

District Plan Change 49

Minor Corrections

Section 32 Evaluation Report

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1.Introduction

This plan change seeks to make minor changes and amendments to the Operative District Plan. Making these changes will correct errors and/or improve the workability of the District Plan. The changes are summarised below:

1. 3.1 Definitions – amend the definition of ‘residential unit’ to the National Planning Standards definition.
2. 3.1 Definitions – amend the definition of ‘papakāinga’ to revert back to pre-National Planning Standards plan definition.
3. 7.2 INF-R5 – add in requirement for stormwater in GRUZ and RLZ not to create any erosion.
4. 7.3 TRAN-R8 9.iii - remove >80km/hr from the vehicle crossing requirements table relating to GRUZ. This is because there are roads in the GRUZ which have a speed limit of less than 80km/hr. The vehicle crossing requirements should apply to all new crossings, regardless of the speed limit on the road the crossing is gaining access from.
5. Schedule 9.2 NT-AT – Amenity Trees – remove NT-AT24 as it has been damaged and is no longer considered an amenity tree.
6. SUB-R34 Other Plan Matters – include Section 13 Area Specific Matters and Section 14 Development Areas in the list that activities must comply with.
7. 12.2 AIR-R2 – clarify that activities that do not comply with the performance standards are DIS not RDIS.
8. 12.3 EW-R1 4 – add in RLZ so that the GRUZ earthworks permitted activity standard also applies to the RLZ Zone.
9. 12.5 LIGHT-R2 & R3 - clarify that activities that do not comply with the performance standards are DIS not RDIS.
10. 12.7 SIGN – R2 & R3 - clarify that activities that do not comply with the performance standards are DIS not RDIS. Include RLZ in the standard.
11. 13.4 GRUZ-R4 2B – add a building setback from the Foreshore Protection Area.
12. 13.4 GRUZ-R6 – add in storage sheds as an exception from this rule, which relates to commercial and industrial activities and home businesses.
13. 13.5 RLZ-R5 2b - Add a building setback from the Foreshore Protection Area.
14. Add in height restriction for fences and walls in the following zones: GRZ, MRZ, LRZ, GRUZ, MUZ, NCZ, TCZ, GIZ and HIZ. The ODP already has height restrictions for walls and fences.

Note – the abbreviations used are as per the National Planning Standards and are below –

- *EW = Earthworks*
- *GIZ = General industrial zone*
- *GRZ = General residential zone*
- *GRUZ = General rural zone*
- *HIZ = Heavy industrial zone*
- *LRZ = Low density residential zone*
- *MRZ = Medium density residential zone*
- *MUZ = Mixed used zone*
- *NCZ = Neighbourhood centre zone*
- *SUB = Subdivision*
- *RLZ = Rural lifestyle zone*

- TCZ = Town centre zone

2. Statutory Framework

The preparation of PC49 has been undertaken in accordance with the First Schedule of the Resource Management Act 1991 (RMA).

Sections 74 of the RMA sets out the requirements for changes to district plans, while section 75(3) and section 75(4) sets out the following matters:

- (3) A district plan must give effect to—
 - (a) any national policy statement; and
 - (b) any New Zealand coastal policy statement; and
 - (ba) a national planning standard; and
 - (c) any regional policy statement.
- (4) A district plan must not be inconsistent with—
 - (a) a water conservation order; or
 - (b) a regional plan for any matter specified in section 30(1).

These requirements are addressed in the following sections of this report.

Section 74(1) directs that Council must undertake changes to its district plan in accordance with s31, provisions under Part 2 and s32.

PC49 is considered to be in accordance with s31(a) and (b) as the provisions will achieve the integrated management of the natural resources of the district and the control of any actual or potential effects of use or development. An evaluation of PC49 has also been undertaken in accordance with Section 32 of the RMA and is appended to this report.

Clauses 1 to 20A of the First Schedule to the RMA sets out the procedures for a plan change, including consultation and notification requirements.

Clauses 3 and 3B set out the relevant procedures for consultation. Clause 3(1) states that during the preparation of a proposed policy statement or plan, the local authority concerned shall consult with the Minister for the Environment, other Ministers of the Crown who may be affected by the plan change, local authorities who may be so affected, and the tangata whenua of the area who may be so affected, through iwi authorities, and the board of any foreshore and seabed reserve in the area.

Clause 3(2) sets out that “a local authority may consult anyone else” in preparing a plan change, subject to Clause 3(4) which requires that such consultation must be undertaken in accordance with Section 82 of the Local Government Act 2002 (‘LGA’). Accordingly, Council must consult with the parties identified in clause 3(1) but retains discretion to consult with anyone else. If Council elects to undertake discretionary

consultation, it must do so in accordance with the principles in section 82 of the LGA. Clause 3B relates to consultation with iwi authorities.

Details of the consultation undertaken for PC49 are provided in Section 2.3 of this report. The consultation meets the requirements of the First Schedule. Clauses 5 to 11 of the First Schedule set out procedures for notification, receipt of submissions, hearings and notification of decisions in relation to plan changes. In processing the plan change, it will be necessary for compliance to be achieved with the requirements of these provisions.

2.1 Relevant Planning Documents

The relevant planning documents are assessed below.

2.1.1 National Policy Statement on Urban Development

The National Policy Statement for Urban Development (NPS-UD) came into force on 20 August 2022. It is the government's policy direction to ensure sufficient development capacity and well-functioning urban environments to meet the different needs of people and communities. PC49 will result in minor amendments to the District Plan which will support it to continue to enable efficient use of the urban land resource in accordance with Policy 1 of the NPS-UD.

2.1.2 National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management (NPSFM) 2020 came into effect on 3 September 2020 and provides direction on how freshwater should be managed under the RMA. The NPSFM supports improved freshwater management in New Zealand by directing regional councils to establish objectives and set limits for fresh water in their Regional Plans. The fundamental concepts, objectives, and policies of the NPSFM are discussed below.

Te Mana o te Wai is the fundamental concept underpinning the NPSFM 2020. It recognises that protecting the health of freshwater protects the health and well-being of the wider environment and protects the mauri of the wai. Te Mana o te Wai involves restoring and preserving the balance between the water, the wider environment, and the community.

The objective of the NPSFM 2020 is to ensure that natural and physical resources are managed in a way that prioritises:

- a) First, the health and wellbeing of water bodies and freshwater ecosystems;
- b) Second, the health needs of people (such as drinking water); and
- c) Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

As the proposed changes to the plan will have no effect on the generation of stormwater, the provisions would not be contrary to the NPS for Freshwater.

2.1.3 Regional Policy Statement

The Taupō District falls within the jurisdiction of four regional councils: Waikato Regional Council (WRC), Bay of Plenty Regional Council (BOPRC), Hawkes Bay Regional Council (HBRC) and Horizons Regional Council (HRC). Most of the district falls within WRC, and only very small portions of the district fall within BOPRC, HBRC and HRC.

District Plans are required 'to give effect to' a regional policy statement. Because the impacts of this proposed plan change are so minimal, it is considered that it would reasonably give effect to the relevant regional policy statements.

2.1.4 Iwi Management Plans

There are four iwi management plans:

- Ngāti Tahu - Ngāti Whaoa Iwi Environmental Management Plan
- Ngāti Tūwharetoa Environmental Iwi Management Plan
- Te Rautaki Taiao a Raukawa
- Whakamarohitia ngā wai o Waikato Te Arawa River Iwi Trust Environmental Plan

As this proposed plan change will not result in any change to the creation of stormwater, the plan change is considered to take into account the matters contained in the iwi management plans in accordance with section 74(2A) of the RMA.

2.1.5 TD2050 – Taupō District Future Development Strategy

The Taupō District Future Development Strategy outlines where Council prefers future urban growth to occur, and the nature and scale of such growth. This plan change has appropriate regard to the anticipated outcomes of this strategy.

2.1.6 Waikato Regional Plan

In accordance with Section 75(4)(b) of the RMA, an operative plan change must not be inconsistent with a regional plan for any matter under section 31. PC49 is not inconsistent with the Waikato Regional Plan, as it is only making minor alterations and corrections to the Operative District Plan.

2.2 Taupō District Operative Plan Approach

This plan change continues the approach of the Operative District Plan, by making minor alterations and corrections.

2.3 Engagement

Section 3 of the RMA sets out the consultation requirements as below:

3(1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult –

- (a) the Minister for the Environment; and
- (b) those other Ministers of the Crown who may be affected by the policy statement or plan; and
- (c) local authorities who may be so affected; and
- (d) the tangata whenua of the area who may be so affected, through iwi authorities; and
- (e) any customary marine title group in the area.

3(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan. Section 3(1) above is mandatory while Section 3(2) is at the discretion of the Council.

The Background and Engagement report outlines the approach for all plan changes being undertaken as this bundle, including PC49.

In this instance, Council did not undertake discretionary consultation in relation to this amendment. The changes and alterations are required as a result of converting the plan to the National Planning Standards format, or provisions that were missed during PC42 (Rural and Rural Lifestyle Zones). The scale of significance of PC49 is so minor that no engagement was considered necessary, beyond what was required by the Act.

2.3.1 Iwi Authority Consultation

Clause 3 of Schedule 1 of the RMA sets out the requirements for local authorities to consult with tangata whenua and iwi authorities. Details of the consultation undertaken for PC49 are provided in the Background and Engagement Report which covers consultation and engagement for the full suite of plan changes 44-49. No specific feedback was received from iwi partners in relation to PC49.

During May and June 2025 officers offered all iwi authorities a meeting to discuss the full bundle of plan changes. Some iwi authorities took up this opportunity. The final draft of Plan Change 49 was sent to iwi authorities in June to seek final feedback prior to notification.

2.5.2 Governance

Details of the consultation undertaken for PC49 are provided in the Background and Engagement Report which covers consultation and engagement for the full suite of plan changes 44-49. The Minor Corrections plan change was covered in a Council workshop in May 2025.

3. Key Resource Management Issues

Throughout recent plan changes, and conversion of the plan to the National Planning Standards, there have been several provisions which have been inadvertently missed from the district plan. PC49 seeks to correct these omissions. The provisions that have been affected, and their reasons why are included below.

Note – the abbreviations in the table below are the ones from the National Planning Standards, which must be used in the District Plan. The relevant abbreviations are:

- *EW = Earthworks*
- *GIZ = General industrial zone*
- *GRZ = General residential zone*
- *GRUZ = General rural zone*
- *HIZ = Heavy industrial zone*
- *LRZ = Low density residential zone*
- *MRZ = Medium density residential zone*
- *MUZ = Mixed used zone*
- *NCZ = Neighbourhood centre zone*
- *SUB = Subdivision*
- *RLZ = Rural lifestyle zone*
- *TCZ = Town centre zone*

Table 1 – Description of amended District Plan provisions, and commentary text

	Description of amended provision	Comment
1.	3.1 Definitions – amend the definition of ‘residential unit’ to the National Planning Standards definition. The following sentences within the current definition will be deleted. If a residential extension includes all of these facilities but is attached to the house, it must be able to be accessed from inside the house (garage not included) for it not to be considered a second or subsequent residential unit.	The introduction of the National Planning Standards has introduced the following mandatory definition of ‘residential unit’. <i>“Means a <u>building(s)</u> or part of a <u>building</u> that is used for a <u>residential activity</u> exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.”</i> It is considered that the National Planning Standards definition is adequate.
2.	3.1 – Definitions – change definition back to the definition that was in the plan prior to conversion to the National Planning Standards. For the purposes of the Taupō District Plan, Papakainga is defined as: • Any dwellings erected to exclusively house members of the same whanau, hapu or iwi on land which is owned by the whanau, hapu, or iwi, and;	The definition of papakāinga was inadvertently changed through the conversion of the District Plan into Planning Standards format. This change will revert it back to the definition from the Operative District Plan.

	Description of amended provision	Comment
	• is located on Maori land within the meaning of Section 129 (1) (a, b or c) of Te Ture Whenua Maori Land Act 1993, and • is consistent with any licence to occupy Maori land that has been issued by the Maori Land Court. Any dwelling or dwellings and associated social (including health), cultural and economic activities on Māori land which is owned by the whanau, hapū or iwi, that enables the occupation of that land by members of the same whanau, hapū or iwi. • Māori land is within the meaning of Section 129 (1) (a, b or c) of the Te Ture Whenua Māori Land Act 1993, and • Is consistent with any license to occupy Māori land that has been issued by the Māori Land Court.	
3.	7.2 INF-R5 – add in requirement for stormwater in GRUZ and RLZ to not create erosion.	This requirement was inadvertently dropped off during the development of PC42.
4.	7.3 TRAN-R8 9.iii - remove >80km/hr from the vehicle crossing requirements table relating to GRUZ.	This is because there are roads in the GRUZ which have a speed limit of less than 80km/hr. The vehicle crossing requirements should apply to all properties in GRUZ, regardless of the speed limit.
5.	Schedule 9.2 NT-AT – Amenity Trees – remove NT-AT24	Amenity Tree NT-AT24 has been damaged and is no longer considered an amenity tree.
6.	SUB-R34 Other Plan Matters – include Section 13 Area Specific Matters and Section 14 Development Areas in the list that activities must comply with.	This rule lists the other parts of the plan that activities shall comply with. Sections 13 and 14 were inadvertently missed during conversion to National Planning Standards format.
7.	12.2 AIR – Air Emissions – R2 – change non-compliance with performance standards from RDIS to DIS.	Non-compliance with the air emissions standards was accidentally changed to a RDIS activity through the conversion to the National Planning Standards. Under the previous Operative Plan, it was a DIS activity.
8.	12.3 EW-R1 – PER activities and EW-R2 RDIS to now apply to the RLZ	These provisions were inadvertently missed through PC42 Rural. Earthworks in the RLZ will now need to ensure that there is no dust or silt nuisance beyond the boundaries of the allotments.

	Description of amended provision	Comment
		It also means that any earthworks that do not comply with EW-R1-PER will be a RDIS activity.
9.	12.5 LIGHT-R2 & R3 - change non-compliance with performance standards from RDIS to DIS.	Non-compliance with the light standards was accidentally changed to a RDIS through the conversion to the National Planning Standards. Under the previous Operative Plan, it was a DIS activity.
10.	12.7 SIGN-R2 & R3 - change non-compliance with performance standards from RDIS to DIS. Include RLZ in standards.	Non-compliance with the signage standards was accidentally changed to a RDIS through the conversion to the National Planning Standards. Under the previous Operative Plan, it was a DIS activity.
11.	13.4 GRUZ-R4 2B – add a building setback from the Foreshore Protection Area.	This provision was inadvertently dropped off through PC42. This will reinstate the requirement that buildings should be set back 5m from the Foreshore Protection Area.
12.	13.4 GRUZ-R6 – add in storage sheds as an exception from this rule, which relates to commercial and industrial activities and home businesses.	Storage sheds are an anticipated activity in the GRUZ, and therefore should not be restricted by the size restrictions that apply to other commercial and industrial activities.
13.	13.5 RLZ-R5 2b - add a building setback from the Foreshore Protection Area.	This provision was inadvertently dropped off through PC42. This will reinstate the requirement that buildings should be set back 5m from the Foreshore Protection Area.
14.	In all zones except RLZ, add in a standard that all fences and walls must be no higher than 2m high.	These provisions were inadvertently missed during the conversion of the plan to National Planning Standards format. The exception was for the RLZ. A standard has been added to all other zones.

3.2 Scale and Significance

The proposed amendments are minor. They will apply to:

- Two definitions
- Three individual provisions in the district plan that relate to activities within either the GRUZ or RLZ zones
- Discreet general provisions in the District Wide chapters.
- Adding in height restrictions to fences/walls in all zones except RLZ.

The scale and significance is considered to be low, and will not affect the ability of residents to provide for their economic, social, cultural and environmental wellbeing.

3.3 Evaluation of the Objectives

There are no proposed objectives or amendments to objectives and thus an assessment of the objectives against the Purpose of the Act is not required.

3.4 Assessment of the Provisions

This section will consider whether, having regard to their efficiency and effectiveness, the proposed provisions are the most appropriate way to achieve the Objectives. The provisions may relate to more than one Objective.

Identification of Provision Options

1. Status quo
2. Amend provisions as proposed

Table 2 Identification of options analysis

Option	Source	Relevance	Recommendation
Option 1: Status Quo	Current definitions and performance standards	Will not fully meet the objectives and policies in the District Plan	Discard, as the status quo will not correct the minor alterations and corrections that are required to improve the workability of the plan.
Option 2: Amend provisions as proposed	Council held register of corrections that should be made to the Operative District Plan	Will meet the objectives and policies in the District Plan	Preferred option

Table 3 Preferred Option Evaluation

Preferred Option - Amend provisions as proposed	
Benefits and Costs of Effects (s32(2)(a))	
Benefits	Costs
Environmental	
The effects of earthworks undertaken in the GRUZ and RLZ zones will have to be contained within the allotment. Reinstating the building setback from the Foreshore Protection Area in the GRUZ and RLZ will help to protect the foreshore of Lake Taupō Removal of amenity tree. Make AIR & LIGHT & SIGN DIS, not RDIS Apply GRUZ earthworks rule to RLZ Allow storage sheds in GRUZ Restricting fence heights improves passive surveillance and safety in public areas.	No environmental costs

Economic	
Amending the definition of <i>Residential unit</i> to align with the National Planning Standards definition will ensure consistency against other District Plans, helping to achieve economic benefits	No economic costs
Storage sheds in GRUZ will no longer be restricted by size, like other commercial and industrial activities.	
Removal of amenity tree.	
Social	
New vehicle accessways in GRUZ will have to comply with the standards, regardless of the speed limits that apply to the road, improving safety for road users.	No social costs
Restricting fence heights can help maintain an open streetscape, supporting walkability and opportunity for passive surveillance which can make environments feel safer and more connected.	
Cultural	
The most appropriate definition of papakāinga will be used, helping iwi and hapū to provide for living on their land.	No cultural costs
Economic Growth and Employment Opportunities (s32(2)(a)(i)(ii))	
These changes will improve the effectiveness of the District Plan, which help to encourage growth and employment opportunities across the district.	
The efficiency and effectiveness of provisions (s 32(1)(b)(ii))	
Efficiency and Effectiveness: These changes will improve the effectiveness of the District Plan, by correcting errors and omissions	
Risk of acting or not acting if there is uncertain or insufficient information (s32(2)(c)):	
There is no uncertainty or insufficient information.	
Appropriateness:	
The amendments are appropriate as they will correct errors in the District Plan.	
Reasons for deciding on the provisions (s32(1)(b)(iii))	
The provisions were chosen as they will improve the workability of the District Plan.	

Conclusion

PC49 supports a change of definitions and provisions to improve the workability of the Operative District Plan. It largely corrects errors arising from implementation of the National Planning Standards, and reverts the Plan to its previous format which was developed through the Schedule 1 process. It will lead to positive outcomes for users of the District Plan.

Appendix A – Significance of the Effects

Pursuant to section 32(1)(c), an evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal (section 32(1)(c)). This means that the scale and significance of the effects of the Proposal is the key factor influencing the level of detail required for a section 32 evaluation.

Considerations and criteria for determining scale and significance		Ranking High/Medium/Low
1. Reasons for the change	To make minor alterations/corrections to the District Plan	Low
2. Degree of shift from the <i>status quo</i> (<i>status quo</i> defined as the current approach)	Minor tweaks to one definition and six provisions.	Low
3. Environmental effects	Described in table 3	Low
4. Economic effects	Described in table 3	Low
5. Cultural effects	Described in table 3	Low
6. Social effects	Described in table 3	Low
7. Who and how many will be affected?	It will affect effects for those in the GRUZ and RLZ zones, and those who use the definition 'Minor residential unit'	Medium
8. Degree of impact on, or interest from iwi/Māori	Limited impacts on iwi/Māori	Low

Abbreviations

These abbreviations are mandatory under the National Planning Standards

EW	Earthworks
DIS	Discretionary Activity
GIZ	General industrial zone
GRZ	General residential zone
GRUZ	General Rural Zone
HIZ	Heavy industrial zone
LRZ	Low density residential zone
MRZ	Medium density residential zone
MUZ	Mixed use zone
NCZ	Neighbourhood centre zone
TCZ	Town centre zone
TRAN	Transport
RDIS	Restricted discretionary Activity
RLZ	Rural lifestyle zone