

MEMORANDUM

TO:	David Hill, Chairperson
FROM:	Hilary Samuel – Senior Policy Advisor
DATE:	9 June 2026
SUBJECT:	Amendment note to s42A report for PC49 – Minor Corrections

Executive Summary

This amendment relates to the Section 42A Report for Plan Change 49 (PC49).

Contact Energy Ltd (Contact), as a further submitter, raised support for the amendment of Rule EW-R1.9, which provides an exception to earthworks standards associated with geothermal electricity generation within the General Industrial Zone (GIZ). Contact also noted that a comparable exception should exist for areas of the Heavy Industrial Zone (HIZ) associated with geothermal electricity generation under Rule EW-R1.8.

Although the submission was accepted, the change within the s42a report did not capture the HIZ zone within the rule. This memo seeks formal amendment to the s42a report to provide for this change.

Discussion

Taupō District Council (TDC) submitted on PC49 and sought the insertion of an amended permitted activity provision as follows (amendment in green text):

9. Earthworks within GIZ-PREC1 Taupō and HIZ-PREC1 Taupō and HIZ-PREC2 Centennial **except areas of the GIZ associated with geothermal electricity generation shown on the Planning Maps where no standards apply – being Wairakei, Poihipi, Rotokawa, Mokai, Ohaaki and Tauhara.**

Prior to implementation of the National Planning Standards version of the District Plan, earthworks within the Industrial Environment did not apply to Geothermal Electricity Generation shown on the Planning Maps. This exclusion was carried through into EW-R1.8, but not EW-R1.9.

The revision sought seeks to also include the exception for Geothermal Electricity Generation activities in those areas of the GIZ to which a Precinct layer also applies.

Contact provided a further submission supporting the insertion of the exception to earthworks provisions in Rule EW-R1.9 for the General Industrial Zone. Contact noted that they also supported the exception being applied to the Heavy Industrial Zone. Although the Council accepted this submission the correct wording was not taken through into the amended version of Plan Change 49 within the Section 42a Report.

It is proposed to amend as follows (additional amendments in red underline or ~~strikethrough~~):

9. *Earthworks within GIZ-PREC1- Taupō and HIZ-~~PREC1-Taupō and HIZ-PREC2-Centennial~~ except areas of the GIZ and HIZ associated with Geothermal Electricity Generation shown on the Planning Maps where no standards apply – being Wairakei, Poihipi, Rotokawa, Mokai, Ohaaki and Tauhara.*

Contact's further submission has drawn attention to an inaccuracy that resulted from the implementation of mandatory direction in the National Planning Standards and associated restructuring of the Plan's spatial layers. While Heavy Industrial Zone (HIZ) precincts were initially investigated as part of the implementation process, an alternative spatial layer approach was ultimately adopted. However, not all consequential amendments to associated provisions were made throughout the Plan, and references to HIZ precincts were inadvertently retained in EW-R1.9. As no HIZ precincts exist in the notified Plan, the references to HIZ precincts in the rule title and associated provisions are recommended to be removed.

The change sought would revert the plan to how it was originally set out prior to conversion to the National Planning Standards.

Submitters

Contact was the only party to raise this matter through the further submission process. As such, the proposed amendment does not affect any other submitters or alter the scope of relief sought by others. It is therefore considered that no parties are adversely affected by this change.

Section 32AA Evaluation

The proposed amendment corrects an error in the Section 42A recommended amendments to Rule EW-R1.9 by extending the earthworks exception to include areas of the HIZ associated with geothermal electricity generation. This aligns with the original intent of the District Plan prior to conversion to the National Planning Standards format, where such activities were not subject to earthworks standards.

The amendment gives effect to a further submission by Contact that was accepted in principle but not accurately carried through into the section 42A version of PC49. It also ensures consistency with Rule EW-R1.8, which already provides an equivalent exception.

In addition, the amendment removes references to HIZ precincts that no longer exist following refinement of the plan structure during the National Planning Standards transition. This improves the clarity and usability of the rule.

Overall, the amendment is minor and technical in nature. It does not alter the policy framework or introduce new environmental effects. Instead, it ensures that the rule functions as intended, maintains consistency across industrial zones, and accurately reflects the operative planning context. The amendment is therefore considered the most appropriate way to achieve the objectives of the Plan.

There is no material risk in acting on this amendment, as it corrects a drafting omission and ensures the rule operates as intended. Conversely, not acting would perpetuate an inconsistency between provisions and create uncertainty in the application of earthworks standards.

Recommendation

Accordingly, for the reasons set out above, I recommend that the 42a report Appendix 2- Tracked Amendments to Plan Change 29- Minor corrections, be amended as outlined within this memo, and repeated again, below, for completeness:

12.3 Earthworks

EW-R1 – Per activities

9. *Earthworks within GIZ-PREC1- Taupō and HIZ-~~PREC1-Taupō and HIZ-PREC2-Gentennial~~ except areas of the GIZ and HIZ associated with Geothermal Electricity Generation shown on the Planning Maps where no standards apply – being Wairakei, Poihipi, Rotokawa, Mokai, Ohaaki and Tauhara.*