

Before the Independent Hearings Panel

Under the Resource Management Act 1991 (the Act)

In the matter of Plan Change 42 (PC42) - Rural and Rural Lifestyle
Environments, under the Taupō District Plan

**Statement of evidence of Kirsteen McDonald for Unicorn Pacific Trust
T/A The Whey TauKe Limited (TauKe)**

Dated 9 August 2023

1 Introduction

- 1.1 My full name is Kirsteen Elizabeth McDonald.
- 1.2 I hold the position of Planner at McKenzie & Co Consultants Limited. I have been in this position since February 2021.
- 1.3 I hold a Bachelor of Science (with Honours) in Chemistry from Leicester University and Master of Science in Integrated Catchment Management from University of Hertfordshire. I have worked in resource management and planning in New Zealand for almost 20 years. This experience includes working for Auckland Regional Council (and then Auckland Council) in their Regulatory and Freshwater Policy and Planning Departments from 2004 to 2015; and in the Planning Team at Taupo District Council from 2016 to 2021.
- 1.4 McKenzie & Co have been engaged by Unicorn Pacific Trust, trading as The Whey Tau Ke Limited (Tau Ke) to assist them in relation to their review and submission of PC42 as it relates to their land at 1450 Mapara Road, Taupo.
- 1.5 In preparing this report I have reviewed the following:
 - a. PC42 s32 Report
 - b. PC42 s42A Report
 - c. Operative Taupo District Plan

2 Code of Conduct

- 2.1 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am not relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3 Scope of evidence

- 3.1 I have prepared evidence in relationship to reverse sensitivity issues and management.

4 Reverse Sensitivity

- 4.1 The Operative District Plan (ODP) identifies part of the land at 1450 Mapara Road proposed for inclusion as Rural Lifestyle Environment (RLE) as being in Area Y.

- 4.2 Area Y was established to place land use controls on land to manage reverse sensitivity in relation to underground geothermal fields and geothermal energy generation activities.
- 4.3 The ODP allows subdivision and development of land within Area Y provided measures are put in place to manage reverse sensitivity such as those which may arise from the occupation of new dwellings within proximity of existing geothermal power generation related activities. Such measures include the use of no complaints covenants (to be registered on all additional titles created via a subdivision).
- 4.4 It is noted that similar provisions have been carried over to PC42 and are included in 4b.5.6 Subdivision – Other.
- 4.5 The purpose of Area Y is to manage effects (in this case reverse sensitivity), it is not a blunt instrument to prohibit alternative land use.
- 4.6 The sustainable development of land should not be excluded just because it is in Area Y.
- 4.7 If this land was included in the RLE as submitted, the onus would be on applicant to demonstrate how any potential reverse sensitivity effects would be avoided, remedied or mitigated, with a consent authority having the ability to refuse consent if the applicant is unable to demonstrate the effects can be managed.
- 4.8 I note that in paragraph 92 of the s42A report, Mr Sharman states the submission to include the 143ha portion of 1450 Mapara Road as Rural Lifestyle Environment is rejected based on existing restrictions under the geothermal residential rule. However, this piece of land is not included in the area identified in Map D1.

5 Conclusion

- 5.1 Having considered the published Council reports it is my opinion that this land should not be excluded from being included as RLE on the basis that there is potential reverse sensitivity effects. Such effects are capable of being managed in many cases such as by the use of a no complaints covenants, and/or development design that considers such effects.

Kirsteen McDonald

9 August 2023