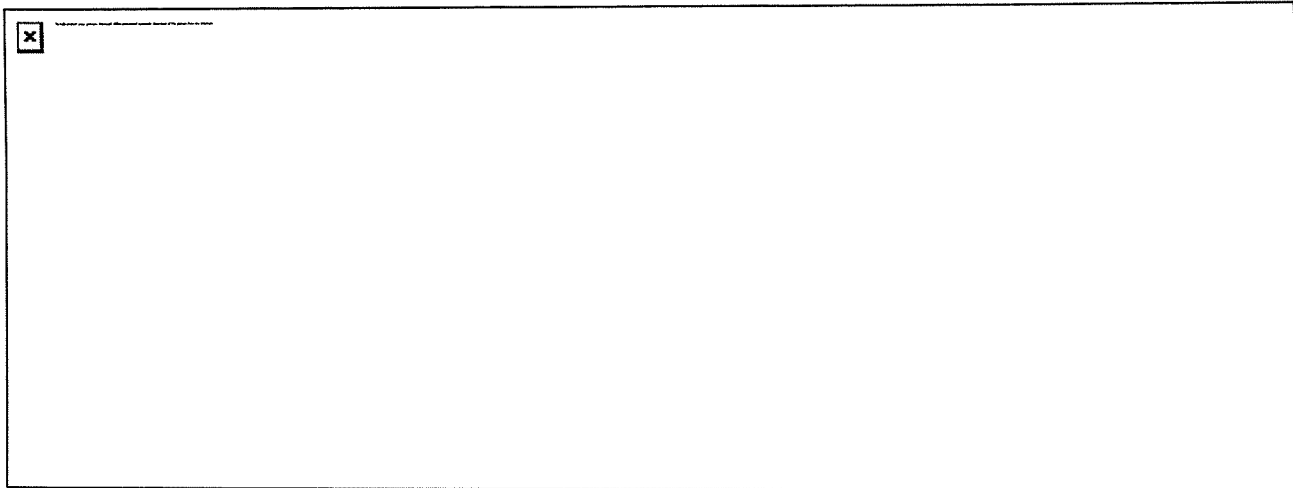
My office hours are school hours Monday, Tuesday, Thursday and Friday.

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← **Consultation - Have your say** ▼

Taupō District Plan Changes 38-43

Plan Change 43 – Taupō Industrial Land

Plan Change 43 – Taupō Industrial Land

Decisions

Council has now adopted and notified the Commissioner Decisions on Plan Changes 38 and 40-43. See the Decision drop-down section on each plan change page for the decision and copy of the public notice.

Any person who has made a submission on these five plan changes may appeal the respective decision on their submission to the Environment Court. **Appeals must be in the prescribed form and lodged with the Environment Court by 5pm on 29 July 2024.**

[Go to District Plan](#) >

Plan Change 43 rezones two additional areas, being Broadlands Road West and Napier Road from Rural Environment to Taupō Industrial Environments. The purpose of the rezoning is to assist Taupō District Council meet its obligations under the National Policy Statement for Urban Development (2020) and requirements under the Resource Management Act 1991 in terms of Industrial land supply over the long term.

The Taupō District, through extensive Industrial zoned land (such as at the Miro Street area, Centennial Industrial and Crown Road areas, Taupo Airport and Wairakei Industrial areas) has some 1.083ha of Industrial land. Of this some 38ha remains vacant, serviced and ready for Industrial use which provides for the short- and medium-term demand (out to 2033). However, there is a need to provide for additional long-term supply.

Plan Change 43



Plan Change 43 Section 32



Submissions



Taupō District Council Planning Reports



Submitter Evidence



Joint Memorandum of Counsel – Response to Minute 9



Post Hearing Evidence/Information from Submitters



Post Hearing Evidence/Information from Taupō District Council



Decision



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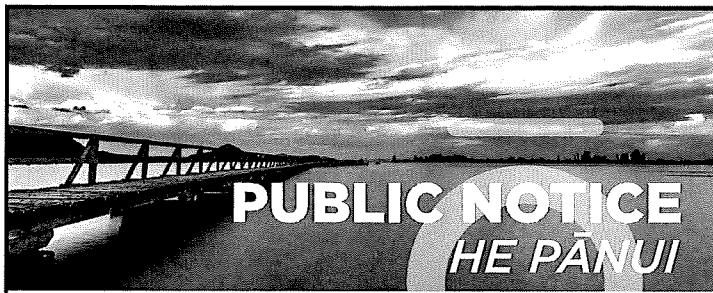
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NOTIFICATION OF DECISIONS ON PLAN CHANGES 38 AND 40-43 TO THE TAUPŌ DISTRICT PLAN

Pursuant to Clauses 10 and 11 of the First Schedule of the Resource Management Act 1991, Taupō District Council gives notice that the decisions on Plan Changes 38 and 40-43 are now available.

These plan changes are:

- Plan Change 38 – Strategic Directions
- Plan Change 40 – Taupō Town Centre
- Plan Change 41 – Removal of Fault Lines
- Plan Change 42 – General Rural and Rural Lifestyle Environments
- Plan Change 43 – Taupō Industrial Land

Full copies of council's decisions on submissions can be inspected on our website at www.taupo.govt.nz/districtplanchanges and at any of the following council locations:

- Taupō Customer and Visitor Information Centre, 30 Tongariro Street, Taupō.
- Taupō Library – Tongariro Street, Taupō
- Tūrangi Customer and Visitor Information Centre, Ngawaka Place, Tūrangi.
- Tūrangi Library – Town Centre, Tūrangi
- Mangakino Customer Service Centre, Civic Centre, Rangatira Drive, Mangakino
- Mangakino Library – Civic Centre, Rangatira Drive, Mangakino

Any person who has made a submission on these five plan changes may appeal the respective decision on their submission to the Environment Court. In accordance with Clause 14 of the First Schedule of the Resource Management Act 1991, appeals must be in the prescribed form and lodged with the Environment Court by 5pm on 29 July 2024.

All material for Plan Changes 38 and 40-43 can be viewed at www.taupo.govt.nz/districtplanchanges.

Please phone Hilary Samuel, Senior Policy Advisor, on (07) 376 0899 or email districtplan@taupo.govt.nz if you require further information.

**Julie Gardyne
CHIEF EXECUTIVE**



GREAT LAKE TAUPŌ
Taupō District Council

“C”

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-

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

AND IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the RMA

AND IN THE MATTER of Plan Change 43 (Taupo Industrial Land) to the Taupo District Plan

AND IN THE MATTER of an appeal against part of the Taupo District Council decision on Plan Change 43

BETWEEN **RANGATIRA E TRUST** acting through its Trustees **JAMES ALEXANDER WILSON, GLORIA McLAUGHLIN, REIMA RUTA HALL** and **SUSAN SMITH**

Appellant

AND **TAUPO DISTRICT COUNCIL**

Respondent

**RECOMMENDATION REPORT 6 OF INDEPENDENT COMMISSIONER
ON TAUPO DISTRICT PLAN CHANGE 43 (TAUPO INDUSTRIAL LAND)**

Taupō District Council

Recommendations of the Independent Hearings Panel

Recommendation Report 6

Plan Change 43: Taupō Industrial Land

15 February 2024

This report is one of a suite of reports in relation to 'Bundle One' Plan Changes to the Operative Taupō District Plan. It addresses submissions to Plan Change 43: Taupō Industrial Land (PC43).

This report should be read in conjunction with the **Index Report** and **Recommendation Report 2**.

The **Index Report** contains an explanation of how the recommendations in all subsequent reports have been developed and presented, along with a glossary of terms used throughout the reports and a record of all Panel Minutes. It does not contain any recommendations *per se*.

Recommendation Report 2 contains the Panel's recommendations on Plan Change 38 (PC38) dealing with Strategic Direction Objectives.

This Recommendation Report contains the following appendices:

Appendix 1: Schedule of attendances

Appendix 2: 42a Summary table of recommendations on each submission point

Appendix 3: Recommended amendments to PC43 - Tracked from notified version (provisions not consequentially renumbered)

Appendix 4: Recommended amendments to PC43 - Accepted version

The Hearings Panel for the purposes of hearing submissions and further submissions on all the Proposed Plan Changes including PC43 comprised Commissioner David McMahon (Chair), Commissioner Elizabeth Burge and Councillor Yvonne Westerman.

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Recommendation Report 6

Plan Change 43: Taupō Industrial Land

1 Introduction

Report purpose

- 1.1 This report considers the provisions, and records our recommendations on the submissions, relating to Plan Change 43: Taupō Industrial Land (PC43) which, as notified, rezones two additional areas from Rural Environment Zone to Taupō Industrial Environment Zone, being:
- a. **Area 4:** Broadlands Road West (63 Broadland Road, being Part of Section SO 438782 and Part of Lot 1 DP 445148); and
 - b. **Area 7:** Napier Road (189 Napier Road, being Lots 1 and 2 DP 499406).
- 1.2 This report is the sixth report in relation to Plan Change 'Bundle One' to the Operative Taupō District Plan (TDP), which consists of six separate Plan Changes, in relation to the following:
- Plan Change 38: Strategic Directions (the subject of **Recommendation Report 2**)
 - Plan Change 39: Residential Building Coverage (**Recommendation Report 1**)
 - Plan Change 40: Taupō Town Centre (**Recommendation Report 3**)
 - Plan Change 41: Removal of Fault Lines (**Recommendation Report 4**)
 - Plan Change 42: General Rural and Rural Lifestyle Environments (**Recommendation Report 5**)
 - Plan Change 43: Taupō Industrial Land (**Recommendation Report 6**)
- 1.3 We were appointed as Hearings Panel members by Council on 27 April 2023¹. Our delegation included all necessary powers under the RMA² to hear the submissions made on the 'Bundle One' Plan Changes and to make recommendations to the Council on the provisions contained within each of the six Plan Changes on all matters raised in those submissions to each relevant Plan Change.
- 1.4 The full background to the Bundle One Plan Changes is provided in an overarching **Index Report**. The purpose of this report on PC43 and the reports relating to each of the other five Plan Changes included in 'Bundle One' is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.5 We will canvass the Plan Change background in due course. It has been the subject of a s32² report³, consultation with stakeholders, and, of course, public notification and a hearing, and culminating in our recommendations.
- 1.6 Before setting out the details of the Plan Change, the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

¹ Delegated authority under s34A of the RMA, Council resolution dated 27 April 2023. Commissioner McMahon subsequently declared a potential conflict of interest in relation to submissions relating to Area 7 as he had acted as a commissioner on applications in 2008 for resource consents relating to the development of the site in question. For this reason, he did not participate in deliberations on submissions relating to Area 7.

² Section 32 of the RMA sets out the requirements for preparing reports that evaluate the appropriateness of a plan change.

³ Section 32 Evaluation Report – Taupō Industrial Rezoning – Plan Change 43, undated

Role and report outline

- 1.7 Our role is to make a recommendation about the outcome of the Plan Change on the Council's behalf. The authority delegated to us by the Council includes all necessary powers under the RMA to hear and recommend on the submissions received on the Plan Change.
- 1.8 As mentioned, the purpose of this report is to satisfy the Council's various decision-making obligations and associated reporting requirements under the RMA.
- 1.9 Having familiarised ourselves with the Plan Change and its associated background material, and read all submissions, we hereby record our recommendation.
- 1.10 In this respect, our report is broadly organised into the following two parts:
 - a. Factual context for the Plan Change:

This non-evaluative section (comprising **Section 2** in this report) is largely factual and contains an overview of the land subject to the Plan Change and an outline of the background to the Plan Change and the relevant sequence of events. It also outlines the main components of the Plan Change as notified. This background section provides the relevant context for considering the issues raised in submissions to the Plan Change. Here, we also briefly describe the submissions received to the Plan Change and provide a summary account of the post notification process itself and our subsequent deliberations. We also consider here various procedural matters associated with the submissions received.
 - b. Evaluation of key issues:

The second part of our report (comprising **Sections 3 to 5**) contains an assessment of the main issues raised in submissions to the Plan Change and, where relevant, we record the evidence/statements presented as relevant to our deliberations (in **Section 3**). We conclude with our recommended decisions (in **Section 5**), having had regard to the necessary statutory considerations that underpin our evaluation of the submissions (in **Section 4**). All these parts of the report are evaluative, and collectively record the substantive results of our deliberations.
- 1.11 This Recommendation Report contains the following appendices:
 - a. **Appendix 1: Schedule of attendances** at the hearing on this topic. We refer to the parties concerned and the evidence they presented throughout this Recommendation Report, where relevant.
 - b. **Appendix 2: 42a Summary table of recommendations on each submission point.** This is the Council's s42A Report table containing recommendations on each submission, commonly referred to as the accept/reject table. The Council, upon receipt of the Panel's recommendations, has decided not to update the s42A table to reflect the Panel's recommendation/Council's decisions.

Instead, the Council records that the Panel has accepted all those recommendations in the s42A Report table except as otherwise identified in this decision and as noted in Appendix 3 (recommended provisions) to this decision. It should be noted that there were also changes in recommendations following the s42A Report and through the hearing process. These recommendations and the associated changes are outlined within the s42A Reply Statement and ultimately culminated in Appendix 3 in the recommended provisions.

- c. **Appendix 3: Recommended amendments to PC43 – Tracked from notified version.** This sets out the final amendments we recommend be made to PC43 provisions. The amendments show the specific wording of the amendments we have recommended and are shown in an amended text format showing changes from the notified version of PC43 for ease of reference. Additions to the notified provisions are shown as underlined and deleted provisions are shown as ~~struck-out~~.

Where whole provisions have been deleted or added, we have used the original numbering of provisions in the notified version, to maintain the integrity of how the submitters and s42A Report authors have referred to specific provisions.

- d. **Appendix 4: Recommended amendments to PC43 – Accepted version.** This is a 'clean copy' of the recommended amendments to provisions. It accepts all the changes we have recommended to the provision wording from the notified version of the PC43 as shown in **Appendix 3** and includes consequential renumbering of provisions to take account of those provisions that have been deleted and new provisions we have recommended.

1.12 The requirements in clause 10 of the First Schedule of the Act and section 32AA are relevant to our considerations of the submissions to PC43 provisions. These are outlined in full in the **Index Report**. In summary, these provisions require among other things:

- a. our evaluation to be focused on changes to the proposed provisions arising since the notification of PC43 and its s32 reports;
- b. the provisions to be examined as to whether they are the most appropriate way to achieve the objectives;
- c. as part of that examination, that:
 - i. reasonable alternatives within the scope afforded by submissions on the provisions and corresponding evidence are considered;
 - ii. the efficiency and effectiveness of the provisions is assessed;
 - iii. the reasons for our recommendations are summarised; and
 - iv. our report contains a level of detail commensurate with the scale and significance of the changes recommended.

1.13 We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's s42A Report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments attached to the relevant s42A Reports and/or Council Reply Reports. Those reports are part of the public record and are available on the Council website. In one instance, where our recommendation differs from the s42A Report authors' recommendations, we have incorporated our s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

1.14 A fuller discussion of our approach in this respect is set out in the **Index Report**.

Comments on the parties' assistance to us

1.1 In advance of setting out the Plan Change context, we would like to record our

appreciation at the manner in which the proceedings were conducted by all the parties taking part.

- 1.2 The further information provided to us through Panel minutes assisted us in assessing and determining the issues, and in delivering our recommended decision.
- 1.3 These initial thoughts recorded, we now set out the factual background to the Plan Change.

2 Summary of Plan Change, submissions and procedural matters

Outline of matters addressed in this section

- 2.1 In this section we provide relevant context around which our evaluation is based, including:
- a. summary of relevant provisions;
 - b. purpose of the Plan Change;
 - c. themes raised in submissions;
 - d. Panel directions and procedures;
 - e. procedural matters we were obliged to make a determination on; and
 - f. summary of key legislative changes since notification of PC43.

Summary of relevant provisions

- 2.2 As indicated in paragraph 1.1 of this Recommendation Report, the relevant provisions we address relate to PC43: Taupō Industrial Land. Also as noted in that paragraph, PC43, as notified, rezones two additional areas from Rural Environment Zone to Taupō Industrial Environment Zone, being:
- a. Broadlands Road West (63 Broadland Road, being Part of Section SO 438782 and Part of Lot 1 DP 445148); and
 - b. Napier Road (189 Napier Road, being Lots 1 and 2 DP 499406).
- 2.3 As noted previously, in their reporting on PC43, Council officers have referred to the two areas as 'Area 4' and 'Area 7', respectively. These are the identifiers that we use in this Recommendation Report.
- 2.4 The areas concerned are illustrated in **Figures 1 and 2** on the following page.
- 2.5 Area 4 is some 20 ha. in area and is proximate to both a Hot Ground Hazard Area and associated Significant Natural Area (SNA180) to the north-east (as illustrated in **Figure 1**).
- 2.6 Area 7 is 3.5 ha. in area and represents an extension to the Taupō Industrial Environment Zone located on the north side of Napier Road (as illustrated in **Figure 2**).
- 2.7 As notified, PC43 primarily involves proposed changes to the TDP Maps. Additionally, PC43 involves a proposed amendment to Rule 4h.3.7, which categorises the subdivision of land identified as 'sensitive' within the Taupō Industrial Environment Zone as a discretionary activity and indicates that such proposals 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).
- 2.8 PC43 would amend that rule to make reference to the 'Sensitive Land Overlay' applying with respect to Area 4, and require that assessments must be informed by deep

geotechnical investigation including, but not be limited to:

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

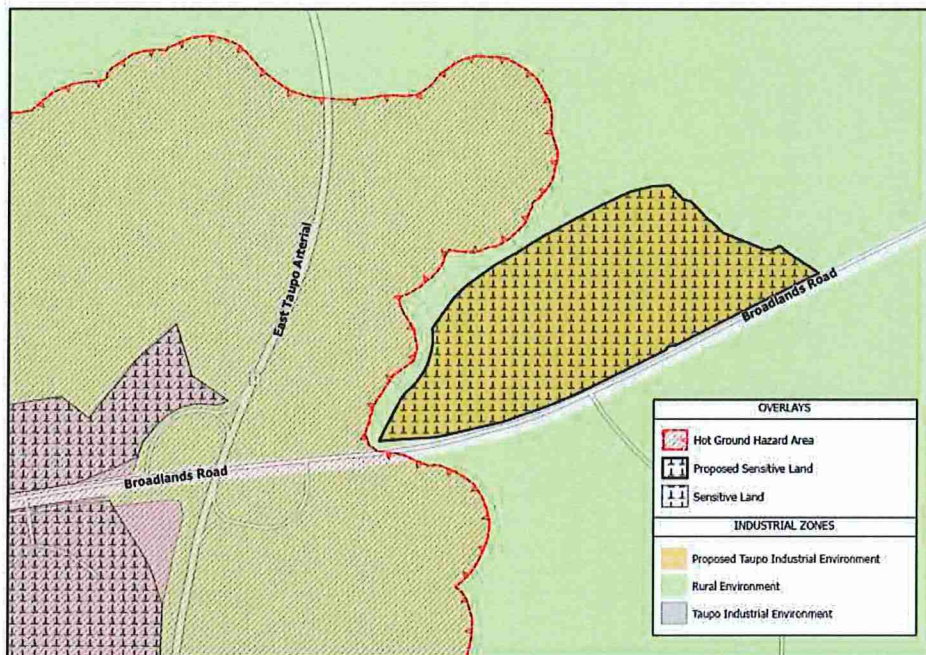


Figure 1: Area 4 (Source: PC43)

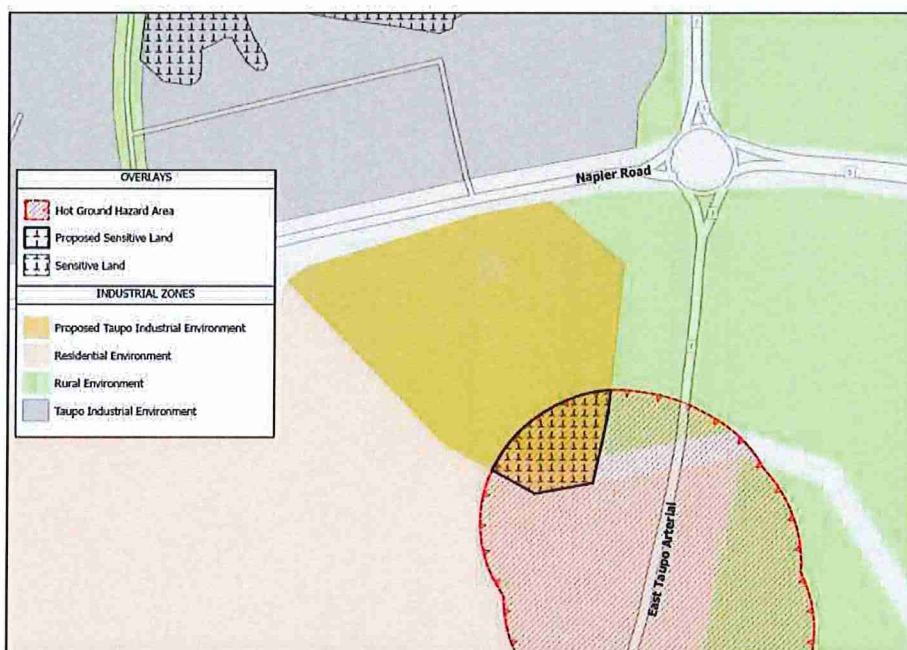


Figure 2: Area 7 (Source: PC43)

Purpose of the Plan Change

2.9 The purpose of PC43 as stated in the Plan Change materials is:

"... to assist Taupō District Council meet its obligations under the National Policy Statement for Urban Development (2020) and requirements under the Resource Management Act 1991 in terms of Industrial land supply over the long term.

Industrial employment in Taupō is expected to continue growing out to 2052, and to account for almost 4,800 employees, almost a 1,000 more employees than 2020.

To support that growth in Industrial employment, Taupō District Council needs to ensure that it enables a variety of business opportunities for different business sectors, as well as locations and scale over the short (3 year), medium (10 year) and long term (30 years).

The Taupō District, through extensive Industrial zoned land (such as at the Miro Street area, Centennial Industrial and Crown Road areas, Taupo Airport and Wairakei Industrial areas) has some 1.083ha of Industrial land. Of this some 38ha remains vacant, serviced and ready for Industrial use which provides for the short- and medium-term demand (out to 2033). However, there is a need to provide for additional long-term supply."

2.10 In this context, the PC43 materials note that "Broadlands Road West [Area 4] is identified as an Urban Growth Area in Section 3e of the District Plan" and that "[g]eotechnical advice has identified that whilst the area as a whole is not subject to intolerable risk, there may be parts of the site that require specific assessment and associated management, including engineering mitigation." Hence the proposed amendment to Rule 4h.3.7 described above.

2.11 The PC43 materials go on to posit that Napier Road (Area 7) "... provides a logical and discrete extension to the Crown Road Taupō Industrial Zone, as contained within the Eastern Taupo Arterial (ETA). As this site has urban uses on three sides, and the ETA on the fourth, a Taupō Industrial Zone is more appropriate than the existing Rural Environment as this site is located within the urban area."

Notification and submissions

2.12 The 'Bundle One' group of plan changes was publicly notified on 14 October 2022. The closing date for submissions was 9 December 2022.

2.13 A total of 19 submissions on PC43 were received by the Council representing a total of 38 submission points.

2.14 A summary of submissions was prepared and subsequently notified for further submissions on 17 March 2023 with the closing date for receiving further submissions being 7 April 2023. Twenty-five further submissions were received, representing five further submitters⁴.

2.15 One submission, from Enviro NZ⁵, was missed from the original summary of submissions, but was subsequently addressed by Council officers and has been included in our considerations.

2.16 **Table 1** below provides a list of submitters to the proposed Plan Change, together with their broad positions. We provide a full summary of the submissions received in **Appendix 2**, including our decisions on the relief sought by each submitter.

⁴ Mega Foods (FS203), Contact Energy Ltd (FS229), TIEL (FS232), Warren Ladbrook - Advance Properties Group Ltd (FS208), Enviro NZ (FS238)

⁵ Previously EnviroWaste Services Ltd

Table 1: List of submitters to PC43

Submission point	Submitter	Position
OS10.2	Anna Pol	Oppose industrial zoning in the vicinity of Titan Way
OS17.7	Jennifer Molloy-Hargraves	Support PC43 in its entirety
OS19.1	Taupo Industrial Estate Ltd (TIEL)	Support rezoning of Area 7
OS21.1 - .5	Mega Food Services Ltd (Mega Foods)	Support with amendments in relation to Area 4
OS29.19, .20, .26, .32	Waikato Regional Council	Oppose and seek amendments in relation to Areas 4 and 7
OS39.24	Enviro NZ	Oppose rezoning of Area 4 and seek amendments
OS41.18	Rangatira Block Trusts	Seek amendments to rezone Rangatira E land for industry
OS46.5, .14, .15	Tukairangi Trust	Oppose and seek amendments in relation to Area 4; also oppose industrial zoning of land at Poihipi Road
OS47.1	Wairarapa Moana Incorporation Ltd	Seek amendments to rezone land at Mangakino for industry
OS55.6	Rick Keehan - Amplify	Support PC43 in its entirety
OS62.1 - .5	Alana Delich	Seek amendments in relation to Area 4
OS67.1	Warren Ladbrook - Advance Properties Group Ltd (APGL)	Oppose rezoning of Area 7
OS79.8	Cheal Consultants	Seek amendments in relation to Area 7
OS89.21	Department of Conservation	Seek amendments in relation to Area 4
OS91.22	Federated Farmers	Support PC43 in entirety
OS93.77, .82	Contact Energy Ltd	Support rezoning of Area 7 Oppose rezoning of Area 4
OS101.10	Lakes and Waterways Action Group Trust (LWAG)	Support in relation to Area 4
OS113.37	Waka Kotahi	Seek amendments in relation to Areas 4 and 7
OS114.14. - .17	Taupō Climate Action Group	Seek amendments in relation to Area 4 Oppose rezoning of Area 7
OS115.20, .26, .32	Te Kotahitanga o Ngati Tuwharetoa	Seek amendments to PC43

Matters raised in submissions

- 2.17 Without taking away from the finer detail provided in the submissions, the matters raised in those submissions to the Plan Change fall into one of more of the following categories:
- a. miscellaneous matters, including matters potentially outside the scope of submissions or opposition to areas that are not rezoned within PC43;
 - b. the statutory framework for PC43;
 - c. servicing considerations, including stormwater and transport;
 - d. amendments sought in relation to Area 7;
 - e. opposition to the rezoning of Area 7;

- f. support for the rezoning of Area 7;
 - g. amendments sought in relation to Area 4;
 - h. opposition to the rezoning of Area 4;
 - i. support for the rezoning of Area 4;
 - j. support for PC43 as notified in full;
 - k. opposition to PC43 as notified in full; and
 - l. requests to rezone other areas for industry.
- 2.18 This list of matters largely aligns with that set out in the s42A Report, paragraph 116, albeit with the addition of h. above. We address the first issue in a. above as a procedural matter we are obliged to make a determination on in paragraphs 2.40 to 2.41 below.
- 2.19 We discuss the remaining matters raised in submissions in greater detail under our key issue evaluation in **Section 3** of this report. Our identification (and subsequent evaluation) of the key issues arising in submissions is largely based on those that remained in contention during the course of the hearing and that were specifically addressed in evidence from the relevant parties. A list of the key matters is set out at the start of **Section 3**. Accordingly, some of the matters raised in submissions feature more prominently than others in our evaluation section, but we record that all submissions on the PC43 provisions have been taken into account in our deliberations. In general, submissions in support of PC43 are not discussed but are accepted or accepted in part in that section.
- 2.20 More detailed descriptions of the submissions and key issues can be found in the relevant s42A Report and written Reply Statements, which are available on the Council's website.

Panel directions and hearing procedures

- 2.21 The Panel issued a minute (**Minute 1**) to the parties to address various administrative and substantive matters in relation procedural matters for all six plan changes⁶. This minute, and the others we issued through the course of the hearing and deliberations processes are available on Council's plan change website⁷.
- 2.22 Some minutes were in relation to all six plan changes associated with 'Bundle One' and others related specifically to PC43.
- 2.23 The website contains a list and copies of all of the Panel's minutes on the six plan changes. The following Minutes are of general and/or specific relevance to PC43:
- a. Minute 1** (15.06.2023) – this covered:
 - i. Introduction of the hearings panel;
 - ii. Procedural matters;
 - iii. Date and venue of hearings;
 - iv. Circulation dates for evidence before the hearing;
 - v. Brief summary of the hearing process;
 - vi. Panels approach to site visits;

⁶ Minute 1 issued 15 June 2023

⁷ <https://www.taupodc.govt.nz/council/consultation/taupo-district-plan-changes-38-43>

- vii. Process for further communication and questions.
- b. Minute 2** (04.07.2023) – this covered:
 - i. Clarification on expert evidence and legal submissions;
 - ii. Process for next steps.
- c. Minute 3** (12.07.2023) – this covered:
 - i. Grant of extension with respect to the s42A Report for PC43 to enable consideration of the newly gazetted National Policy Statement for Indigenous Biodiversity (NPS-IB)⁸.
- d. Minute 5** (26.07.2023) – this covered:
 - i. Confirmation of date by which submitters had to confirm attendance arrangements.
- e. Minute 8** (08.08.2023) – this covered:
 - i. Notification of missed original submission by Enviro NZ to PC43 and process outcome to ensure it is considered by the appropriate parties;
 - ii. Release of a draft hearing schedule for PC43.
- f. Minute 9** (13.08.2023) – this covered:
 - i. Grant of request by submitter Mega Foods for extension of time for the provision of evidence on PC43.
- g. Minute 11** (16.08.2023) – this covered:
 - i. Confirmation of receipt of joint legal statement regarding a potential scope matter and fairness/natural justice matters in response to **Minute 9**.
- h. Minute 13** (20.08.2023) – this covered:
 - i. General update on proceedings.
- i. Minute 15** (22.08.2023) – this covered:
 - i. The mandate of entities to speak in support of joint submissions by the Rangatira Block Trusts on PC43 and other plan changes.
- j. Minute 16** (28.08.2023) – this covered:
 - i. Confirmation of hearing date for PC43.
- k. Minute 18** (18.09.2023) – this covered:
 - i. Direction to the planners representing the Council and Mega Foods to conference on potential options for hybrid land use and subdivision provisions for Area 4 and prepare a joint witnesses statement;
 - ii. Provision of an opportunity to the consultants representing Mega Foods to provide an optimum site layout for Area 4;
 - iii. Request to the planners representing the Council, APGL and TIEL to conference on the adequacy of existing TDP provisions in addressing the management of the interface between the Industrial and Residential Environments in relation to Area 7 and whether altered or additional provisions are necessary;
 - iv. Confirmation of the date for the Council’s written reply for PC43.
- l. Minute 21** (09.10.2023) – this covered:

⁸ Gazetted on 7 July 2023 and coming into force 4 August 2023

- i. Response to memorandum from legal counsel for TIEL outlining trade competition concerns with respect to the APGL submission and position on wider environmental effects arising from the Industrial and Residential Environment interface, as addressed in **Minute 18**;
 - m. **Minute 22** (25.10.2023) – this covered:
 - ii. Response to further memorandum from legal counsel for TIEL requesting the participation of the planner for Contact Energy Ltd in conferencing relating to Area 7 as covered in **Minute 18**.
- 2.24 The hearing of submissions on PC43 (and also PC40) took place on 11 – 12 September 2023 at the Suncourt Hotel in Taupō. We subsequently adjourned the hearing to enable the actions set out in **Minutes 18 and 21** above to occur.
- 2.25 In the lead up to our deliberations, the following reports and evidence were available to the Panel:
- a. Overarching s42A Report for Plan Changes 38-42, prepared by Council Planner, Hilary Samuel, dated 3 July 2023;
 - b. The s42A Report for PC43, prepared by Consultant Planner, Matt Bonis, dated 13 July 2023, and incorporating the evidence of Tim Heath (economics), Dave Smith (transportation), Maddison Phillips (geotechnical) and Willie Shaw (ecology);
 - c. Evidence on behalf of TIEL from Gareth Moran (planning) and Judith Makinson (transportation) dated 7 August 2023;
 - d. A letter tabled by Anna Delich dated 8 August 2023;
 - e. Evidence on behalf of APGL from Joanne Lewis (planning) dated 9 August 2023;
 - f. Evidence on behalf on Contact Energy Ltd from Mark Chrisp (planning) dated 9 August 2023 and Jeremy Williams (corporate) dated 10 August 2023;
 - g. An addendum to Mr Bonis’s s42A Report dated 14 August 2023, relating to Enviro NZ’s missed submission (covered in **Minute 8** above);
 - h. A letter tabled by Waikato Regional Council dated 14 August 2023;
 - i. Evidence on behalf of Enviro NZ from Kaaren Rosser (planning) dated 15 August 2023;
 - j. A joint memorandum of counsel on behalf of the Council and Mega Foods, dated 15 August 2023, in response to **Minute 9** above⁹;
 - k. Evidence on behalf of Mega Foods from Darren Clark (planning) dated 16 August 2023 and Jerome Feuillade (corporate) dated 7 September 2023;
 - l. Legal submissions on behalf of TIEL by Marianne Mackintosh dated 8 September 2023;
 - m. Evidence on behalf of APGL from Warren Ladbrook (corporate) dated 12 September 2023;
 - n. A memorandum of counsel on behalf of TIEL by Ms Mackintosh dated 6 October 2023 and relating to the direction for planner conferencing and preparation of a joint witness statement in **Minute 18** above;
 - o. A letter tabled on behalf of Mega Foods by Mr Feuillade dated 9 October 2023 and relating to the opportunity to provide an optimum site layout for Area 4 covered in **Minute 18** above;
 - p. A joint witness statement arising from planner expert conferencing by Mr Bonis (for the Council), Mr Morgan (for TIEL) and Ms Lewis (for APGL) dated 3 November 2023;

⁹ James Winchester and Joanna Beresford, respectively

- q. A joint witness statement arising from planner expert conferencing by Mr Bonis (for the Council) and Mr Clark (for Mega Foods) dated 8 November 2023;
- r. Legal submissions on behalf of APGL and Warren Ladbrook by Matthew Lawson, undated;
- s. Speaking notes provided by John Lenihan on behalf of Rangatira Block Trusts; and
- t. A response to Panel requests and presented evidence prepared by the s42A Report author, Mr Bonis, dated 13 November 2023, and incorporating a memorandum from Mr Heath (economics).

2.26 All of the above material can be found on the Council web page for PC43.

2.27 We undertook site familiarisation visits to both Area 4 and Area 7 prior to the commencement of the hearing and supplemented those visits with specific visits following the closure of the hearing.

2.28 We formally closed the hearing on 23 February 2023.

Procedural matters we were obliged to make a determination on

2.29 There are three procedural matters that we are obliged to make a determination on:

- a. whether the submission by APGL¹⁰ in relation to Area 7 breaches RMA constraints on submissions and would provide the submitter with an advantage in trade competition terms;
- b. the scope of further amendments to PC43 as recommended in the s42A Report, whether they could have been envisaged as a reasonable outcome of submissions lodged and, consequently, whether they raise fairness and natural justice issues; and
- c. whether submissions opposed to the zoning or rezoning of areas for industrial purposes not subject to the provisions of PC43 fall within the scope of the Plan Change.

2.30 We deal with each of these matters in turn below.

Trade competition matter

2.31 In his s42A Report, Mr Bonis sought to alert the Panel to his view that he considered that the submission by APGL opposed to the rezoning of Area 7 potentially breached provisions in the RMA¹¹ proscribing the involvement of trade competitors, while acknowledging that a determination on this matter ultimately rested with us¹². Mr Bonis noted that Area 7 was subject to resource consent applications to operate a Bunnings outlet¹³ and that Mr Ladbrook was both a director of APGL and Caboo Properties Ltd; the latter is the owner of land leased to an established Mitre 10 outlet. Mr Bonis indicated that he retained these concerns at the conclusion of the hearing¹⁴.

2.32 Mr Lawson addressed this matter in legal submissions on behalf of APGL¹⁵. It was his position that as the land owned by Mr Ladbrook was already substantially tenanted

¹⁰ Submission OS67.1

¹¹ s75(4) and clauses 6(3) and (4), Schedule 1, RMA

¹² Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 106 to 113

¹³ During the course of our deliberations on PC43 we were made aware that the Council had approved these applications (RM230135 to RM230137 refer).

¹⁴ Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, paras 35 to 37

¹⁵ Synopsis of Legal Submissions on behalf of Advance Properties Group Limited and Warren Ladbrook, undated, paras 27 to 31

(including to Mitre 10) there was *"no competitive advantage that [Mr Ladbrook or APGL] could gain one way or another from opposing or supporting plan change 43."*¹⁶

- 2.33 Ms Mackintosh advanced the position in legal submissions on behalf of TIEL that in potentially allowing the APGL submission (and the further submission by Mr Ladbrook¹⁷) and in directing planner caucusing, the Panel would be conflating a 'concern' as expressed by the submitters about potential industrial-residential interface effects as constituting a wider environmental effect and, as such, was at risk of making an error of law¹⁸. Ms Mackintosh's conclusion was that the submitters had no role to play in commenting on interface effects and in her view were *"ostensibly using the PC43 process to secure commercial gain by keeping competitors out the relevant market."*¹⁹ Consequently, Ms Mackintosh questioned the value of planner caucusing on the issue. We acknowledged at the time that we were yet to make a determination with respect to the trade competition matter but that potential effects arising from the industrial-residential interface remained a 'live' issue and we continued to encourage caucusing, accordingly²⁰.
- 2.34 On the trade competition matter we conclude that it is not possible to categorically make a finding that the submitters are acting as trade competitors or in a trade competitive manner. While the matter has been disputed by the parties concerned at a high level, the absence of detail we have available to us does not provide us with a robust basis to make a positive determination. We acknowledge and accept Mr Lawson's observation that (on the face of it) neither APGL nor Mr Ladbrook can be considered a trade competitor in a sense that they are not large format retailers. Beyond that and in the absence of further evidence, we are unable to speculate about the nature of the relationship between the submitters and their tenants.
- 2.35 In light of the above, we find that we have no practical alternative to considering the submission concerned. Accordingly, we address the content of that submission inclusive of the merits of rezoning the area concerned and the adequacy of proposed controls relating to the industrial-residential interface under 'Issue 3a' and 'Issue 3b', respectively, in **Section 3** of this report.

Scope of amendments and fairness and natural justice issues

- 2.36 As noted at f. in paragraph 2.23 above, **Minute 9** granted a request by submitter Mega Foods²¹ for an extension of time for the provision of evidence on PC43. In part, this request was made on the basis that the s42A Report recommended the inclusion of new provisions relating to geothermal features and ecological values associated with the submitters' area of interest (Area 4) and that these amendments were significant (in the view of the requestor). At the time, and in agreeing to the request, we found that the new provisions did introduce a level of complexity that warranted additional time to facilitate the preparation of evidence.
- 2.37 It was the nature of the amendments that also led us to issue a direction to counsel for Mega Foods and the Council to conference regarding potential scope and fairness and natural justice matters arising from their recommended inclusion in the Plan Change. Specifically, we asked the two parties to consider whether the recommended amendments in the s42A Report could have been envisaged as a reasonable outcome of the submissions lodged.

¹⁶ *Ibid*, para 30

¹⁷ Further submission FS208

¹⁸ *Memorandum of counsel on behalf of the Taupo Industrial Estate Limited ("TIEL") in relation to Hearing Panel direction for Planner Caucusing/Joint Witness Statement affecting Site 7, 6 October 2023*

¹⁹ *Ibid*, para 9

²⁰ Refer **Minute 21**, 9 October 2023

²¹ Submission OS21 and further submission FS203

- 2.38 The result was a Joint Memorandum of Counsel (JMoC) which indicated that Mr Winchester (for Council) and Ms Beresford (for Mega Foods) had come to a common view, being that they did not consider that scope or natural justice issues arose from the recommendation contained in Council's s42A Report²². From counsels' perspective, the central issues for us were likely related to the merits of the positions of the different participants on the Plan Change, rather than any procedural complaints about fairness or natural justice.
- 2.39 We acknowledged receipt of the JMoC via **Minute 10**, and at this juncture we would like to express our appreciation for the efforts counsel for the parties went to in urgently conferencing on the matters above. As neither counsel have raised any procedural concerns, we deal with the substantive matters arising from the recommended provisions under 'Issue 2b' in **Section 3** of this report.

Scope of submissions

- 2.40 As noted in **Table 1** on page 10 of this report, PC43 attracted two submissions opposed to the rezoning of areas for industry in the vicinity of Titan Way and Poihipi Road²³. As Mr Bonis noted, however, PC43 does not seek to rezone these areas for industry as they fell out of contention during the s32 exercise.
- 2.41 On this basis the submissions are out of scope of the Plan Change, we therefore endorse Mr Bonis's recommendation that they be rejected²⁴. The submitters concerned should nevertheless feel considerable assurance from the fact that the areas concerned retain a Rural Environment zoning in the operative TDP.

Summary of key legislative change since notification of PC43

- 2.42 As noted at c. in paragraph 2.23 above, the NPS-IB was gazetted in the lead up to the PC43 hearing. It came into force on 4 August 2023.
- 2.43 Earlier, towards the end of 2022, a new NPS on Highly Productive Land (NPS-HPL) was gazetted (on 19 September 2022). The NPS-HPL came into force on 17 October 2022.
- 2.44 Despite the NPS-HPL only coming into effect three days after the notification of all Plan Changes, and prior to receipt of submissions thereon, and the NPS-IB only coming into effect in the period between the close of submissions and the commencement of the hearing, the obligation in s75(3) of the RMA to give effect to any NPS remains a relevant consideration where PC43 is concerned.
- 2.45 Both the NPS-HPL and NPS-IB are covered in our overall statutory evaluation in **Section 4**.

²² Joint Memorandum of Counsel on Behalf of Taupō District Council and Mega Food Services Limited, 15 August 2023

²³ Submissions OS10 and OS46

²⁴ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 118 and 119

3. Evaluation of key issues

Preamble

- 3.1 For the purpose of this Section, we have grouped our discussion based on common, key issues raised by submitters that remained in contention during the course of the hearing and that were specifically addressed in evidence from the relevant parties, rather than assessing each issue on a submitter-by-submitter basis.
- 3.2 At this point, and before we begin our consideration of these key issues remaining in contention, we must record that, with one minor exception, Mr Bonis concluded that no other amendments to PC43 in response to submissions and further submissions unrelated to these key issues were warranted. We accept his recommendations in that regard for the reasons set out at relevant points in his s42A Report. The exception relates to his recommendation that a minor error in the legal description relating to Area 4 in the chapeau to Rule 4h.3.7 is corrected; we accept this recommendation for obvious reasons²⁵. Scope to make this correction is provided courtesy of a submission by the Regional Council²⁶. We note that we have also identified another correction that is required to Rule 4h.4.2 (refer to paragraph 3.37 in this report).
- 3.3 The following key issues remained in contention during the course of the hearing:
- a. Some matters relating to PC43 as a whole (**Issue 1'**);
 - b. Matters relating to Area 4, namely:
 - i. whether land owned by Contact Energy Ltd should be rezoned for industrial purposes, or not (**Issue 2a'**);
 - ii. the nature and mechanics of provisions relating to geothermal features and ecological values (**Issue 2b'**);
 - iii. potential reverse sensitivity issues arising from the proposed rezoning of the area concerned (**Issue 2c'**);
 - c. Matters relating to Area 7, namely:
 - i. overall, the merits of rezoning the area concerned (**Issue 3a'**);
 - ii. the adequacy of proposed controls relating to the industrial-residential interface (**Issue 3b'**);
 - d. Other requests to rezone areas for industrial purposes, namely:
 - i. the land proposed by Rangatira E (**Issue 4a'**); and
 - ii. land at Mangakino (**Issue 4b'**).
- 3.4 We provide our evaluation in further detail in relation to each of these issues in the following sub-sections.

²⁵ *Ibid*, para 162

²⁶ Submission OS29.20

Issue 1: Matters relating to PC43 as a whole

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none">No change

Amendments and reasons

- 3.5 Mr Bonis's s42A Report addresses a number of submissions that can be categorised as being on the Plan Change as a whole, as opposed to being focused on Area 4, Area 7 or other specific areas for which an industrial rezoning is sought (which are dealt with under 'Issue 2a' through 'Issue 4b' in this report).
- 3.6 These broader or non-site-specific submissions can be further grouped as follows:
- a submission seeking mitigation of environmental effects through the creation of an indigenous dominant buffer and increased resilience of geothermal ecosystems²⁷;
 - submissions relating to the statutory framework for PC43²⁸;
 - submissions relating to the servicing of industrial areas²⁹;
 - submissions supportive of the Plan Change as a whole³⁰; and
 - submissions opposed to the Plan Change as a whole³¹.
- 3.7 As the broad considerations and requests arising from the submission referred to in a. above relate to the matters addressed under 'Issue 2b' below, we deal with them there.
- 3.8 With respect to submissions relating to the statutory framework, we endorse the Council officer's recommendation that all but one be rejected for the reasons he outlines in his s42A Report. We must also recommend the rejection of the remaining submission³² requesting that the Plan Change be amended to reflect the ratified Natural and Built Environment and Spatial Planning Acts, as in the intervening period the incoming Government has repealed the legislation. We otherwise refer the reader to **Section 4** of this report, wherein we have given appropriate regard to the statutory framework that underpins our considerations.
- 3.9 With respect to submissions relating to the servicing of industrial areas, Mr Bonis identified no need for further amendments. On the matter of effective and efficient provision of transport infrastructure and implications of selected industrial areas in terms of traffic emissions, consolidated urban form and active modes³³, Mr Bonis relied on the advice of Mr Smith, for the Council, who noted that both notified sites for rezoning had scored well in locational terms during the s32 exercise³⁴. We note that the submitter concerned did not challenge this in evidence. We therefore accept Mr Bonis's conclusion that the submission be rejected for the reasons he outlined.
- 3.10 We endorse Mr Bonis's recommendation that submissions supportive of PC43 and seeking

²⁷ *Ibid*, paras 120 to 128

²⁸ *Ibid*, paras 129 to 150

²⁹ *Ibid*, paras 151 to 157

³⁰ *Ibid*, paras 215 to 216

³¹ *Ibid*, paras 217 to 221

³² Submission OS115.32


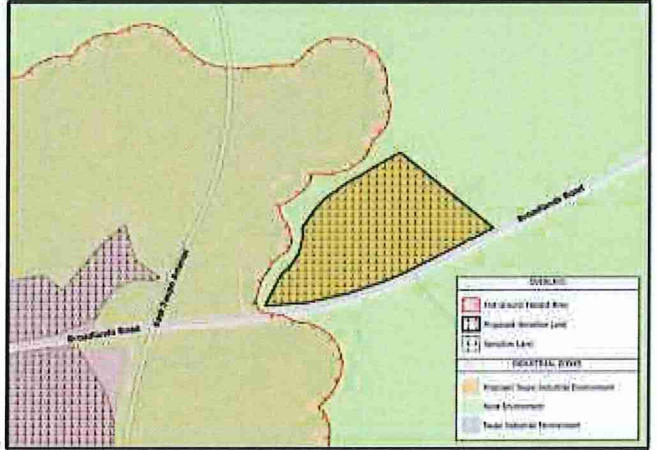
³³ The subject of submission OS113.37

³⁴ *Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land*, 13 July 2023, para 155

its retention be accepted in part, to the extent that we otherwise recommend amendments to the Plan Change elsewhere in this report. Finally, we also agree with the recommendation of the Council officer that a submission³⁵ effectively opposed to the rezoning of both areas be rejected on the basis that the concerns raised relating to geological features and ecological values are effectively addressed via recommended amendments to the Plan Change (as discussed under 'Issue 2b' below)³⁶.

Issue 2a: Rezoning of Contact Energy land

Overview

Provision(s)	Panel recommendations
<p>Proposed Appendix 11: Broadlands Road West Outline Development Plan</p>	<ul style="list-style-type: none"> <li data-bbox="624 651 1356 752">Amend the plan in Appendix 11 to include the following version (absent Contact Energy Ltd owned land):  <ul style="list-style-type: none"> <li data-bbox="624 1249 1377 1323">Amend Planning Maps to include the following version (absent Contact Energy Ltd owned land): 

Amendments and reasons

- 3.11 Contact Energy Ltd sought that the part of Area 4 owned by the company retain its Rural Environment zoning and not be rezoned for industrial purposes³⁷.

³⁵ Submission OS29.19

³⁶ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 219 to 221

³⁷ Submission OS93.82

- 3.12 Mr Bonis recommended the rejection of this submission on the grounds that PC43 sought to provide sufficient development capacity over the long-term and that over this 30-year period the intent of the landowner might well change³⁸. In response to a query from us during the hearing, Mr Bonis sought advice from Mr Heath and responded that were the approximately 6ha area concerned not rezoned it would equate to a two-year reduction in industrial land supply³⁹. For context we note that the 6ha portion equates to 30% of the overall 20ha site proposed for rezoning.
- 3.13 In our view, Contact Energy made a strong case at the hearing in support of its submission. Mr Williams, for Contact Energy, noted that the subject land forms part of Contact's landholdings on which the Te Huka Power Station is located. Mr Williams stated that Contact Energy *has no intention to develop (or allow others to develop) this part of its property for industrial purposes (at least in the foreseeable future)*.⁴⁰ Mr Chrisp, also for Contact Energy, considered that the Council would be better advised to identify areas for industrial development *"where the relevant landowner(s) is/are willing to make their land available for industrial development. Only in those circumstances will demand actually be met."*⁴¹
- 3.14 In his written reply, Mr Bonis sought to assuage the concerns of the submitter with respect to rating values. Overall, having further discussed the matter with Mr Heath, he concluded that 'agglomeration benefits' would likely accrue were the broader site rezoned as a whole, with respect to the spread of infrastructure investment. However; he acknowledged that the matter was *"finely balanced"* and on that basis helpfully sought to provide us with plan provisions catering for both inclusion and exclusion of the Contract Energy land⁴².
- 3.15 On balance, we recommend that Contact Energy's submission is accepted and that its land be excluded from the broader area to be rezoned. To our minds, the company's lack of enthusiasm for the industrial development of its land over the 'foreseeable future' is a fatal flaw.
- 3.16 In s32AA terms, we consider that it is a more efficient and effective means of achieving the objectives of the Plan Change and the Council's obligations and requirements under s31(1)(aa) of the RMA and the NPS-UD to exclude, from the rezoning of Area 4, a portion of the land for which there is essentially no prospect of redevelopment for industrial purposes. As the prospects of redevelopment are largely curtailed, we consider that the environmental, economic, social and cultural effects arising from a theoretical 'reduction' in opportunities for economic growth and employment as a result of the portion's exclusion from the Plan Change are inconsequential (considerations under s32AA(1)(b) and s32(2) and (3) refer).
- 3.17 The obvious implication is that the Council will need to look elsewhere to make up the difference to close the two-year supply gap which, in our view, is not that significant within the context of a 30-year planning horizon.

³⁸ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 200 to 204

³⁹ Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, para 11

⁴⁰ Statement of Evidence of Jeremy Williams On Behalf Of Contact Energy Limited – Corporate, 10 August 2023, para 16

⁴¹ Statement of Evidence of Mark Bulpitt Chrisp on behalf of Contact Energy Limited – Planning, 9 August 2023, para 21

⁴² Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, paras 30 to 34

Issue 2b: Nature and mechanics of provisions relating to geothermal features and ecological values

Overview

Provision(s)	Panel recommendations
New Provisions	<ul style="list-style-type: none"> Insert additional land use rules (4h.4.1) for the Broadlands Road West Outline Development Plan area that make a range of minor, listed 'disturbance' activities in or within 20m of any Geothermal Significant Natural Areas identified in new Appendix 11 permitted activities, that categorise all other 'disturbance' activities as restricted discretionary activities, and that with respect to the latter, set out six matters over which the Council reserves its discretion.
New Provisions	<ul style="list-style-type: none"> Insert additional subdivision rules (4h.4.2) for the Broadlands Road West Outline Development Plan area that make subdivision a restricted discretionary activity, and that, with respect to the latter, set out three matters over which the Council reserves its discretion.
New Provisions	<ul style="list-style-type: none"> Insert a new Appendix 11 comprising the Broadlands Road West Outline Development Plan.

Amendments and reasons

- 3.18 The starting point for our consideration of this issue is the submission by Alana Delich seeking mitigation of environmental effects through the creation of an indigenous dominant buffer and increased resilience of geothermal ecosystems⁴³, as signaled in a. under paragraph 3.6 above. Ms Delich sought the creation of a 20m buffer from any identified geothermal ecosystem featuring dominant indigenous vegetation within which industrial activities and vehicles would be excluded and indigenous planting and weed and animal pest control would be required.
- 3.19 In his s42A Report⁴⁴ Mr Bonis noted that while the submission was framed in broad terms, Ms Delich's concern related particularly to the implications of rezoning Area 4 and, as such, the relief sought by Ms Delich was opposed by Mega Foods, Contract Energy Ltd and TIEL⁴⁵.
- 3.20 Mr Bonis went on to observe that while no geothermal features or ecological values had been previously identified with respect to Area 4, a detailed site survey commissioned by Council from Mr Shaw (Wildlands Consultants) in response to submissions had identified geothermal kanuka as threatened – naturally endangered and geothermal ecosystems as critically endangered and that these features warranted recognition based on nationally and regionally applicable criteria⁴⁶. For illustrative purposes the areas identified by Mr Shaw are reproduced in **Figure 3** below. Those he considered warranted identification and protected via a 20m buffer are annotated with the numbers '1' and '2', within the industrial zoned area outlined in blue to the right.

⁴³ Submission OS62.2 (among other submissions)

⁴⁴ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, para 120

⁴⁵ Further submissions FS203.5, FS229.10 and FS232.3, respectively

⁴⁶ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 122 to 123

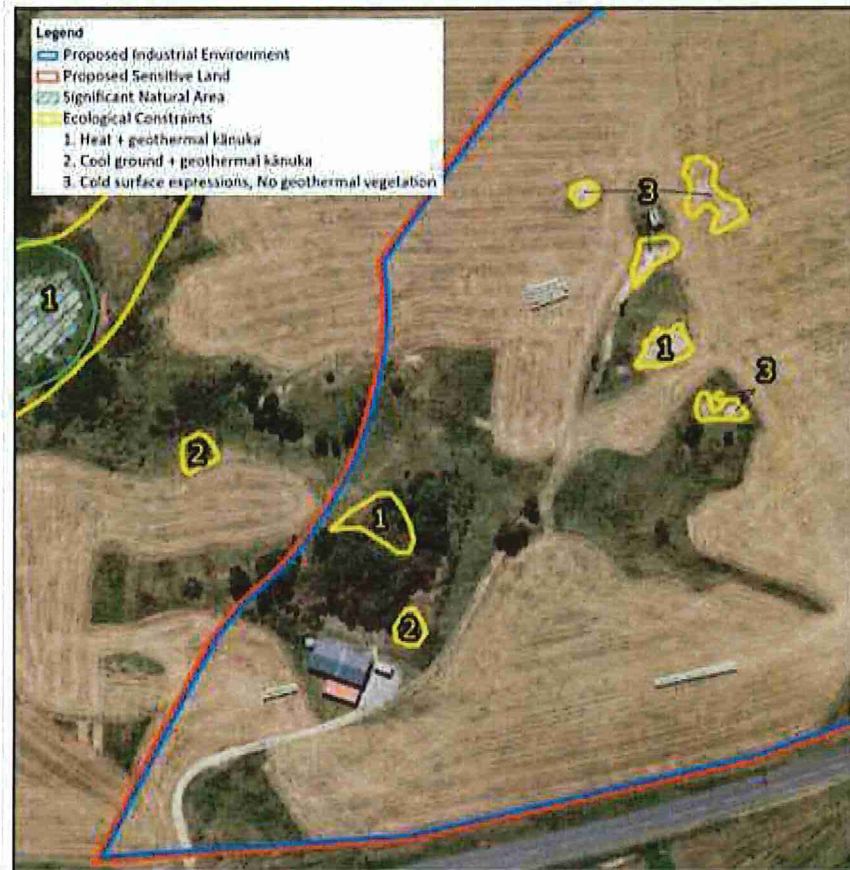


Figure 3: Significant geothermal features associated with Area 4 (Source: s42A Report)

- 3.21 In his s42A Report, Mr Bonis took the position that a 20m buffer distance from such features was justified on the basis of advice from Mr Shaw and recommended that a suite of provisions providing both land use and subdivision controls be inserted into the Plan Change; the effect of this being to introduce:
- a. a non-complying status for land use activities involving disturbance in mapped buffer areas; and
 - b. a restricted discretionary status for subdivision in the broader area zoned for industry, reserving discretion over the contents of an accompanying ecological management plan, among other matters⁴⁷.
- 3.22 Mr Bonis considered the recommended provisions to be effective and efficient and recommended the acceptance of Ms Delich's submission, in part, on that basis⁴⁸.
- 3.23 At the hearing we heard evidence from Mr Feuillade and Mr Clark for Mega Foods, relating their concerns over the implications of Mr Bonis's recommendations for the developability of the company's land within Area 4. Mr Feuillade referred to the plans Mega Foods is advancing to build a large logistics and distribution centre as well as accommodating other businesses on that land and suggested that the recommended provisions were overly directive and potentially onerous and would potentially frustrate the company's plans⁴⁹. Essentially, the problem as identified by Mr Feuillade is that modern logistics and distribution centres occupy a large physical footprint and feature large-scale buildings and

⁴⁷ *Ibid*, paras 124 to 125

⁴⁸ *Ibid*, paras 125, 192, 196 and 199

⁴⁹ *Statement of Evidence of Jerome Stephane Philippe Feuillade for Mega Food Services Ltd, 7 September 2023*

extensive traffic circulation areas free from site-specific constraints, and the 'sectioning out' of geothermal features and associated buffer areas could comprise the company's intended use of the site.

- 3.24 From a planning perspective, Mr Clark concluded that the Council's consideration of the costs and benefits of the recommended provisions and evaluation of alternatives had not been sufficiently robust (in terms of the onus imposed by s32AA of the RMA), would undermine the Council's intent of using PC43 to meet its obligations under the National Policy Statement for Urban Development 2020 (NPS-UD) to meet demand for industrial land supply, and did not follow the directive statutory framework as set out in the NPS-IB and the Waikato Regional Policy Statement (RPS). In his view, a more thoughtful and comprehensive approach was required and that in the absence of such, the existing, operative planning framework should remain in place⁵⁰.
- 3.25 Given that the geothermal features and associated ecological values were central to this issue, we took the opportunity during the hearing to question Mr Shaw as to their significance and the need for their protection. Mr Shaw was adamant that the values represented in the areas annotated with the numbers '1' and '2' identified in **Figure 3** above met the criteria for ecological significance in the RPS and NPS-IB. He acknowledged that these areas may have already been modified; however, in his view, this did not diminish their overall significance in terms of s6(c) of the RMA. For illustrative purposes, the areas for protection identified by Mr Shaw as shown in **Figure 3** are replicated in **Figure 4** below accompanied by their respective 20m buffers (within the industrial zoned area outlined in blue to the right).

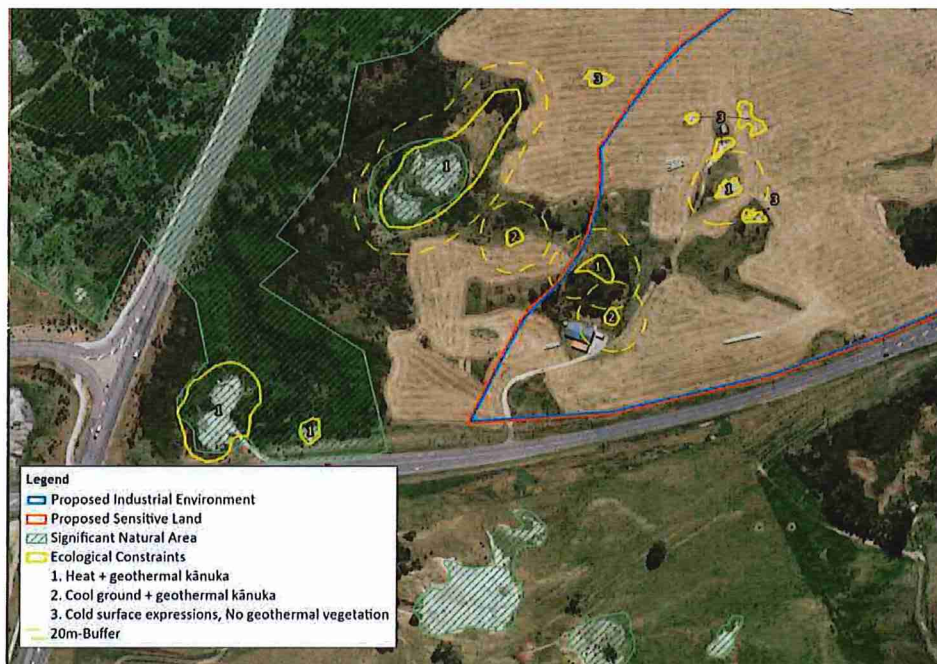


Figure 4: Significant geothermal features associated with Area 4 accompanied by respective 20m buffers (Source: s42A Report⁵¹)

- 3.26 Significantly for us, Mr Shaw's evidence remained unchallenged in this regard, and we therefore must accept (as indeed did the witnesses for Mega Foods) that the values (and areas) so identified warrant protection. Given what we had heard from the other

⁵⁰ Statement of Evidence of Darren Paul Clark for Mega Food Services Limited (Planning), 16 August 2023

⁵¹ Excerpt from Figure 1, Attachment 1 to Statement of Evidence of William Bruce Shaw on Behalf of Taupō District Council – Ecology, 11 July 2023, in turn attached as Attachment F to the s42A Report

witnesses, however, we remained interested in establishing whether there existed (or could be brought into existence) a viable consenting pathway to facilitate the development of the remainder of the land.

- 3.27 Consequently, and following the hearing, we invited the planning witnesses, Mr Clark (for Mega Foods) and Mr Bonis (for the Council) to conference on a range of options for land use and subdivision provisions to address the identified need for protection, together with areas of agreement and remaining disagreement⁵².
- 3.28 The output from this conferencing was a Joint Witness Statement (JWS), dated 8 November 2023. The JWS reported on the outcome of an evaluation of four options, as follows:
- a. retention of Plan Change provisions as notified, with a consequential reliance on operative TDP Rule 4h.3.7, which would employ a discretionary activity status for subdivision as a basis for imposing any protective and management mechanisms ('Option 1');
 - b. adoption of the s42A Report recommendations, as summarised in paragraph 3.19 above ('Option 2');
 - c. a 'hybrid' approach incorporating a lesser restricted discretionary activity status for land use and a more directive approach to the wording of associated matters of discretion for both land use and subdivision ('Option 3'); and
 - d. another 'hybrid' approach involving amendments to TDP provisions, requiring the preparation of an ecological assessment to accompany applications for subdivision and land use within the 'Sensitive Land Overlay' ('Option 4').
- 3.29 The planners noted that they agreed that Mr Shaw's evidence as to the significance of the values identified was not in dispute, that the values so identified necessitated protection, and that both subdivision and land use provisions would form the basis for a suitable approach, among other matters of congruence. We endorse the planners' other point of agreement; that the provisions must strike an appropriate balance between protection and establishing a flexible development regime for the broader site.
- 3.30 However; Mr Clark and Mr Bonis disagreed as to the optimal planning solution. Mr Clark favoured Option 4, as in essentially leaving the identification of ecologically significant areas to the point of application, it could account for physical changes to the geothermal resource over time together with the outcomes of a district-wide response to the Council's obligations under the NPS-IB. Having said that, Mr Clark did acknowledge that Option 3 would go some way towards addressing his concerns, by providing a more enabling rule framework for industrial land use that continued to protect geothermal ecology⁵³.
- 3.31 Mr Bonis favoured Option 3, considering it to be more effective in terms of its prior 'pre-emptive' identification of ecologically significant areas, its direct and more immediate addressing of NPS-IB obligations and the certainty it would provide TDP users. Ultimately, however, Mr Bonis conceded that either Option 3 or Option 4 provided an appropriate means of reconciling the competing aims of industrial development and ecological protection⁵⁴.
- 3.32 We thank Mssrs Clark and Bonis for their considered response to our direction.
- 3.33 At the same time that we directed the planners to conference, we also invited Mr Feuillade

⁵² Via Minute 18, 18 September 2023

⁵³ Joint Statement Arising from Planner Expert Caucusing, 8 November 2023, para 19

⁵⁴ Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, para 18

to provide an illustration of an optimum layout for a prospective logistics and distribution centre on Area 4 taking account of the proposed restrictions relating to geothermal ecology⁵⁵. Mr Feuillade indicated in response that he was unable to do so as a considerable amount of additional site investigation and design work would be required to produce a realistic, meaningful and comprehensive layout⁵⁶; presumably (and understandably) not achievable within the tight constraints of a Plan Change hearing.

- 3.34 We would observe that the issue in play, together with options for resolving it, have been considerably advanced in the time since Mega Foods first purchased the land, prior to the development of the Plan Change. At that stage, the land was zoned for rural purposes and the geological / ecological values were unknown. Even at the time of notification, those values remained unrecorded.
- 3.35 As a result of Ms Delich's prompt and Mr Shaw's work those values are now known and they, their vulnerability, and the need for protection are accepted by the parties involved and have not been contested. These values cannot be ignored and that fact leads to our recommendation as to an optimum planning response. We agree with the planning witnesses that either Option 3 or Option 4 would lay down a viable consenting pathway. Ultimately, we favour Option 3 as it is based on the direct and immediate application of survey information identifying known and accepted, uncontested values. Further, in defining a restricted discretionary activity status for both land use within the buffer areas and for subdivision over the broader area, accompanied by focused matters of discretion, and the required submission of a project-specific ecological assessment, Option 3 provides an efficient and effective means of catering to and considering development proposals. To our minds, Option 4 simply prolongs a resolution to issues that are sufficiently understood at this time.
- 3.36 Having said that, we acknowledge that without a suitably adjusted land use activity status as proposed via Option 3, the prospects for the development of the broader area would be questionable. We also acknowledge that there remains residual uncertainty as to whether an optimum layout for the logistics and distribution centre is able to be configured given identified ecological constraints and what impact the potentially reduced development potential of Area 4 as a result of these ecological constraints may have on the ability of the Council to meet its obligations under the NPS-UD and RMA. However, that uncertainty would stand under both Option 3 and Option 4. It is on this basis that we recommend the amendment of the Plan Change in accordance with Attachment A (Option 3) to the JWS and the accompanying s32AA evaluation with one exception, as follows.
- 3.37 We note that proposed new Rules 4h.4.1 and Rule 4h.4.2 as set out under Option 3 contain a couple of errors. The chapeau to Rule 4h.4.1 refers to 'permeable surfaces' when it was clearly intended to refer to 'impermeable surfaces'⁵⁷. Rule 4h.4.2 refers to three 'matters over which the Council reserves control for the purposes of assessment'; this should refer to 'matters over which the Council reserves discretion' given the intended restricted discretionary activity status of the activities concerned. We recommend the further amendment of proposed Rule 4h.4.2 to reflect this. As these are minor corrections we do not consider they necessitate a s32AA evaluation.

⁵⁵ Via *Minute 18*, 18 September 2023

⁵⁶ *Response to request from Minute 18 of the Taupō Plan Change 43 (Industrial) Independent Hearing Panel*, 9 October 2023

⁵⁷ The intended wording is clear from our reading of para 6.(e)ii. in the *Joint Statement Arising from Planner Expert Caucusing*, 8 November 2023, the panel has also made changes to ensure consistency between the terms impermeable and impervious.

Issue 2c: Potential reverse sensitivity issues

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none">No change

Amendments and reasons

- 3.38 Reverse sensitivity issues associated with Area 4 were raised in a submission by Enviro NZ⁵⁸. Unfortunately, that submission was inadvertently omitted from the Council's summary of submissions. To rectify this, TDC separately notified the submission, which drew a further submission in opposition from Mega Foods⁵⁹. We acknowledged this process in **Minute 8**⁶⁰, wherein we directed the Council reporting officer to address the submission via an addendum to his s42A Report and granted the submitter more time to provide their evidence in response to the addendum.
- 3.39 Enviro NZ was opposed to the rezoning of Area 4 for industrial purposes as it was concerned about the area's proximity to its waste and recycling facility at 132 Broadlands Road and the prospect that certain activities seeking to locate in the new zone would be exposed to adverse environmental and amenity 'reverse sensitivity' effects, potentially compromising the ability of Enviro NZ to operate its facility in the future.
- 3.40 In his s42A Report addendum, Mr Bonis recommended that the submission be rejected, on the basis that:
- the 550m separate distance exceeded Australian EPA guidelines for sensitive activities (in the absence of equivalent New Zealand guidelines);
 - the industrial zoning did not permit sensitive activities of the type envisaged by the submitter;
 - the waste and recycling facility was visually screened from the area proposed for rezoning; and
 - the facility operator was subject to an express resource consent founded duty to internalize dust and odour effects⁶¹.
- 3.41 While Mr Bonis understood the premise for the concerns expressed in the submission, he indicated that he was not assisted by the absence of an evidential foundation on behalf of the submitter⁶².
- 3.42 For us, this absence remained present during the course of the hearing. We appreciate Ms Rosser's efforts, on behalf of Enviro NZ, to characterise the issue in planning terms, and the expression of her concerns regarding the (limited) extent to which the industrial zoning would 'shut the gate' with respect to sensitive receivers, together with her outlining of two planning methods by which those receivers could be managed in future⁶³. Ultimately, however, Enviro NZ's position remained unaccompanied or unsupported by technical evidence relating to key theoretical nuisances such as noise or odour and therefore we are only able to give it limited weight.

⁵⁸ Submission OS39.24

⁵⁹ Further submission FS240

⁶⁰ Dated 8 August 2023

⁶¹ Section 42A Report Addendum – Submitter 39 Enviro Waste Services Ltd – Taupō Industrial Land, 14 August 2023

⁶² *Ibid*, para 8

⁶³ Statement of Evidence of Kaaren Rosser (Planning) on Behalf of Envirowaste Ltd (now Enviro NZ) – Submitter (OS39) – Further Submitter (FS238), 15 August 2023

- 3.43 Ms Rosser did further suggest in evidence that the operative TDP Industrial Environment provisions did not provide a sufficient basis for addressing reverse sensitive effects in relation to the company's operations⁶⁴. This prompted us to ask Mr Bonis whether he thought there was a need for a specific policy to address reverse sensitivity effects arising from (sensitive) activities undertaken in industrial areas.
- 3.44 Mr Bonis addressed this question by drawing our attention to the recommendation of Council officers to insert a new sub-clause to Strategic Directions Policy 2.3.3.10 so that consideration of "*[undue] conflict with existing activities on adjoining properties and the surrounding areas*" is brought to bear in the consideration of subdivision, use and development proposals⁶⁵. In his view this ensured there would be no policy lacuna with respect to the consideration of reverse sensitivity effects; we concur.
- 3.45 We are not as convinced as Mr Bonis appears to be that non-industrial and potentially sensitive activities such as office activities, residential dwellings, retail activities and accommodation activities would be suitably dissuaded from seeking a location in the Industrial Environment, given that the consent status accorded such activities rests at the discretionary activity level. We might be more convinced were the resting status of such activities set at the level of a non-complying activity, thereby allowing greater weight to be given to the anticipated policy referred to above. However, it is not within our scope to critique the broader consent and policy settings in the TDP, outside the ambit of PC43.
- 3.46 That aside, and while acknowledging the practical importance of the waste and recycling facility, we have not been presented with any technical evidence that would lead us to conclude that Enviro NZ's continued operation of its facility is likely to be compromised by the prospective, future location of sensitive activities in an industrial zone at considerable physical remove. We therefore agree with Mr Bonis that Enviro NZ's submission be rejected.

Issue 3a: Overall merits of rezoning Area 7

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none"> No change

Amendments and reasons

- 3.47 We earlier made a determination that we had no alternative to accepting the submissions from APGL and Mr Ladbrook in part opposed to the rezoning of Area 7. Accordingly, in the first instance we need to address the content of those submissions inclusive of the merits of rezoning the area concerned.
- 3.48 Part of the argument advanced by Ms Lewis on behalf of the submitters is that an effect of the Plan Change would be to place industrial activities next to inherently incompatible residential environments. In her view, the lack of a buffer area or appropriate standards would lead to potentially significant adverse effects on adjoining residentially zoned land, an outcome contrary to the relevant TDP objective and policies relating to the management of the industrial-residential interface and amenity values and character of local (and residential) environments. Ms Lewis was also of the opinion that the East Urban Lands (EUL) land use consent and associated consent notices registered on the title of the land only countenanced the residential development of the site and legally precluded its

⁶⁴ *Ibid*, para 7.2

⁶⁵ This is an additional policy that we support – refer to Recommendation Report 2

development for industrial purposes⁶⁶.

3.49 Mr Bonis’s response to these points can be summarized as follows:

- a. the consent notice provisions are the subject to a separate regulatory regime and do not impose a constraint to rezoning⁶⁷;
- b. APGL has not provided any expert technical evidence to substantiate its position as to why the rezoning would be so wholly incompatible with the adjoining residential area to render it inappropriate in terms of s32(1)(b); and
- c. the need for improvements to industrial-residential interface provisions is acknowledged and the resulting recommendations will ensure that the effects Ms Lewis alludes to will be mitigated⁶⁸.

3.50 We also note with favour Mr Moran’s evidence on behalf of TIEL, wherein he observes that the EUL consent remains unimplemented since its granting in 2008⁶⁹.

3.51 It is our observation that, in general terms and with reference to s32 of the RMA, the Council has undertaken a suitably rigorous approach to identifying, evaluating and either confirming or dispensing with candidate sites for inclusion in the Plan Change. We consider the case for the inclusion of Area 7 in the Plan Change has been made by the Council, with the support of TIEL, with reference to the planning evidence of Mr Bonis and Mr Moran, and the supporting technical evidence of Mr Heath (for the Council) on economics and Mr Smith (for the Council) and Ms Makinson (for TIEL) on transportation.

3.52 We tend to agree with Mr Bonis that the juxta positioning of industrial and residential activities does not automatically give rise to a fundamental incompatibility or conflict between these land uses. It remains to be seen whether the interface provisions, as notified or as latterly recommended for enhancement and amendment provide a suitable basis for addressing adverse effects. This we turn our minds to under ‘Issue 3b’ below. However, at a fundamental level, we find ourselves satisfied that the merits of rezoning Area 7 for industrial purposes outweigh any suggested potential disbenefits.

Issue 3b: Adequacy of proposed controls relating to the industrial-residential interface

Overview

Provision(s)	Panel recommendations
Rule 4h.1.4 Landscaping	<ul style="list-style-type: none"> • Insert new standard requiring the provision of a 3m wide planted landscaping strip on sites adjoining a Residential Environment.
New provisions	<ul style="list-style-type: none"> • Insert a new standard (4h.1.13) relating to the control of exterior lighting inclusive of a maximum artificial light level and control on the direction of lighting.
New provisions	<ul style="list-style-type: none"> • Insert additional assessment criteria (4h.4.13) relating to artificial light.

⁶⁶ Statement of Evidence of Joanne Lewis on behalf of Advance Properties Group Limited, 9 August 2023

⁶⁷ During the course of our deliberations on PC43 we were made aware that, as part of approving resource consent applications relating to the development of part of Area 7, the Council had approved a related request to cancel the relevant consent notices (RM230137 refers).

⁶⁸ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 166 to 171 and Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, para 37

⁶⁹ Statement of Evidence of Gareth Elliot Moran on behalf of Taupo Industrial Estate Limited (Planning), 7 August 2023, para 10

Amendments and reasons

- 3.53 PC43 as notified did not include any additional controls (beyond those contained in the operative TDP) to address the industrial-residential interface associated with Area 7. Neither did Mr Bonis initially recommend any amendments to the Plan Change provisions in response to submissions⁷⁰; considering as he did that reliance was appropriately placed on the operative provisions in the TDP, inclusive of building setback and noise controls⁷¹.
- 3.54 It was evident to us following the discussion that occurred at the hearing that more work was required on the adequacy of potential industrial-residential interface controls relating to Area 7. We signaled as much in **Minute 18**, wherein we directed Mr Bonis, Mr Moran and Ms Lewis to conference and produce a JWS on the matter⁷². Specifically, we asked the planning witnesses to focus on the existing TDP bulk and location provisions and other controls⁷³ that manage this interface and whether altered or additional provisions⁷⁴ might be necessary to address any identified gaps.
- 3.55 To us, the key district plan interface methods in terms of providing a basis for mitigating effects relate to landscaping and noise; others of relevance relate to building placement and lighting / glare. We deal with each of these four sets of methods in turn.
- 3.56 Before we do so, we would just note that there was some debate amongst the planners, as reported in the JWS, over the likely nature and profile of activities seeking to locate in Area 7 and how this might go to what types of industrial activity adjoining residential areas are 'exposed' to⁷⁵. It may be Mssrs Bonis's and Moran's expectation that Area 7 will accommodate 'light' industry in comparison with the Centennial Industrial Zone, which is intended for 'heavy' industry, but we accept Ms Lewis's point that there is little to distinguish the relative plan provisions in terms of performance standards⁷⁶. To our minds this simply puts further emphasis on the importance of getting the interface controls right.
- 3.57 Turning now to the merits of **landscaping treatment** at the interface, we note that the planners have confirmed that no requirement presently applies at the boundary with the Residential Environment.
- 3.58 Both Mr Bonis and Mr Moran acknowledged that an explicit additional requirement for a landscaped buffer was warranted as a means of screening and softening built form. Mr Bonis was of the view that this should take the form of a requirement to provide a 3m tree-planted landscaped strip on industrially-zoned land adjacent to the boundary, whereas Mr Moran considered that in practice the existence of an overland flow path on the adjoining Residential Environment obviated the need to impose a formal requirement on industry⁷⁷. Ms Lewis favoured a 5m wide landscaped strip applying to industrially-zoned land⁷⁸.
- 3.59 As a starting point, we agree with Mr Bonis and Ms Lewis that, for reasons of certainty and equity, any requirement for landscaping should be firmly placed on the owners of industrially-zoned land, as a basis for internalising effects generated on their properties. Further, it is our view that the functions of an overland flow path and a landscaped strip are not necessarily congruent.

⁷⁰ Primarily OS79.8 (Cheal Consultants)

⁷¹ *Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land*, 13 July 2023, paras 159 to 161

⁷² We acknowledge that Ms Lewis's participation in conferencing on these matters was on a non-prejudicial basis, given her view that the rezoning was fundamentally inappropriate (a matter we have settled under 'Issue 3a').

⁷³ For example, landscaping requirements, building setbacks, building height limits and noise limits

⁷⁴ For example, supplementary landscaping requirements, height in relation to boundary controls and ultimately a prescribed buffer

⁷⁵ *Joint Statement Arising from Planner Expert Caucusing*, 3 November 2023, paras 9 to 12

⁷⁶ Notwithstanding our awareness that during the course of our deliberations on PC43 the Council had approved applications for a Bunnings trade outlet on Area 7 (Consents RM230135 to RM230137 refer).

⁷⁷ *Joint Statement Arising from Planner Expert Caucusing*, 3 November 2023, paras 27 and 30 to 33

⁷⁸ *Ibid*, paras 38 to 40

- 3.60 We note that all versions of the performance standards as proposed by the planners would require that an average of one specimen tree per 7m is planted. This compares to a ratio of 1 tree per 10m that applies on site boundaries fronting the East Taupō Arterial Road. The standard does not specify what other planting is required within the landscaped strip, so it is reasonable to assume that only the trees will have a mitigating effect in terms of building bulk and only outside winter months, if deciduous species are selected. That limitation aside, an additional couple of metres as proposed by Ms Lewis would not in our view fundamentally increase the density of planting or alter its overall appearance and mitigating effect. We also consider that any landscaping requirement needs to be seen in conjunction with all other interface controls, such as building setback (which remains at 5m).
- 3.61 On that basis we favour the imposition of a 3m landscaped strip as proposed by Mr Bonis and recommend the adoption of the wording for the standard set out in Attachment C to the JWS and the accompanying s32AA evaluation, accordingly.
- 3.62 We now turn to the merits of imposing recession planes with respect to the **placement of buildings**, as incorporated into height in relation to boundary controls.
- 3.63 Mssrs Bonis and Moran considered that existing building height and building setback provisions are sufficient in combination with additional landscaping / tree planting requirements, in lieu of an explicit recession plane requirement⁷⁹. Ms Lewis acknowledged that the existing building controls provide some degree of protection of adjoining amenity, but considered that a specific recession plane performance standard consistent with that applying in the adjoining Residential Environment would provide a better outcome⁸⁰.
- 3.64 We note that the planners own assessment of other district plans found that they generally impose explicit recession plane requirements on industrially-zoned land at the industrial-residential interface⁸¹. We take the point, however, that the operative TDP building height and setback controls in combination effectively if not explicitly impose a recession plane and, ultimately, we concur with Mssrs Bonis and Moran that, in the event of a non-compliance with either of these two controls, respective assessment matters relating to dominance, bulk and shading would be brought to bear⁸². On balance, then, we do not consider that an explicit height in relation to boundary control is necessary in this instance.
- 3.65 Mr Bonis proposed a new **light and glare** performance standard which imposes a maximum artificial light level (as received within any adjoining Residential Environment) as well as a qualitative requirement that exterior lighting be directed away from the windows of habitable spaces within those adjoining Environments, thereby addressing glare⁸³.
- 3.66 Mr Moran did not support the standard beyond its control of potential glare; he was concerned that the proposed limit on artificial light levels (8 lux) was not supported by any expert input⁸⁴. Ms Lewis considered that the two-pronged settings proposed by Mr Bonis were appropriate⁸⁵.
- 3.67 We note that the 8 lux maximum recommended by Mr Bonis and supported by Ms Lewis is equivalent to the operative TDP control that applies to sites within the Residential Environment, and that was presumably informed by expert input at the time of its

⁷⁹ *Ibid*, paras 28 and 34

⁸⁰ *Ibid*, paras 41 and 42

⁸¹ *Ibid*, Attachment B

⁸² *Ibid*, para 28

⁸³ *Ibid*, Attachment C

⁸⁴ *Ibid*, para 35

⁸⁵ *Ibid*, para 43

adoption. In our minds it is appropriate and reasonable to expect industry in adjoining sites to achieve this standard, also. Not to do so would be to undermine the night-time amenity of Residential Environments. In our experience, advances in lighting technology have assisted in achieving compliance with such standards. We therefore recommend the adoption of the standard as proposed by Mr Bonis, as set out in Attachment C to the JWS and the accompanying s32AA evaluation.

- 3.68 Finally, we consider the merits of imposing differentiated **noise** controls on industrial activities adjacent to the interface. In the operative TDP, noise levels as measured within boundary of any Residential Environment site are not to exceed 55dBA L_{eq} between 7am and 10pm, and 45dBA L_{eq} and 75dBA L_{max} between 10pm and 7am⁸⁶. This standard must be met by activities in any (adjoining) Industrial Environment. As such, these requirements differ from those that apply to activities within a Residential Environment, which as Ms Lewis noted, are set at a more stringent level i.e. 50dBA L_{eq} between 7.00am and 7.00pm, 45dBA L_{eq} between 7.00pm and 10.00pm, and 40dBA L_{eq} and 70dBA L_{max} between 10.00pm and 7.00am⁸⁷.
- 3.69 Mr Bonis did not propose anything additional in this respect, and Mr Moran indicated he was opposed to any controls over and above that already provided for in the operative TDP⁸⁸. Ms Lewis considered this to be insufficient, noting with favour that some district plans require that noise measured in residential zones (but generated by adjacent industrial zone activities) meet the same or similar maximum limit that applies within those residential zones⁸⁹. She sought that industrial activities comply with the Residential Environment standard and proposed amendments to the rule accordingly, as set out in Attachment D to the JWS.
- 3.70 In our view it would run at cross-purposes to the architecture of operative TDP if we were to accept Ms Lewis's approach. We consider that industrial emitters of noise received at boundary of residential sites cannot be held to the same standard that is internal to a Residential Environment. In this respect, we perhaps deviate from the position we take where cross-boundary light spill is concerned above, and where technological fixes may be more readily available. However, such a deviation is warranted in our view given it would be inappropriate to make *ad hoc* changes to the district wide provisions affecting noise levels. The rationale for any amendments would need to emerge from a holistic review of noise provisions in the District Plan. The current operative approach establishes a reasonable expectation and provides a reasonable degree of control where cross-boundary effects are concerned. Certainly, there is not an absence of control on noise given that it is a key matter we identified ahead of our evaluation of interface controls above.
- 3.71 If the Council determines that the differentiated nature of the provisions that apply do need to be reviewed, this should be programmed on a comprehensive, district-wide basis and not in isolation via site-specific plan changes. In the meantime, and in the context of PC43, we recommend no changes to the way in which the operative TDP provisions apply to noise generated in Industrial Environments and received in Residential Environments.
- 3.72 Overall, we consider that a combination of operative building height, building setback and noise controls together with additional landscaping and lighting and glare controls will provide an adequate basis for addressing adverse effects otherwise arising at the industrial-residential interface. We thank the planning witnesses for their assistance in helping us arrive at this overall finding.

⁸⁶ By virtue of Rule 4h.1.8(b)

⁸⁷ By virtue of Rule 4a.1.18

⁸⁸ *Joint Statement Arising from Planner Expert Caucusing*, 3 November 2023, para 36

⁸⁹ *Ibid*, paras 45 to 47

Issue 4a: Rezoning of Rangatira E land

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none">No change

Amendments and reasons

- 3.73 In its submission, Rangatira Block Trusts sought the rezoning of part of the Rangatira E block for industrial purposes⁹⁰.
- 3.74 Mr Bonis noted that the area in question had been canvassed as part of the s32 evaluation accompanying PC43, but had been discounted at that stage given infrastructure and geotechnical impediments, among other challenges. He acknowledged the iwi's interest in self-determination and the statutory obligations of the Council with respect to the relationship of Māori, iwi, hapū with their ancestral lands, but concluded that any rezoning would not be efficient or effective, given the site-specific limitations referred to above.⁹¹
- 3.75 Mr Lenihan, representing Rangatira Block Trusts⁹², presented to us at the hearing. He described the lands administered by the Trust and their plans and aspirations for it which included master/structure planning, rezoning of land and the provision of infrastructure. In Mr Lenihan's opinion, rezoning some land for industrial purposes at this point would enable Rangatira E to generate a much higher income relative to the current farming activity which would be re-invested into the longer-term substantial development of the master plan.
- 3.76 Mr Lenihan identified that an area of 76ha was sought to be rezoned but Stage 1 of the Trusts' proposed development consisted of 19ha located on the corner of Poihipi and Scoria Roads. In Mr Lenihan's opinion, if only the 19ha area were ranked using the Property Economics Multi-Criteria Analysis adopted by the Council, the outcome would be more favourable.
- 3.77 Having heard from Mr Lenihan, we asked Council officers to comment on the application and implications of the NPS-HPL on the reduced area of 19ha and whether any such consideration of it would lead to a different conclusion in terms of the s32 evaluation. It was Mr Heath's conclusion that, even at a reduced scale, the rezoning of the Rangatira E block would not give effect to the NPS-HPL and would not have altered the outcomes of the s32 options assessment⁹³. Mr Bonis remained of the view that the requested rezoning would be inappropriate⁹⁴.
- 3.78 We find we must agree with the Council officer on this matter i.e. that the request should not proceed. We note that we have otherwise rejected a companion request from the submitter to rezone other portions of the block for rural-residential purposes (refer to **Recommendation Report 3** in relation to PC42).
- 3.79 In our view, a comprehensive approach to the development of the block is required. With that in mind, we are comforted by the knowledge that work is underway in this respect.

⁹⁰ Submission OS41.18

⁹¹ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 222 to 231

⁹² With the exception of Paenoa te Akau Trust

⁹³ Property Economics Memorandum, 10 November 2023, Attachment B to the Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023

⁹⁴ Section 42A Response to Panel Requests and Response to Evidence Taupō Town Centre Environment [sic], 13 November 2023, paras 25 to 29

In her strategic evidence relating to the Plan Change bundle on behalf of the Council, Ms Samuel informed us that the Council is working in partnership with the block owners on options for a 'Rangatira E and Paenoa Te Akau Growth Area'⁹⁵.

Issue 4b: Rezoning of land at Mangakino

Overview

Provision(s)	Panel recommendations
N/A	<ul style="list-style-type: none">• No change

Amendments and reasons

- 3.80 In its submission, Wairarapa Moana Incorporation Ltd sought an amendment to PC43 to rezone land at Mangakino to cater for future business growth⁹⁶.
- 3.81 No evidence was presented at the hearing on behalf of the submitter in support of its submission and therefore no further clarification was available to us in terms of the specific location of the area requested or any accompanying s32 assessment.
- 3.82 On that basis we have no option other than to accept Mr Bonis's recommendation that the submission be rejected⁹⁷.

⁹⁵ Section 42A of the RMA Report by Hilary Samuel, 3 July 2023, para 16

⁹⁶ Submission OS47.1

⁹⁷ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 232 to 234

4. Statutory considerations

Summary of statutory requirements

- 4.1 The statutory requirements for the preparation and consideration of the contents of a District Plan are set out in s31, 32, and 72-77D of the RMA.
- 4.2 In *Colonial Vineyard Ltd v Marlborough District Council*⁹⁸, the Environment Court updated the framework of matters to be evaluated when preparing a plan, albeit by reference to the version of the RMA that applied prior to 3 December 2013. The RMA has been amended a number of times since that date, the most relevant for our purposes being the substantial rewriting of s32 and the introduction of s32AA and the National Planning Standards 2019. Other minor amendments to words and phrases have also been made.
- 4.3 In these circumstances we prefer to set out the statutory requirements that we consider apply specifically to the preparation and consideration of PC43, drawing on *Colonial Vineyard*, where it is appropriate to do so, but supplementing as necessary where amendments have been made.

Part 2 of the RMA

- 4.4 The Act's purpose and principles are set out in Part 2 of the Act.
- 4.5 Section 5 explains that the Act's purpose is to promote the sustainable management of natural and physical resources.
- 4.6 The Panel accepts and adopts the initial evaluation of Part 2 matters in the s32, and the subsequent changes to PC43 recommended by the s42A Report and Reply Statements reflect the importance of Part 2 of the RMA specifically, sections 5, 6 (c) and 7 (b), (c), (d) and (f).
- 4.7 Furthermore, there was no evidence before us to suggest there are areas of invalidity, incomplete coverage or uncertainty in the relevant plans or intervening statutory documents such that any detailed evaluation of Part 2 is required.

Council's function and purpose of PC43

- 4.8 The Council has extensive functions under s31 of the RMA for the purpose of giving effect to the Act's sustainable management purpose, as follows:
- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district (s31(1)(a)).*
- (aa) The establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district (s31(1)(aa)).*

⁹⁸ ENV-2012-CHC-108, [2014] NZEnvC 55

- (b) *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of –*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *[repealed]*
 - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
 - (iii) *the maintenance of indigenous biodiversity (s31(1)(b));*
- (c) *[repealed]*
- (d) *the control of the emission of noise and mitigation of the effects of noise (s31(1)(d));*
- (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes (s31(1)(e));*
- (f) *any other functions specified in this Act (s31(1)(f)).*
- (g) *The methods used to carry out any functions under subsection (1) may include the control of subdivision (s31(2)).*

4.9 As noted in paragraph 2.9 of this report, the primary purpose of PC43 is to assist the Council in meeting its obligations under the NPS-UD and requirements under the RMA in providing sufficient industrial (business) land supply over the long term. The purpose of the Plan Change goes directly to the Council's functions with respect to the provision of business land covered under s31(1)(aa). It should be clear from our consideration of the key issues in **Section 3** of our report that the final, recommended form of PC43 also addresses the functions of the Council in relation to:

- a. preventing or mitigating adverse effects (s31(1)(b)(iia));
- b. the maintenance of indigenous biological diversity (s31(1)(b)(iii)); and
- c. the achievement of integrated management and the protection of natural and physical resources (s31(1)(a)) more generally.

Relevant District Plan policy considerations

4.10 We have also given consideration to PC43 consistency with s75(1) of the RMA, which requires a District Plan to state the objectives for the District, any policies to implement the objectives, and the rules (if any) to implement the policies.

4.11 The Panel has been mindful throughout the hearings process that there was consistency between the provisions of PC43 and the Strategic Direction objectives and policies proposed for inclusion in the District Plan by way of Plan Change 38. We accept and adopt Mr Bonis's finding that the rezoning of Area 4 and Area 7 through PC43 contributes towards the achievement of the relevant Strategic Direction objectives and policies⁹⁹.

4.12 PC43 does seek to amend any operative TDP objectives or policies or insert any new provisions into the TDP at this level. The s42A Report contains a detailed assessment of PC43 against the relevant TDP objectives and policies¹⁰⁰. This assessment finds that PC43 will assist in achieving TDP objectives and related policies with respect to land development, industrial, transport and natural hazards and geotechnical risk topics. We

⁹⁹ Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, Section 2.11

¹⁰⁰ *Ibid*, Section 2.10

accept and adopt these findings.

National Policy Statements

- 4.13 When Bundle One Plan Changes were notified on 14 October 2022, the following National Policy Statements (NPSs) were in force:
- NPS for Renewable Electricity Generation 2011 (NPS-REG);
 - New Zealand Coastal Policy Statement 2010 (NZCPS);
 - NPS on Electricity Transmission 2008 (NPS-ET);
 - NPS for Freshwater Management 2020 (NPS-FM); and
 - NPS on Urban Development 2020 (NPS-UD).
- 4.14 By virtue of s75(3) of the RMA, PC43 is required to give effect to the provisions of these documents, where relevant. We accept that the NZCPS has no relevance to the Taupō District. It is also reasonable to conclude that PC43 has no particular relevance where the NPS-REG and NPS-ET are concerned. Finally, we accept the view of Council officers that the proposed rezonings do not conflict with the relevant policies of the NPS-FM and that any effects on freshwater quality as a result of the development of the areas concerned can be adequately addressed through land use and regional consents¹⁰¹.
- 4.15 Obviously, the primary intent of PC43 is to assist the Council in meeting its obligations under the NPS-UD to supply sufficient development capacity to meet the District's long-term business needs. Certainly, on the evidence of Mr Heath and Mr Bonis, it is clear to us that the rezoning of Areas 4 and Area 7, as notified, would go a considerable way towards meeting this requirement. The recommended deletion of the Contact Energy land from Area 4 as addressed in paragraphs 3.11 to 3.17 of this report does mean that the Council will need to do more work to address the resulting shortfall over the long-term planning period. To a lesser extent, the potentially reduced development potential of Area 4 as a result of the adoption of the Geothermal Significant Natural Areas overlay as discussed in paragraphs 3.18 to 3.37 of this report may also add to that workload. However, this does not take away from the fact that PC43, as amended, still assists the Council towards achieving its NPS-UD targets.
- 4.16 As set out above in paragraphs 2.42 to 2.45, the NPS-HPL came into force on 17 October 2022, in the period between the close of submissions and the commencement of hearings of the Bundle One Plan Changes 2023, three days after the Plan Changes were notified. Therefore, it is a statutory requirement that PC43 must give effect to the NPS-HPL. In addition, the NPS-IB was also gazetted on 7 July 2023. Therefore, it is a statutory requirement that PC43 must give effect to the NPS-IB.
- 4.17 We accept the advice of Council officers that the NPS-HPL is not relevant to PC43, as notified, as the areas proposed for rezoning (Area 4 and Area 7) do not contain LUC 1, 2 or 3 land¹⁰². Where the requested rezoning of the Rangatira E block is concerned, we have already found that the NPS-HPL is relevant as the block contains LUC Class 3 land, and we have carried out an evaluation on that basis (refer paragraphs 3.73 to 3.79 in this report).

¹⁰¹ *Ibid*, paras 45 and 46

¹⁰² *Ibid*, para 43

- 4.18 As we have already signaled, the NPS-IB is relevant where the rezoning of Area 4 is concerned, given the confirmed presence of significant geothermal ecological values. We also accept that the identified values have met the criteria for ecological significance in the NPS-IB (refer paragraphs 3.25 and 3.26 in this report). This is not contested by the parties involved. Further, the amendments to PC43 that we recommend the adoption of will provide, in our view, the optimum basis for protecting those values while facilitating the development of Area 4.

The Regional Policy Statements

- 4.19 As with the NPS, the Regional Policy Statements (RPS) must be given effect to by PC43. Four relevant RPS apply in relation to the Taupō District; however, the areas proposed for rezoning are located in the Waikato Region and therefore only the Waikato RPS (inclusive of Plan Change 1) is relevant where PC43 is concerned.
- 4.20 In this regard, we accept Mr Bonis's finding that PC43 gives effect to the Waikato RPS and is consistent with the amendments to the RPS introduced by Plan Change 1¹⁰³.

National Environmental Standards

- 4.21 There are nine National Environmental Standards (NES) currently in force:
- NES for Storing Tyres Outdoors 2021;
 - NES for Freshwater 2020;
 - NES for Marine Aquaculture 2020;
 - NES for Plantation Forestry 2017;
 - NES for Telecommunication Facilities 2016;
 - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
 - NES for Electricity Transmission Activities 2009;
 - NES for Sources of Human Drinking Water 2007; and
 - NES for Air Quality 2004.
- 4.22 Each of these documents provides for nationally consistent management of the respective topics to which the standards relate and include technical standards and other methods. These standards will usually override provisions in a district or regional plan; however, the Act enables provisions in a plan or a resource consent to prevail in relation to certain uses and where expressly enabled by a particular NES.
- 4.23 The s32 Report accompanying PC43 contains a brief assessment against the relevant NES; we accept that this raises no fundamental issues with respect to the proposed rezoning¹⁰⁴.

Other statutory considerations

- 4.24 The requirement under s74 of the RMA to give regard to matters when preparing a plan extends beyond those documents referred to above to include:
- a. National Planning Standards;

¹⁰³ *Ibid*, paras 61 to 69 and 130 to 137

¹⁰⁴ Section 32 Evaluation Report – Taupō Industrial Rezoning – Plan Change 43, Section 4.1.6

- b. management plans and strategies prepared under other Acts;
 - c. relevant entries on the New Zealand Heritage List / Rārangī Kōrero;
 - d. the plans or proposed plans of adjacent territorial authorities; and
 - e. iwi management plans.
- 4.25 The purpose of the first set of National Planning Standards that came into force in 2019 is to improve the efficiency and effectiveness of New Zealand’s planning system by providing a nationally consistent structure, format, definitions, noise and vibration metrics and electronic functionality and accessibility for district and other RMA plans. The s32 Report and s42A Report relating to PC43 conclude that there is no mandatory requirement to amend the provisions to accord with the 2019 Standards and that alignment is best achieved via the forthcoming District Plan review¹⁰⁵ We accept that position.
- 4.26 The s32 Report and s42A Report include assessments of PC43 against the *TD2050 – Growth Management Strategy* (2018) and *Taupō Long Term Plan*¹⁰⁶. We accept the conclusion of Council officers that PC43 broadly aligns with the intent of these strategies and plans, to the extent that they are relevant.
- 4.27 We understand that there are no known heritage values that would be affected as a result of the prospective rezoning of Area 4 and Area 7. The plans or proposed plans of adjacent territorial authorities are not relevant where PC43 is concerned.
- 4.28 Within the Taupō District there are the following iwi management plans:
- Central North Island Forests Iwi Collective He Mahere Pūtahitanga (2018)
 - Te Arawa River Iwi Trust Environmental Management Plan (2021)
 - Ngāti Tūwharetoa Environmental Iwi Management Plan (2003)
 - Ngati Tahu - Ngati Whaoa Iwi Environmental Management Plan: Rising above the mist - Te aranga ake i te taimahatanga (2019)
 - Raukawa Environmental Management Plan: Te Rautaki Taiao a Raukawa (2015)
- 4.29 The s32 Report and s42A Report for PC43 provide an analysis of how each of the above plans have been taken into account and we accept the conclusions those reports reach that there are no 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 and that the relevant principles of the iwi management plans are appropriately accounted for¹⁰⁷.
- 4.30 Overall, the Council has demonstrated its regard to the relevant s74 matters in preparing PC43 and the Panel has also had regard to the relevant matters to the extent relevant to our role.

¹⁰⁵ Section 32 Evaluation Report – Taupō Industrial Rezoning – Plan Change 43, Section 4.1.5 and Section 42A Report on Submissions and Further Submissions – Taupō Industrial Land, 13 July 2023, paras 138 to 140

¹⁰⁶ *Ibid*, Sections 4.1.9 and 2.12, respectively

¹⁰⁷ *Ibid*, Section 4.1.8 and 2.9, respectively

5. Conclusions and recommended decisions

- 5.1 For the reasons summarised at appropriate points in **Section 3** above, we recommend the adoption of a set of changes to the PC43 provisions. Our recommended amendments are shown in **Appendix 3** (tracked version) and **Appendix 4** (accepted version).
- 5.2 Overall, we find that these changes will ensure that PC43 better achieves the statutory requirements and national and district level policy directions and will improve its useability.
- 5.3 Our recommended decisions, except as outlined in this report where they vary from the 42a recommendations, in terms of the acceptance or rejection of submissions are shown in **Appendix 1**.

DATED THIS 26 DAY OF February 2024



DJ McMahon
Chair



EA Burge
Independent Commissioner



Y Westerman
Councillor

Appendix 1: Schedule of attendances

Present for the entire hearing were:

- Commissioners: David McMahon (chair), Liz Burge, Councillor Yvonne Westerman.
- Taupō District Council Staff: Hilary Samuel and Haydee Wood
- Section 42a team: Matt Bonis (Planz Consulting), Tim Heath (Property Economics, Willie Shaw (online, Ecology).

Name	Organisation	In person/online
Nick Carroll	Taupō District Council	In person
Darren Clark	MegaFood New Zealand	In person (Submitter & speaker)
Joanne Beresford	Megafood New Zealand	In person (Submitter & speaker)
Louise Wood	Taupō District Council	In person
Hannah Lightfoot	Taupō District Council	In person
Tim Heath	Property Economics New Zealand	In person
Warren Ladbrook	Advanced Property Group	Online
Alan Lun	Megafood Owner	Online
Anita Skinner	Megafood Representative	Online
Joanne Lewis	Advanced Property Groups	Online
Rachel Helme	Taupō District Council	Online
Sue Slegers	Central Surveys Ltd	Online
Kirsteen McDonald	McKenzie & Co	Online
Heather Williams	Taupō District Council	Online
Jerome Feuillade	MegaFood, Mckenzie & Co	In person (Submitter & speaker)
John Lenihan	Rangatira E Trust	Online (Submitter & speaker)
Gareth Moran	Taupō Industrial Estate	In person (Submitter & speaker)
Judith Makinson	Taupō Industrial Estate	In person (Submitter & speaker)
Marianne Mackintosh	Taupō Industrial Estate	In person (Submitter & speaker)
Jeremy Williams	Contact Energy	In person (Submitter & speaker)
Kevin Taylor	Taupō District Council	In person
Chris Lobb	EnviroNZ	Online (Submitter & speaker)
Warren Ladbrook	Advance Properties	In person (Submitter & speaker)

Kaaren Rosser	EnviroNZ	Online (Submitter & speaker)
Joanne Lewis	Advance Properties	In person (Submitter & speaker)
Matthew Lawson	Advance Properties	Online (Submitter & speaker)
Dave Smith	Abley New Zealand	Online
Kim Smillie	Taupō District Council	Online
Maddison Phillips	Williams Sale Partnership Limited (WSP)	Online
Wei Zhang		Online

Appendix 2: 42a Summary table of recommendations on each submission point

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 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	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
FS232.4 Sub 67.1	Taupō Industrial Estate Limited (TIEL)		Oppose	residential, accommodation, educational, and commercial activities provided for in The Campus Precinct). 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. Oppose	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		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
FS208.1 Sub 19.1	Warren Ladbrook	Zone > Planning Maps	Oppose	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. 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.	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
FS203.4 Sub 62.1	Mega Food Services Limited		Oppose	<p>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 (Kunzea tenuicaulis) is the predominant geothermal vegetation at Broadlands Road geothermal area and is a Threatened – Nationally Endangered species (De Lange et al. 2017).</p> <p>Oppose</p>	<ul style="list-style-type: none"> Hydrological assessment of effects of development on groundwater recharge.” 	Accept	4.9
OS62.3	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	<p>The S32 does review “Natural Values” within SNA108, and I note that “site 4” is set back 100m from SNA 108. However,</p>	<p>The S32 should review the Geothermal Module of the Waikato Regional Plan in the context of the Broadlands Road</p>	Accept	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
OS62.4	Alana Delich	Plan Change 43 - Taupō Industrial Zone > Section 32	Seek amendment	<p>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).</p> <p>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.</p>	<p>West site, and Significant Geothermal Features are not mapped. (Most recent map, as per Wildlands 2021 Included in Figure 1).</p>	Accept	4.9
OS62.5	Alana Delich	Plan Change 43 - Taupō Industrial Zone	Seek amendment	<p>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 geothermally heated ground, or hydrothermally altered ground now cool – both critically endangered ecosystems) have not been included in the 100m setback from SNA108.</p>	<p>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 ongoing decline of these critically endangered ecosystems.</p>	Accept	4.9
OS89.21	Department of Conservation	Plan Change 43 - Taupō Industrial Zone	Oppose	<p>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.</p>	<p>Retain identified Site 4 at 63 Broadlands Road and 261 Broadlands Road, Taupō as Rural Environmental Zone.</p> <p>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</p>	Accept in part	4.9

Original Sub No	Submitter Name	Provision	Position	Submission Summary	Decision Sought	Recommendation	Section of s42A Report
					the proposed rezoning of identified Site 4 to Industrial Land. Suggested relief includes, but 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.	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 it 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
FS203.9 Sub 93.82	Mega Food Services Limited		Support	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.		Reject	4.9
FS203.10 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 that this submission point relates to: 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
FS238.71 Sub 93.82	Kaaren Rosser for EnviroNZ		Support	Allow	industrial land which includes contact land on the east side		
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	Reject	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
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.	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. The submitter seeks that provisions included, 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
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 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
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	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.	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

Appendix 3: Recommended amendments to PC43 - Tracked from notified version (provisions not consequentially renumbered)

Additions to the notified provisions are shown as underlined and deleted provisions are shown as ~~struck-out~~.

4h.1 Performance Standards ...

4h.1.4 Landscaping

- a. Landscaping must be established and maintained on any industrial site according to the following provisions:
 - i. An average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points.
 - ii. On any site boundary fronting the East Taupō Arterial Road (to become State Highway 1), a 3 metre wide planted landscaping strip and an average of 1 specimen tree per 10 metres of road boundary, with a minimum of 3 trees per 30 metres.
 - iii. For the Taupō Industrial Environment identified on Planning Map DX on sites adjoining a Residential Environment a 3-metre-wide planted landscaping strip shall be provided and an average of 1 Specimen Tree per 7 metres shall be planted.
 - iv. iv. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
 - v. v. Specimen trees must be one of the species listed in Appendix 7 and planted according to the specifications within Appendix 7.

4h.1.13 Light and Glare Taupō Industrial Environment identified on Planning Map DX only

- a. Any exterior lighting:
 - i. shall not exceed a Maximum Artificial Light level of 8 Lux as received within any adjoining Residential Environment; and
 - ii. shall, as far as practicable, be aimed, adjusted and/or screened to direct lighting away from the windows of habitable spaces within any adjoining Residential Environment.

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 40 438782 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.

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

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

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

<p>Rule 4h.4.1</p>	<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 impermeable surfaces, except as provided by Rule 4h.4.2 is a restricted discretionary activity:</u></p> <ul style="list-style-type: none"> i. <u>Vegetation clearance of invasive exotic plants.</u> ii. <u>Soil disturbance associated with fencing to protect the feature.</u> iii. <u>The sustainable customary use of indigenous biodiversity conducted in accordance with tikanga.</u> iv. <u>Replacement, and maintenance of existing buildings, landscaping and impermeable surfaces within their existing footprint as of [the date that part of the rule becomes operative].</u> <p><u>The matters over which the Council reserves discretion for the purposes of assessment are:</u></p> <ul 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>
	<ul style="list-style-type: none"> 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>

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

<p>Rule 4h.4.2</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 discretion for the purpose of assessment as related to the Geothermal Significant Natural Areas identified are:</u></p> <ul style="list-style-type: none"> a. <u>The design and layout of subdivision to ensure the recognition and protection of the features identified;</u>
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	<ul style="list-style-type: none"> b. <u>An ecological management plan for the features identified as Geothermal Significant Natural Areas identified; and</u> c. <u>Controls on stormwater management and construction activities to maintain ongoing health and function of the features identified.</u>
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4h.45 Assessment Criteria...

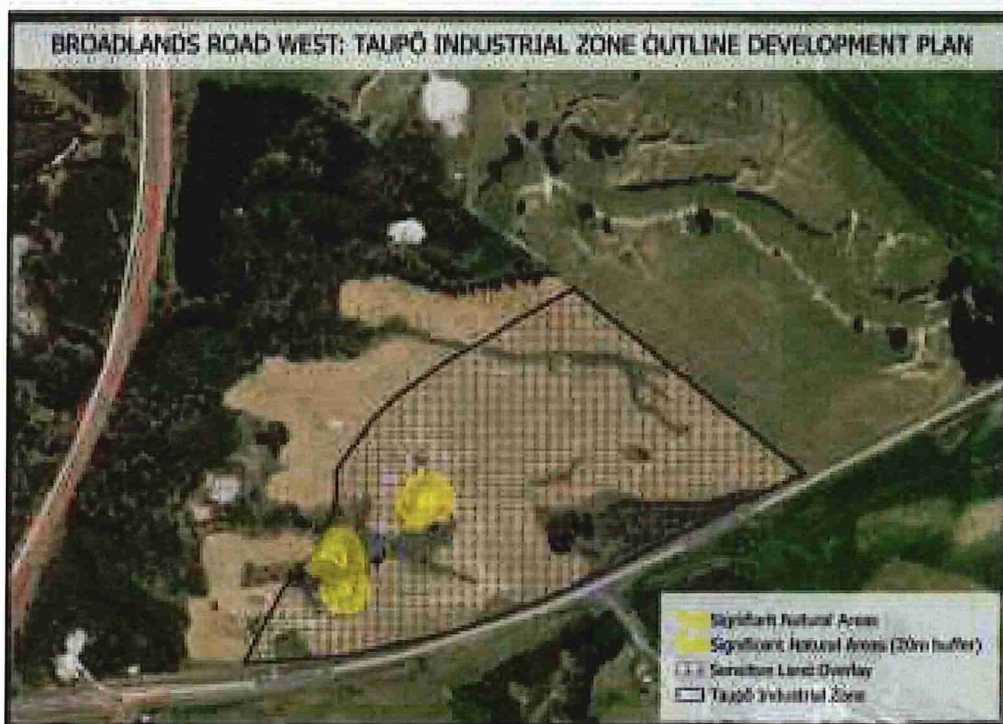
4h.5.18

ARTIFICIAL LIGHT – TAUPŌ INDUSTRIAL ENVIRONMENT IDENTIFIED ON PLANNING MAP DX ONLY

- a. Extent to which the light source will adversely impact on the amenity of the adjoining Residential Environment.
- b. Necessity for the light for reasons of safety or security.
- c. Duration and operating hours of activity and associated lighting.
- d. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
 - i. height, direction, angle and shielding of the light source.

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 impermeable surfaces.

Requirement for an Ecological Management Plan

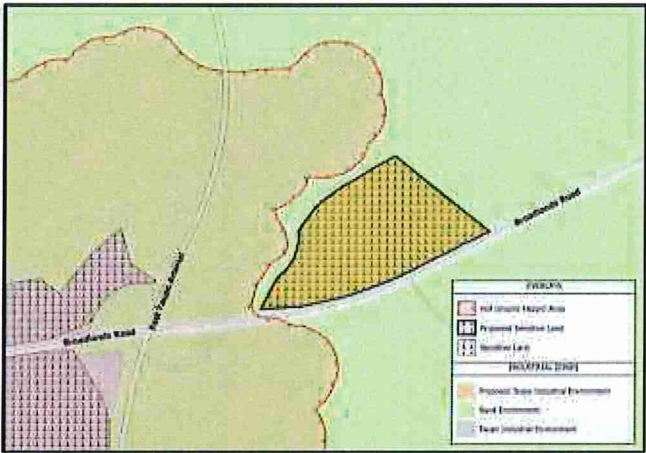
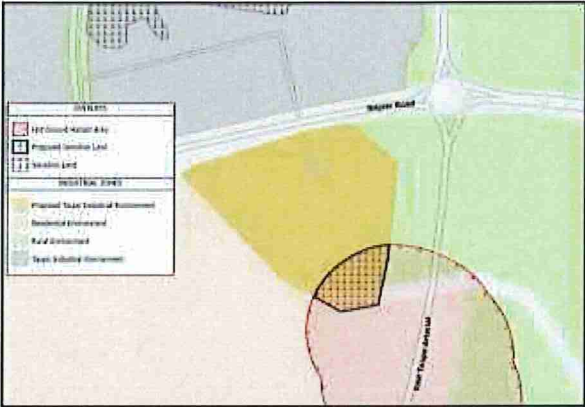
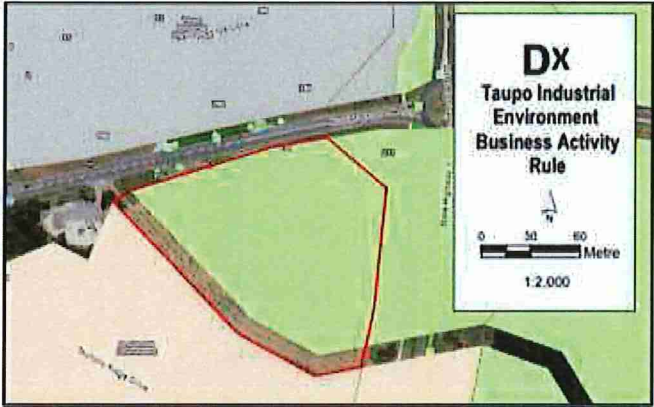
An Ecological Management Plan (EMP) prepared by a suitably qualified and experienced ecologist

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.

Insertions Planning Maps:



Appendix 4: Recommended amendments to PC43 - Accepted version

4h.1 Performance Standards ...

4h.1.4 Landscaping

- a. Landscaping must be established and maintained on any industrial site according to the following provisions:
- vi. An average of one specimen tree per 7 metres of road boundary (as a minimum), excluding the vehicle access point or points.
 - vii. On any site boundary fronting the East Taupō Arterial Road (to become State Highway 1), a 3 metre wide planted landscaping strip and an average of 1 specimen tree per 10 metres of road boundary, with a minimum of 3 trees per 30 metres.
 - viii. For the Taupō Industrial Environment identified on Planning Map DX on sites adjoining a Residential Environment a 3-metre-wide planted landscaping strip shall be provided and an average of 1 Specimen Tree per 7 metres shall be planted.
 - ix. iv. Specimen trees must be a minimum of 1.8 metres tall at the time of planting.
 - x. v. Specimen trees must be one of the species listed in Appendix 7 and planted according to the specifications within Appendix 7.

4h.1.13 Light and Glare Taupō Industrial Environment identified on Planning Map DX only

- b. Any exterior lighting:
- iii. shall not exceed a Maximum Artificial Light level of 8 Lux as received within any adjoining Residential Environment; and
 - iv. shall, as far as practicable, be aimed, adjusted and/or screened to direct lighting away from the windows of habitable spaces within any adjoining Residential Environment.

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 40 438782 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.

[Insert as 4h.4 and renumber accordingly...](#)

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

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

Rule 4h.4.1	<p>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 impermeable surfaces, except as provided by Rule 4h.4.2 is a restricted discretionary activity:</p> <ul style="list-style-type: none">v. Vegetation clearance of invasive exotic plants.vi. Soil disturbance associated with fencing to protect the feature.vii. The sustainable customary use of indigenous biodiversity conducted in accordance with tikanga.viii. Replacement, and maintenance of existing buildings, landscaping and impermeable surfaces within their existing footprint as of [the date that part of the rule becomes operative]. <p>The matters over which the Council reserves discretion for the purposes of assessment are:</p> <ul style="list-style-type: none">g. 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.h. The extent to which the activity mitigates pre-existing adverse effects on the Significant Natural Areas identified in Appendix 11.i. 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.j. The expected duration of the activity.k. 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.
	<ul style="list-style-type: none">l. Any social, economic, environmental and cultural benefits resulting from the proposed activity.

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

Rule 4h.4.2	<p>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 discretion for the purpose of assessment as related to the Geothermal Significant Natural Areas identified are:</p> <ul style="list-style-type: none">d. The design and layout of subdivision to ensure the recognition and protection of the features identified;e. An ecological management plan for the features identified as Geothermal Significant Natural Areas identified; andf. Controls on stormwater management and construction activities to maintain ongoing health and function of the features identified.
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4h.45 Assessment Criteria....

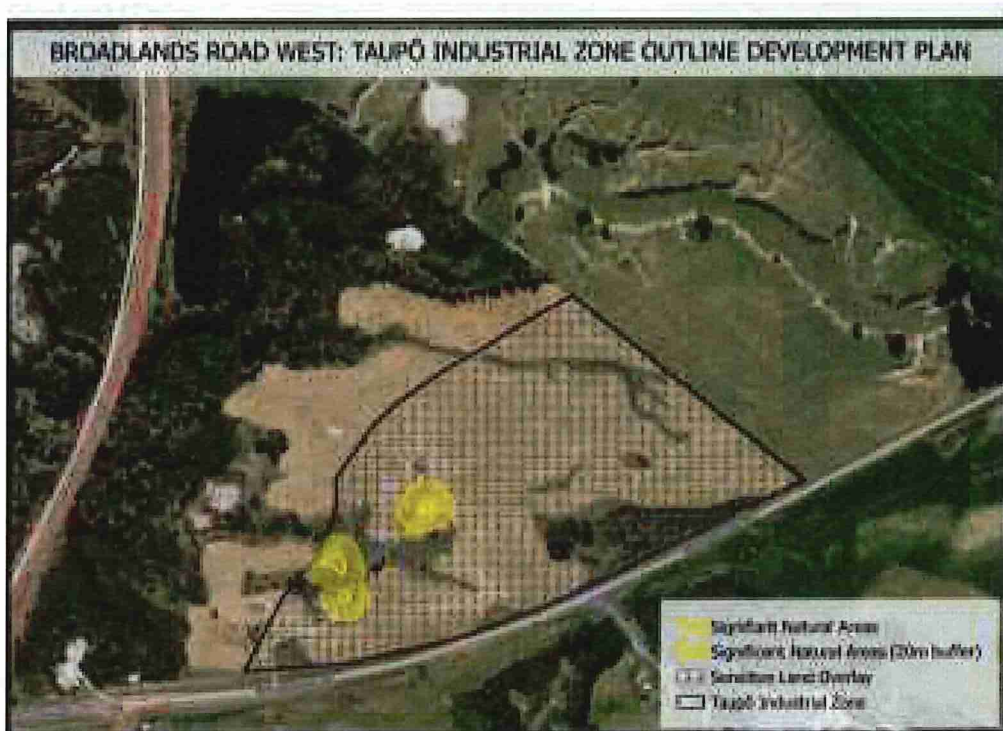
4h.5.18

ARTIFICIAL LIGHT – TAUPŌ INDUSTRIAL ENVIRONMENT IDENTIFIED ON PLANNING MAP DX ONLY

- e. Extent to which the light source will adversely impact on the amenity of the adjoining Residential Environment.
- f. Necessity for the light for reasons of safety or security.
- g. Duration and operating hours of activity and associated lighting.
- h. Proposed methods for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:
 - i. height, direction, angle and shielding of the light source.

[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 impermeable surfaces.

Requirement for an Ecological Management Plan

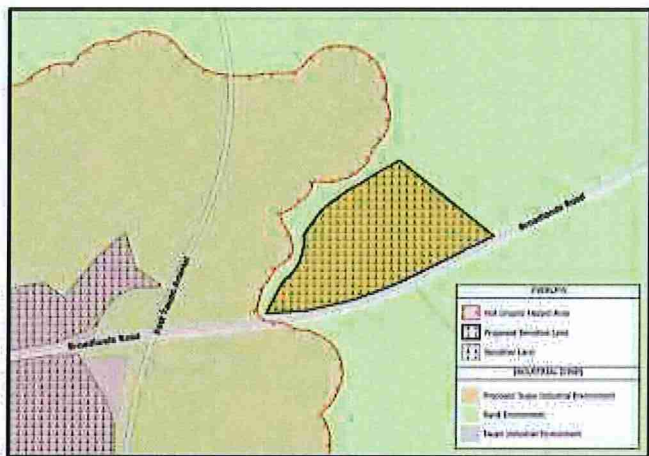
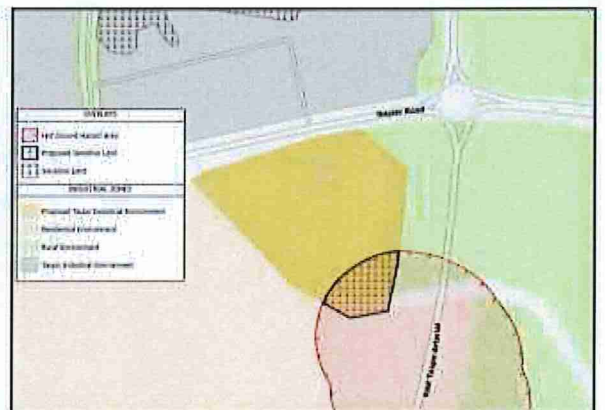
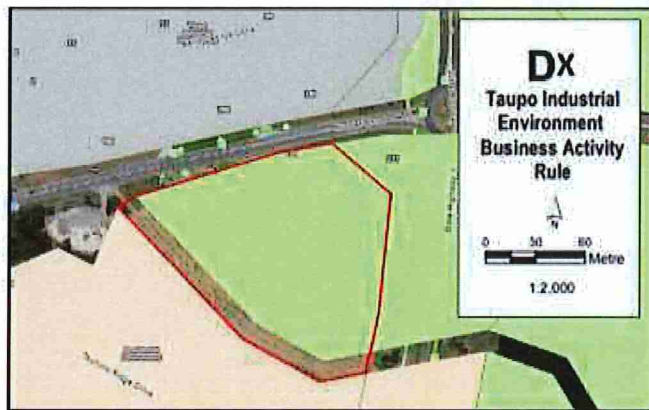
An Ecological Management Plan (EMP) prepared by a suitably qualified and experienced ecologist shall be provided for approval as associated with the first subdivision application associated with that Record of Title legally described as Section 14 SO438782 within the Broadlands Road West Taupo Industrial 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.

Insertions Planning Maps:



“D”

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-

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

AND IN THE MATTER of an appeal under Clause 14(1) of Schedule 1 of the RMA

AND IN THE MATTER of Plan Change 43 (Taupo Industrial Land) to the Taupo District Plan

AND IN THE MATTER of an appeal against part of the Taupo District Council decision on Plan Change 43

BETWEEN **RANGATIRA E TRUST** acting through its Trustees **JAMES ALEXANDER WILSON, GLORIA McLAUGHLIN, REIMA RUTA HALL and SUSAN SMITH**

Appellant

AND **TAUPO DISTRICT COUNCIL**

Respondent

LIST OF NAMES AND ADDRESSES OF SUBMITTERS ON TAUPO DISTRICT PLAN CHANGE 43 (TAUPO INDUSTRIAL LAND)

PC 43

Submitter Number	Submitter	Address	Email
10	Pol, Anna	334 Centennial Drive, RD 2, Taupo, New Zealand, 3378	annampo1334@gmail.com
17	Molloy-Hargreaves, Jennifer Moran, Gareth On Behalf Of Taupo Industrial Estate	Unknown, New Zealand, Unknown	jmthth@gmail.com
19	Limited Clark, Darren On Behalf Of Mega Food Services	47 Alpha Street, Cambridge, New Zealand, 3434	Garethm@barker.co.nz
21	Limited	PO Box 165, Taupo, New Zealand, 3351	darren.clark@mckenzieandco.co.nz
29	GMD Consultants Rosser, Kaaren On Behalf Of EnviroWaste Services	Unknown, New Zealand, Unknown	megan@gmdconsultants.co.nz
39	Ltd	Unknown, Unknown	kaaren.rosser@environz.co.nz
41	Lenihan, John On Behalf Of Rangatira Block Trusts	11-15 Great South Road, Epsom, Auckland, New Zealand, 1051	johnle@rcg.co.nz
46	Tukairangi Trust Eagles, Catriona On Behalf Of Wairarapa Moana	, New Zealand	cmcdmarshall@gmail.com
47	Incorporation Ltd Keehan, Rick On Behalf Of Enterprise Great Lake		catrionae@cheal.co.nz
55	Taupo trading as Amplify	32 Roberts Street, Taupo, New Zealand, 3330	rick@taupo.biz
62	Singers Ecological Ladbrook, Warren On Behalf Of Advance Properties	72 Hinemoa Avenue, Taupō 3330, Taupo, New Zealand, 3330	alana.delich@gmail.com
67	Group Limited	PO Box 8242, Havelock North, New Zealand, 4157	warren@apgl.co.nz
79	Eagles, Catriona On Behalf Of Cheal Consultants	Private Bag 3072, Waikato Mail Centre, Hamilton, New Zealand, 3240	catrionae@cheal.co.nz
89	Department of Conservation Federated Farmers of New Zealand – Rotorua /	Unknown, New Zealand, Unknown	asycamore@doc.govt.nz
91	Taupō	PO Box 1307, Waikato Mail Centre, Hamilton, New Zealand, 3240	fcasey@fedfarm.org.nz
93	Chrisp, Mark On Behalf Of Contact Energy Limited		mark.chrisp@mitchelldaysh.co.nz
101	Penton, Jane On Behalf Of LWAG	27 Te Hātepe Avenue, Taupo, New Zealand, 3330	janehadiaup@hotmail.com

113 Waka Kotahi NZ Transport Agency Delich, Alana On Behalf Of Taupō Climate Action	PO Box 13055, Tauranga Central, Tauranga, New Zealand, 3141	luke.braithwaite@nzta.govt.nz
114 Group		
115 Te Kotahitanga o Ngati Tuwharetoa Hunt, Sarah On Behalf Of Mega Food Services	72 Hinemoa Avenue, Taupo, New Zealand, 3330 Unknown, New Zealand, Unknown	alana.delich@gmail.com geoera@xtra.co.nz
203 Limited	PO Box 165, Taupo, New Zealand, 3351	Sarahh@cheal.co.nz
208 Ladbrook, Warren	PO Box 8242, Havelock North, New Zealand, 4157	warren@apgl.co.nz
209 Foran, Nicola On Behalf Of Manawa Energy Limited	, New Zealand	Nicola.Foran@manawaenergy.co.nz
229 Mitchel Daysh Limited	C/- Mitchel Daysh Limited, Hamilton, New Zealand, 3240	mark.chrisp@mitchelldaysh.co.nz
232 Barker & Associates	C/o Barker & Associates (Gareth Moran), Cambridge, New Zealand, 3434	Garethm@barker.co.nz
238 EnviroNZ	Private Bag 92801, Penrose, Auckland, New Zealand, 1642	kaaren.rosser@enviroNZ.co.nz
240 Hunt, Sarah On Behalf Of Mega Foods Ltd	Unknown, Unknown	sarahh@cheal.co.nz