

BEFORE THE HEARING PANEL FOR TAUPŌ DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions by Contact Energy Limited, Popeye Development Limited, Taupō Motorsport Park (NZ) Limited, and Taupō Racing Club on Proposed Plan Change 42 to the Taupō District Plan relating to the Rural and Rural Lifestyle Environments

STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP

**ON BEHALF OF CONTACT ENERGY LIMITED, POPEYE DEVELOPMENT LIMITED,
TAUPŌ MOTORSPORT PARK (NZ) LIMITED, AND TAUPŌ RACING CLUB**

PLANNING

9 AUGUST 2023

QUALIFICATIONS AND EXPERIENCE

- 1 My full name is **Mark Bulpitt Chrisp**. I am a Partner and a Principal Planner in the Hamilton Office of Mitchell Daysh Limited, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Ltd and Environmental Management Services Ltd (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016).
- 2 My evidence is given on behalf of Contact Energy Limited (**Contact**), Popeye Development Limited, Taupō Motorsport (NZ) Park, and Taupō Racing Club (collectively referred to as “**my clients**” or “**the submitters**” in my evidence) in relation to Proposed Plan Change 42 (**PC42**) to the Taupō District Plan (**TDP**) relating to the Rural and Rural Lifestyle Environments.
- 3 I have the following qualifications and experience relevant to the evidence I shall give:
 - a. I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 33 years’ experience as a Resource Management Planning Consultant;
 - b. I am a Certified Commissioner under the Ministry for the Environment’s ‘Making Good Decisions’ course;
 - c. In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Environmental Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners;
 - d. I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry (most recently as the Expert Planning Witness for the Hawke’s Bay Regional Investment Company Ltd’s proposed Ruataniwha Water Storage Scheme);

- e. I appeared as an Expert Planning Witness in the Board of Inquiry hearings that led to the granting of the resource consents for the construction and operation of Te Mihi Power Station and the Tauhara Power Station (and associated steamfield activities);
- f. Environmental issues associated with the development, expansion, and on-going operation of industrial activities, particularly within the energy sector, is one of my specialties. I have been a planning advisor for the following industrial / energy projects over the last three decades:
 - i. Wairākei Binary Plant (1994 – 1998);
 - ii. Te Rapa Dairy Factory Expansion and Co-generation Power Plant (1996 – 1997);
 - iii. Ohaaki Geothermal Power Plant Re-consenting (1998 – 1999);
 - iv. Tauhara I Geothermal Power Development (now called Te Huka Power Station) (1999 – 2000);
 - v. Tongariro Power Scheme Re-consenting – advising the Waikato Regional Council (2000 – 2002);
 - vi. Wairākei Geothermal Power Plant Re-consenting (1999 – 2007);
 - vii. Resource consents for exploratory drilling on the Wairākei - Tauhara Geothermal System (2007);
 - viii. Resource consents for the Te Mihi Geothermal Power Station (2008);
 - ix. Resource consents for the Tauhara II Geothermal Project (2010);
 - x. Resource consents for the ongoing operation of the Ohaaki Geothermal Power Plant (2013); and

xi. Resource consents for the ongoing operation of the Wairākei Geothermal Power Scheme (referred to as GeoFuture) (2019 – 2022).

- 4 I am very familiar with the Taupō District. I have worked for Contact and other clients within the Taupō District over the last 30+ years. Through this work I also have considerable experience with the TDP and other statutory documentation relating to the management of natural and physical resources within the Taupō District.
- 5 In relation to statutory planning matters, I have been an advisor to Contact in relation to the Waikato Regional Policy Statement, the Waikato Regional Plan, and the TDP as they have evolved over the last three decades. This has included, in particular, the formulation of planning provisions relating to the management of geothermal resources and associated uses of those resources in the Waikato Region and the Taupō District.
- 6 I am a member of the:
 - a. New Zealand Planning Institute (Full Member) (NZPI);
 - b. New Zealand Geothermal Association; and
 - c. Resource Management Law Association.
- 7 I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2023. My evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

BACKGROUND

- 8 In preparing my evidence, I have:
 - a. Reviewed the notified version of PC42;
 - b. Liaised with other electricity generators that operate within the Taupō District;
 - c. Prepared the submission on PC42 by Contact;

- d. Peer reviewed the submissions prepared by my colleague Cate Southworth for Popeye Development Limited, Taupō Motorsport (NZ) Park, and Taupō Racing Club and the further submissions prepared on behalf of the submitters;
- e. Participated in meetings with Taupō District Council (“**TDC**”) planning personnel in relation to the issues raised in my clients’ submissions;
- f. Reviewed the Overarching s.42A report prepared by Ms Hilary Samuel on behalf of TDC covering Plan Changes 38 - 43; and
- g. Reviewed the s.42A report prepared by Mr Craig Sharman on behalf of TDC specifically relating to PC42.

SCOPE OF EVIDENCE

- 9 Contact lodged a comprehensive submission in relation to most aspects of PC42. That approach reflects the importance of those provisions in terms of:
 - a. appropriately providing for renewable electricity generation activities; and
 - b. avoiding the establishment or expansion / intensification of incompatible activities in proximity to renewable electricity generation activities and the resources on which they rely to operate.
- 10 It is pleasing to see that many aspects of Contact’s submission are the subject of recommendations in the s.42A report to accept those points of submission. My evidence focuses on the aspects of the submissions and further submissions by my clients that have not been the subject of a positive recommendation in the s.42A report.
- 11 The main focus of my evidence is the submission and further submission by Contact which overlaps with the submissions and further submissions by Popeye Development Limited, Taupō Motorsport Park (NZ) Limited and the Taupō Racing Club in relation to the proposed Rural Lifestyle Environment (“**RLE**”) at the eastern end of Centennial Drive.

- 12 In all other respects, my evidence relates to other points of submission advanced by Contact. This includes two other areas which are proposed to be rezoned to RLE, one on Oruanui Road and the other (two separate areas) on Tukairangi Road.

PROPOSED CENTENNIAL DRIVE RURAL LIFESTYLE ENVIRONMENT

- 13 My clients and I support the creation of RLEs on the basis that they can provide for rural residential activities in appropriate locations. However, a key aspect of my clients' submissions is seeking to ensure that RLEs are only created in appropriate locations which does not include within, or in close proximity to, permitted lawfully existing and/or consented renewable electricity generation activities and large-scale recreational activities including a motorsport park, horse racing track and an aerodrome.
- 14 Figure 1 below shows the RLE proposed at the eastern end of Centennial Drive.

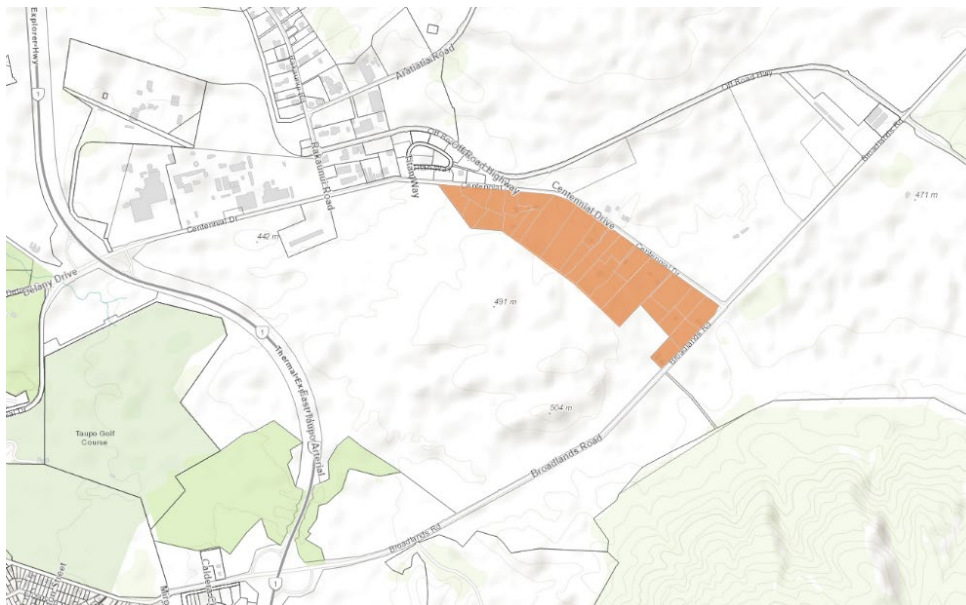


Figure 1: Centennial Drive Proposed Rural Lifestyle Environment

- 15 As noted in my clients' submissions, existing land use character is a relevant factor when determining land use zoning, but it is not necessarily determinative of the outcome. There are a range other factors that need to be taken into account.
- 16 The separation of incompatible land use activities is one of the most fundamental principles of sound planning and resource management

practice. A RLE in the location shown in Figure 1 would reinforce the ongoing existence, and potentially enable the intensification, of rural residential activities which are incompatible with the nature and character of the surrounding environment (and planned future development including that which will be facilitated by the existing and planned future zoning pattern in the area). This includes large scale heavy industrial activities (including an expansion of the Centennial Industrial Environment), geothermal steamfield activities, electricity generation, a motorsport park, horse racing track and an aerodrome.

- 17 The Centennial Drive area is vitally important for enabling large scale industrial activities, noisy recreational activities, and the utilisation of the Wairākei-Tauhara Geothermal System for renewable electricity generation purposes, all separated from the urban area of Taupō by the East Taupō Arterial. This area should not be compromised by reinforcing the existence of incompatible rural residential activities and any ability to increase and/or intensify the nature of those rural residential activities.
- 18 As discussed in the evidence of Mr Stevens (and noted in paragraph 99 of the s.42A report), there is a significant history of complaints from residents in the Centennial Drive area about Contact's activities. The owners of the Taupō Motorsport Park have also experienced significant impacts on their business at other sites including Highlands Park in Cromwell.
- 19 If RLEs are only located in appropriate locations, that outcome avoids the need to Contact (and others) to seek changes to the rules and performance standards relating to the RLE to address the potential for reverse sensitivity effects to arise.
- 20 At paragraph 101 of the s.42A report, Mr Sharman talks about the submitters seeking that the RLE provisions be replaced with the General Rural Environment ("**GRE**") provisions (which appears to assume the RLE provisions are the starting point). The Rural Environment provisions in the operative TDP apply to this area (being the equivalent of the GRE provisions in the National Planning Standards). The submitters are seeking the retention of the standard rural zoning (i.e. the GRE) rather than the introduction of the new RLE provisions.
- 21 In the s.42A report (at para 21), Mr Sharman explains:

“The most significant change made by PC42 the move to creating two new ‘Environments’ for the Rural Environment of

the district. As described within the introductions for each Environment, the separation highlights the need to preserve the productive potential of the land and other natural resources of the Rural Environment and its production values, while also meeting demand for rural lifestyle living in specific locations (within the RLE), whilst being more restrictive of this in the GRE. The creation of the GRE aims to support primary productive uses, renewable electricity generation activities, and rural industry being an activity dependent on primary production and/or has a locational or functional need to be within the GRE (rather than an urban environment).” (emphasis added)

22 Mr Sharman also states (at paragraph 24 of the s.42A report):

“A separate but connected issue was identifying a RLE then enabled the GRE to operate as a ‘working rural environment’ in recognition of the presence of geothermal electricity generation plant, rural industry, quarries and other (effects-generating) resource user land use activities. The separation of the two ‘environments’ enables each of them to have a clear purpose and intent, without having to manage the whole range of rural uses within a single ‘environment’. This also provides increased certainty for rural land use activities to establish and operate within the GRE, with reverse sensitivity effects largely avoided as rural lifestyle development is specially provided for in identified locations within the RLE.”

23 The ability to “preserve the productive potential of the land and other natural resources of the Rural Environment and its production values, while also meeting demand for rural lifestyle living in specific locations (within the RLE)” depends on where the areas to be zoned RLE are located in relation to those natural resources. In this case, the key natural resource is the Wairākei-Tauhara Geothermal System which is classified in the Waikato Regional Plan as a “Development Geothermal System”.

24 The Wairākei-Tauhara Geothermal System is also mapped in the TDP as follows (see Figure 2). The Centennial Drive area is centrally located on the Tauhara Field (forming part of the Wairākei-Tauhara Geothermal System). The other areas of concern to Contact (on Oruanui Road and Tukairangi

Road), discussed later in my evidence, are located in the Wairākei Field (forming part of the Wairākei-Tauhara Geothermal System).

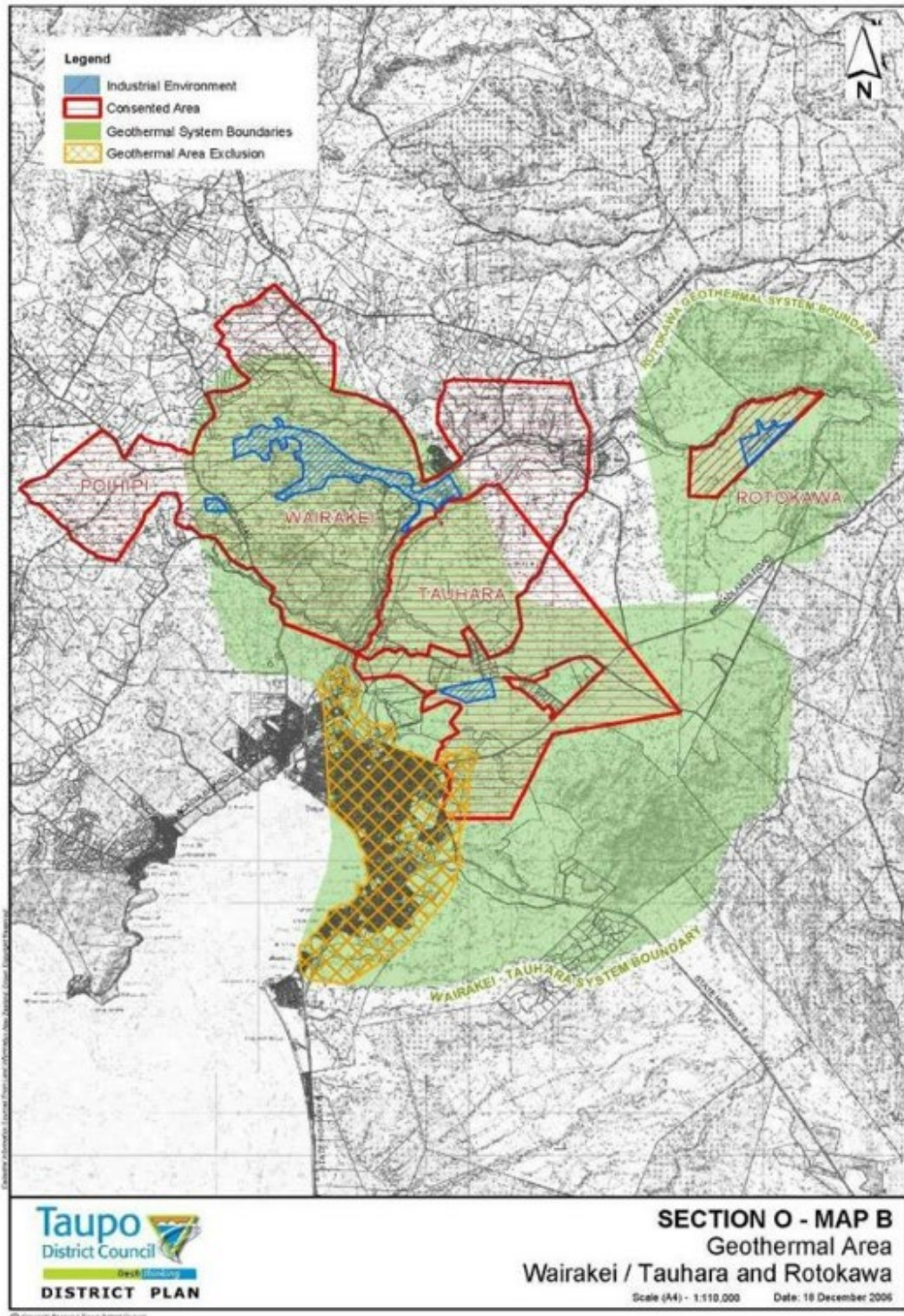


Figure 2 – TDP Geothermal Area Map

25 The ability to utilise the Wairākei-Tauhara Geothermal System for renewable electricity generation activities is recognized as a matter of national significance in the National Policy Statement for Renewable Electricity Generation 2011 (“**NPS-REG**”). The NPS-REG includes the following provisions:

“Matters of national significance

The matters of national significance to which this national policy statement applies are:

- a) the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and
- b) the benefits of renewable electricity generation.

Objective

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.”

26 The ability to provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities is significantly compromised by the establishment and/or expansion / intensification of incompatible activities. Accordingly, the NES-REG includes policies that direct decision makers:

- a. to have particular regard to the need to locate the renewable electricity generation activity where the renewable energy resource is available (Policy C1);
- b. to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities (Policy D); and

- c. Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing electricity generation activities using geothermal resources to the extent applicable to the region or district (Policy E4).

27 The Waikato RPS includes the following method (which is to give effect to Policy 9.1 / GEO-P1 in the Waikato RPS1):

“GEO-M7 Use of land and non-geothermal water within geothermal systems

Regional and district plans shall ensure that:

- a) the development and uses of non-geothermal water; and
 - b) new development and uses of land
- within and adjacent to all geothermal systems are compatible with the purpose for which each geothermal system is classified.”

28 The proposed rezoning of the Centennial Drive area to RLE is counterproductive to the achievement of the policies in the NPS-REG discussed above and Method GEO-M17 in the Waikato RPS. Furthermore, it will not help meet demand for rural residential land as it is already developed for that purpose.

29 At paragraph 100 of the s.42A report, Mr Sharman states:

“It is TDC’s intent through PC42 to recognise the existing rural lifestyle development within the Centennial Drive RLE, but not to allow further rural lifestyle intensification. I consider the PC42 provisions will be effective in this regard.”

¹ Policy 9.1 / GEO-P1 in the Waikato RPS is:

Sustainably manage the Regional Geothermal Resource in a way that provides for multiple uses and the extent and variety of the region’s geothermal features including by:

- a) classifying geothermal systems for management based upon:
 - i) system size;
 - ii) the vulnerability of Significant Geothermal Features to extractive uses;
 - and
 - iii) existing uses;
- b) managing the effects of development and use of land and non-geothermal water on the Regional Geothermal Resource; and
- c) allocating some of the Regional Geothermal Resource for protection and some for take, use and discharge.

- 30 If there is no intention or ability to allow “further rural lifestyle intensification”, it begs the question as to ‘what is the point of the proposed rezoning to RLE?’.
- 31 Continuing this theme, at paragraph 103 of the s.42A report Mr Sharman discusses the various rules and performance standards and concludes that very little in the way of any new activities (or intensification of activities) could occur in the proposed Centennial Drive RLE without the need for a discretionary activity resource consent other than minor residential units. On that basis, what is the point of the rezoning of this area to RLE?
- 32 To avoid a “near doubling of residential units in this locality” (stated at paragraph 103 of the s.42A report), Mr Sharman recommends that minor residential units be classified as a non-complying activity within the Centennial Drive RLE. While that is a good outcome in terms of helping to limit any intensification of incompatible activities, it is no guarantee of them not being able to establish by way of a resource consent application process. Furthermore, it also begs the question (yet again) as to what is the point of rezoning the Centennial Drive area to RLE?
- 33 Mr Sharman goes further, and proposes a new policy specifically in relation to the proposed Centennial Drive RLE as follows:

“Policy 3b.3.16 Centennial Drive Rural Lifestyle Environment

Avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive to ensure avoidance of adverse reverse sensitivity effects, including conflict with permitted, legally established and/or consented activities in neighbouring Environments.” (emphasis added)

- 34 All of this appears to be an attempt to shut down the problems associated with rezoning the Centennial Drive area to RLE rather than coming to the more obvious conclusion that this is the wrong location for a RLE. It serves no purpose (other than to create false expectations as to the nature and level of rural residential amenity) to rezone an area for RLE and then require discretionary or non-complying activity consents which will be assessed in relation to the policy set out above. If a decision maker faithfully applies the very directive policy above which is to “avoid subdivision and development within the Rural Lifestyle Environment at Centennial Drive ...” (the rest of the policy being the reason for the outcome to be achieved), then no consent would be granted. While it could be claimed that such an outcome would

suit my clients' interests, it (again) begs the question as to what is the point of the proposed RLE zoning?

35 Mr Sharman (at paragraphs 105 – 112) discusses Areas X and Y in the TDP and the associated subdivision rules and points out that the proposed Centennial Drive RLE is not included within Areas X and Y. That is of little consequence in my opinion. I was involved (on behalf of Contact) in the Environment Court hearing that resulted in the creation of Areas X and Y in the TDP. Suffice to say, in my opinion, these maps and associated rules were developed as an exercise in extreme compromise (particularly in terms of their geographical applicability) and the end result is somewhat of a mess in need of a comprehensive review.

36 At paragraph 110 of the s.42A report we get to the nub of the issue that TDC is seeking to address, as conveyed to me in a meeting with Mr Sharman and Ms Samuel. Specifically, it is a concern about the ability for large sheds to be built on small land holdings under the current Rural Environment and proposed GRE rules and performance standards, and creating what Mr Sharman refers to as “adverse internal reverse sensitivity effects” (by which I understand he means internal to a cluster of small landholdings with higher expectations of amenity rather than the wider rural environment).

37 This is a case of trying to solve a comparatively small problem (which could be achieved by other means) and, in doing so, creating (or augmenting) a much more significant problem for the wider rural environment.

38 In terms of other means, by way of example, the operative Waikato District Plan includes the following very simple rule that controls the size of sheds and other accessory buildings in the Country Living Zone (since rezoned to Rural Lifestyle Zone in the Proposed Waikato District Plan):

ITEM	PERMITTED	RESOURCE CONSENT
27.47 Building coverage	27.47.1 Construction or alteration of a building is a permitted activity if: a) total building coverage does not exceed 10%, and b) the gross floor area of all accessory buildings does not exceed 80m ² .	27.47.2 Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

39 On a slightly different tack, the fact that the land use character of the Centennial Drive area is currently rural-residential in character does not mean that will always be the case. There are numerous examples whereby land use character changes or will change as a result of land being rezoned. Current examples include:

- a. Central Government requiring Tier 1 and 2 territorial authorities to change their district plans to include Medium Density Residential Zones (significantly changing the character of Residential Zones); and
- b. Land on the corner of Napier Road and the East Taupō Arterial currently being rezoned from Rural Zone to Taupō Industrial Zone as part of PC43.

40 The Waipā District Council is currently advancing Plan Change 17 to the Waipā District Plan. It seeks to rezone land to Industrial Zone at Hautapu, just north of Cambridge. I am assisting a group of landowners (referred to as the Hautapu Landowners Group (“**HLG**”)) who adjoin one of the areas that is proposed to be rezoned to Industrial Zone. The HLG land is predominantly lifestyle blocks. In that case, rather than ending up with incompatible land uses in close proximity to one another, the HLG is seeking (by way of a submission) to have their land rezoned to Deferred Industrial Zone (whereupon it will be rezoned to Industrial Zone at a later date).² I would suggest that the same approach should be considered by TDC and the owners of the properties within the proposed Centennial Drive RLE.

PROPOSED RURAL LIFESTYLE ENVIRONMENTS ON ORUANUI ROAD AND TUKAIRANGI ROAD

41 As part of PC42, TDC is also proposing to rezone areas on Oruanui Road and Tukairangi Road to RLE and shown on the plans below.

² It is understood that the value of the land will be significantly greater being zoned Industrial Zone compared with the existing Rural Zone.

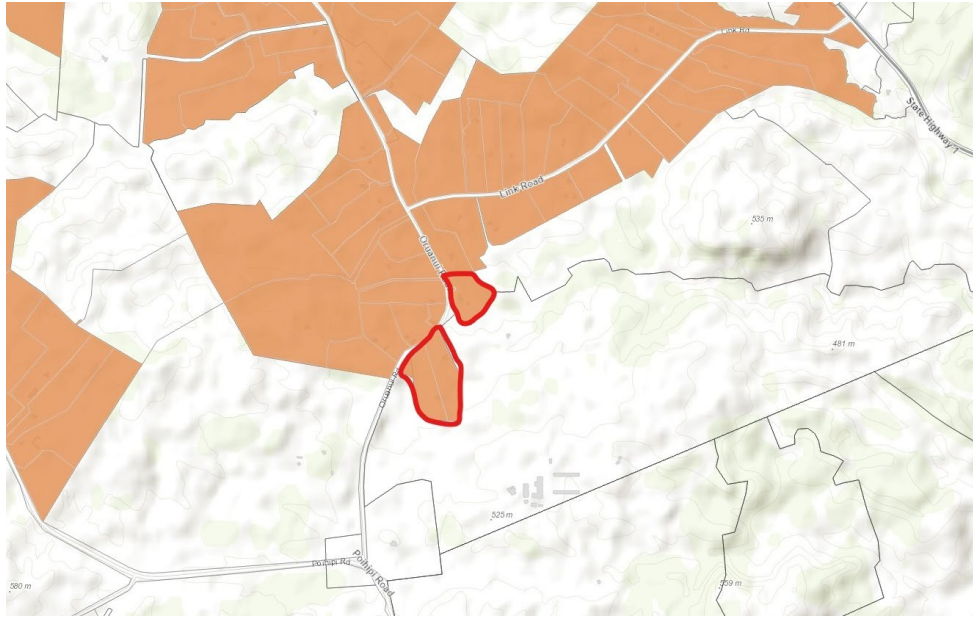


Figure 3: Oruanui Road Proposed Rural Lifestyle Environment

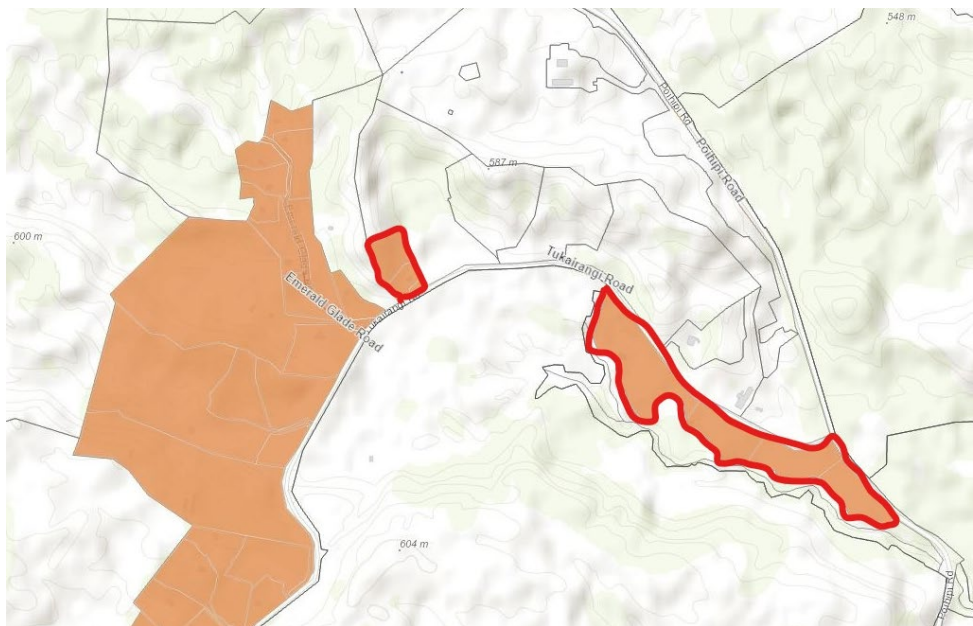


Figure 4: Tukairangi Road Proposed Rural Lifestyle Environment

42 Contact opposes the RLE zoning applying to the areas outlined in red in Figures 3 and 4 above for most of the same reasons discussed above in relation to the proposed Centennial Drive RLE. These areas are close to the Te Mihi Power Station and the Poihipi Power Station respectively and associated steamfield activities.

43 Contact recently secured a Land Use Consent from TDC for a major expansion of Te Mihi Power Station (up to an additional 180 MW). Contact also recently secured resource consents from Waikato Regional Council for the ongoing operation of the Wairākei Steamfield. The latter includes well-drilling, taking and discharging geothermal water, earthworks, and discharges to air.

44 The existing environment in these locations is what it is, including historical rural residential and lifestyle block developments. However, like the proposed Centennial Drive RLE, the current land use character does not make it appropriate to reinforce that character by way of zoning and planning provisions in the TDP given the nature of the surrounding environment.

OTHER ASPECTS OF CONTACT'S SUBMISSION

45 As previously noted, many aspects of Contact's submission are the subject of recommendations in the s.42A report to accept those points of submission. These amendments to the TDP make various interim improvements until such a time as a comprehensive review is undertaken as part of the preparation of an Energy Chapter in the TDP.

46 The following briefly addresses several other aspects of Contact's submission that have not been the subject of a positive recommendation in the s.42A report. Most of the following is in the nature of pursuing opportunities to tidy up inconsistencies with the provisions of the TDP.

Policy 3b.2.9 Maintaining the established character

47 Contact's submission opposes the wording of Policy 3b.2.9 which, in the notified version of PC42, states:

Policy 3b.2.9 Maintaining the established character

Maintain the established General Rural Environment character, as defined by:

- a) Large open spaces between built structures
- b) A mix of residential and rural industry buildings
- c) Noises related to production activities during the day but low levels of noise at night
- d) Low levels of light spill
- e) Infrequent vehicle movements to and from a site
- f) Limited signage that directly relates to the activity operating on the site.

- 48 In my opinion, Policy 3b.2.9 is misguided and seeks to achieve the wrong outcome. Firstly, it presupposes that the established character of the General Rural Environment represents a good environmental outcome in all respects to the extent that it should be “maintained”. Secondly, a policy that seeks to maintain the “established character” is essentially seeking no change. That could create problems for consenting a new geothermal power station.
- 49 The policy characterises the rural environment by matters such as “limited signage” whereas the existence of extensive pastoral farming and forestry, and more than 20 large-scale renewable electricity generation activities is a far more significant and defining aspect of the General Rural Environment in the Taupō District. Other aspects of the policy just need to be more accurate and not create false expectations.
- 50 The amended version of the policy in the s.42A report does little to address the concerns raised by Contact.
- 51 Contact seeks that Policy 3b.2.9 be amended to read:

Policy 3b.2.9 Maintaining the established Rural character

Enable activities in the ~~Maintain the established~~ General Rural Environment ~~that will not compromise the character of the~~ General Rural Environment, as defined by:

- ~~a) Extensive pastoral farming and forestry~~
- ~~b) Renewable electricity generation activities~~
- ~~c) Geothermal areas and activities, electricity transmission and distribution~~
- ~~ad) Large open spaces between built structures~~
- ~~be) A mix of residential and rural industry buildings~~
- ~~c) Noises related to production activities during the day but low levels of noise at night~~
- ~~d) Low levels of light spill~~
- ~~f) Effects from activities including noise, vibration, dust, odour and visual effects~~
- ~~e) Infrequent vehicle movements to and from a site~~
- ~~fg) Limited signage that directly relates to the activity operating on the site.~~

Policy 3b.2.14 Commercial and industrial activity

52 Contact sought the following changes to Policy 3b.2.14:

Policy 3b.2.14 Commercial and industrial activity

Limit the scale of commercial and industrial activity (excluding renewable electricity generation activities) to avoid the uptake of general rural land by activities that are provided for in other Environments and may impact on the availability of land for primary production and other activities provided for within the General Rural Environment.

53 The s.42A report recommends that the changes Contact proposed to Policy 3b.2.14 be rejected. The reason stated is:

“This policy does not apply to renewable electricity generation activities as it is not covered in rural industry definition. When Council transition the ODP into national planning standards format there will be an Energy chapter where specifics on energy such as this can be provided. The General Rural Environment is not the appropriate place to include this.”

54 I agree that, as now proposed to be amended, the definition of “rural industry” does not include renewable electricity generation activities. However, the policy refers to “industrial activity”, not “rural industry” (the latter now recommended by Mr Sharman to be explicitly excluded from the ambit of the policy by way of additional wording). Because renewable electricity generation activities fall within the definition of industrial activities³, they need to be excluded from the first part of the policy which seeks to limit commercial and industrial activities in the GRE.

55 Based on the NPS-REG, Waikato RPS, Waikato Regional Plan and the TDP, renewable electricity generation activities are both an existing and expected activity in the GRE in the Taupō District. As noted in my evidence on PC38, the Taupō District currently has 25 renewable electricity generation power stations within its boundaries (which will increase to 27 when Tauhara Power Station and Unit 3 at Te Huka Power Station are commissioned). On that

³ The definition of Industrial Activities in the TDP is as follows:

Industrial Activities – activities including associated land and buildings used for the manufacturing, fabricating, processing, packing or storage of goods, servicing and repair of goods whether by machinery or hand, research and training facilities, electricity generation activities and includes offices associated with the above. (emphasis added)

basis, it is inappropriate to have a policy that seeks to limit the scale of industrial activities in favour of primary production activities.

Rule 4b.2.13 Maximum Noise – Other

56 Contact sought the following changes to Rule 4b.2.13 Maximum Noise – Other:

4b.2.13 Maximum Noise – Other

- i. Nothing in the foregoing Performance Standards shall apply to farm animals including working dogs, and to agricultural and forestry vehicles, agricultural and forestry machinery or equipment (including mobile plant at produce packing facilities but excluding sawmilling equipment), operated and maintained in accordance with the manufacturer’s specifications in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing, forest harvesting and the like). Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991
- ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers, bursting discs, emergency or upset operating conditions and hydro spills associated with the operation of Renewable Electricity Generation Activities Core sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.

57 The s.42A report recommends that the words “bursting discs, emergency or upset operating conditions” be added to the rule (which I agree with) but not the change to delete the reference to Core Sites. The reasons given is that the change “the statutory effect of that change would be significant”.

58 I acknowledge that the change from “Electricity Generation Core Sites” to “Renewable Electricity Generation Activities” would broaden the geographical applicability of the rule to renewable electricity generation activities beyond those recognised as Core Sites in the TDP (that is the intent of the proposed change). However, I disagree that the effect of the change would be significant (in any negative way).

59 The proposed change is entirely appropriate in my opinion for the following two reasons:

- a. The Electricity Generation Core Sites shown in the TDP are significantly out of date. They were identified based on what existed when the TDP was made operative in September 2007. Since then, there has been a significant amount of additional renewable electricity generation activities established beyond the identified Electricity Generation Core Sites including Te Mihi Power Station, Ngatamariki Power Station, Mokai 2 Power Station, Tauhara Power Station (under construction), Unit 3 at Te Huka Power Station (under construction). Had those additional power stations existed in 2007, there is no reason why they would not have been identified as Electricity Generation Core Sites.
- b. It means that electricity generators will not be in breach of the TDP for installing and operating vitally important health and safety features which are intended to protect lives and property.

60 As requested by the Hearing Panel in paragraph 8 of Minute 5, attached to my evidence are two appendices as follows:

- Appendix A provides an evaluation of the changes sought by my clients in accordance with s.32AA of the RMA; and
- Appendix B sets out a strike-through of the changes sought by my clients.

CONCLUSION

61 The proposal to create a RLE at the eastern end of Centennial Drive is strongly opposed by my clients. The parts of the proposed RLE on Oruanui Road and Tukairangi Road in close proximity to Contact's Te Mihi Power Station and Poihipi Power Station is also strongly opposed by Contact. In my opinion, that opposition is well-founded based on sound planning and resource management principles and practicalities.

62 With the changes recommended by Mr Sharman, the proposed Centennial Drive RLE is a "Claytons" zone – it would be RLE in name only and serve no useful resource management purpose. All it will do is counterproductively create false expectations of rural residential amenity within a surrounding environment that is dominated by heavy industrial activities, large scale renewable electricity generation activities, a motorsport park, racing track and an aerodrome.

- 63 In terms of s.32AA of the RMA, the proposed Centennial Drive RLE will be totally ineffective and is therefore not the best way to achieve the objectives of the TDP or the RMA. In particular, the outcome is contrary to provisions in the NPS-REG and Waikato RPS which must be “given effect to” when preparing a change to the district plan⁴.
- 64 Contact is also concerned about the proposed RLEs on Oruanui Road and Tukairangi Road for the same reasons it is opposed to the proposed Centennial Drive RLE.
- 65 Contact seeks various changes to other aspects of the TDP as discussed in my evidence. These changes are required to make the provisions more appropriate and/or up to date.

⁴ As required by s.75(3) of the RMA.

Appendix A – Section 32AA Evaluation of Changes Sought by Contact

In accordance with paragraph 8 of Minute 5, the following provides an evaluation of the changes sought by Contact in accordance with s.32AA of the RMA.

I have not included any analysis in relation the changes sought by Contact that have been recommended for acceptance by Mr Sharman and which are the subject of a s.32AA evaluation in his s.42A report.

PROPOSED CENTENNIAL DRIVE RLE AND PARTS OF PROPOSED RLE ON ORUANUI ROAD AND TUKAIRANGI ROAD

Whether the amended objectives are the best way to achieve the purpose of the RMA.

The proposed RLEs on Centennial Drive, Oruanui Road, and Tukairangi Road are not the best way to achieve the objectives of the TDP or the RMA. With the changes recommended by Mr Sharman, the proposed Centennial Drive RLE is a “Claytons” zone – it would be RLE in name only and serve no useful resource management purpose. All it will do is counterproductively achieve false expectations of rural residential amenity within a surrounding environment that is dominated by heavy industrial activities, large scale renewable electricity generation activities, a motorsport park, racing track and aerodrome.

The reasonably practicable options for achieving those objectives.

In the context of PC42, the most practical option is to adopt the GRE zoning and provisions for the areas of concern to my clients. In the longer term, consideration should be given to the option of rezoning the Centennial area to Industrial Zone.

The environmental, social, economic, and cultural benefits and costs of the amended provisions.

The environmental and economic benefits of avoiding incompatible land uses on and in the vicinity of a geothermal resource of national significance which is classified as a Development Geothermal System to be used for renewable electricity generation are significant. In contrast, the costs of not protecting the resource and associated renewable electricity generation activities would be significant. This is particularly the case in the circumstances that existing and additional renewable electricity generation activities are required to decarbonize the economy in order to address climate change.

Similar issues arise in relation to the proximity of a motorsport park, racing track and aerodrome.

The efficiency and effectiveness of the provisions for achieving the objectives.

The proposed Centennial Drive RLE will be totally ineffective and is therefore not the best way to achieve the objectives of the TDP or the RMA. In particular, the outcome is contrary to provisions in the NPS-REG and Waikato RPS which must be “given effect to” when preparing a change to the district plan.

The risk of acting or not acting where there is uncertain or insufficient information about the provisions.

There is no uncertainty or insufficiency of information. However, the risk of acting in the manner proposed in PC42 is the creation of false expectations in terms of amenity, a greater chance of incompatible activities establishing or expanding in inappropriate locations, and a significant level of reverse sensitivity effects.

OTHER CHANGES SOUGHT BY CONTACT

Whether the amended objectives are the best way to achieve the purpose of the RMA.

The changes sought to various provisions of the TDP by Contact are a better way to achieve the objectives of the TDP and the RMA as they introduce a greater degree of accuracy, reality and workability.

The reasonably practicable options for achieving those objectives.

The proposed changes introduce a greater degree of accuracy, reality and workability. On that basis they represent a more practical option in terms of achieving the objectives of the TDP and the RMA.

The environmental, social, economic, and cultural benefits and costs of the amended provisions.

The proposed changes better provide for renewable electricity generation activities and thereby reduce unnecessary costs associated with consenting and compliance.

The efficiency and effectiveness of the provisions for achieving the objectives.

The proposed changes are more efficient and effective because they introduce a greater degree of accuracy, reality and workability.

The risk of acting or not acting where there is uncertain or insufficient information about the provisions.

There is no uncertainty or insufficiency of information. However, the risk of not acting in the manner proposed by Contact will result in unnecessary costs (in terms of consenting and/or compliance).

Appendix B – Strike-through of Changes Sought by Contact

In accordance with paragraph 8 of Minute 5, the following sets out a strike-through of the changes sought by Contact.

Delete the RLEs on Centennial Drive, Oruanui Road (red outline) and Tukairangi Road (red outline) as shown on the following plans:

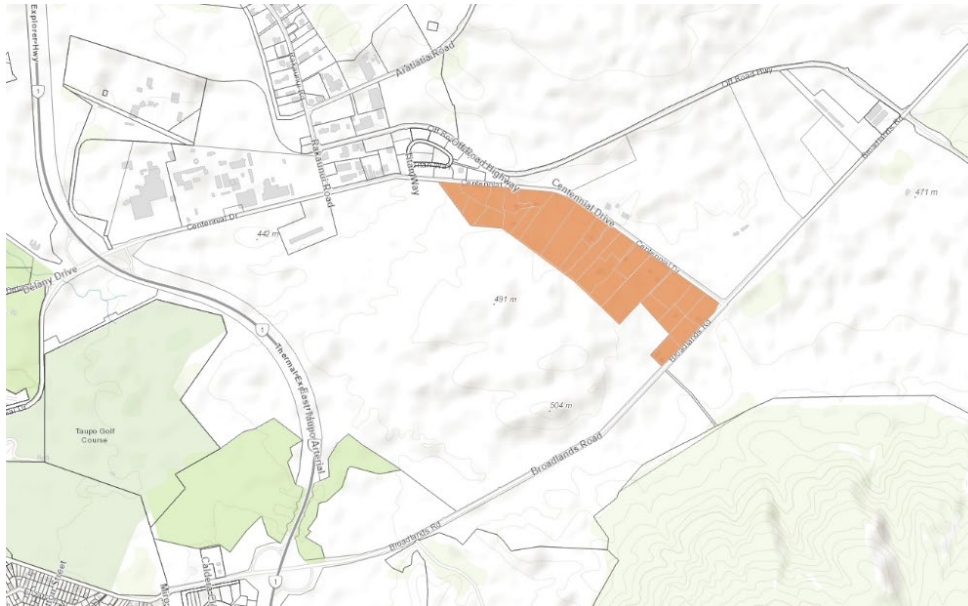


Figure 1: Centennial Drive Proposed Rural Lifestyle Environment

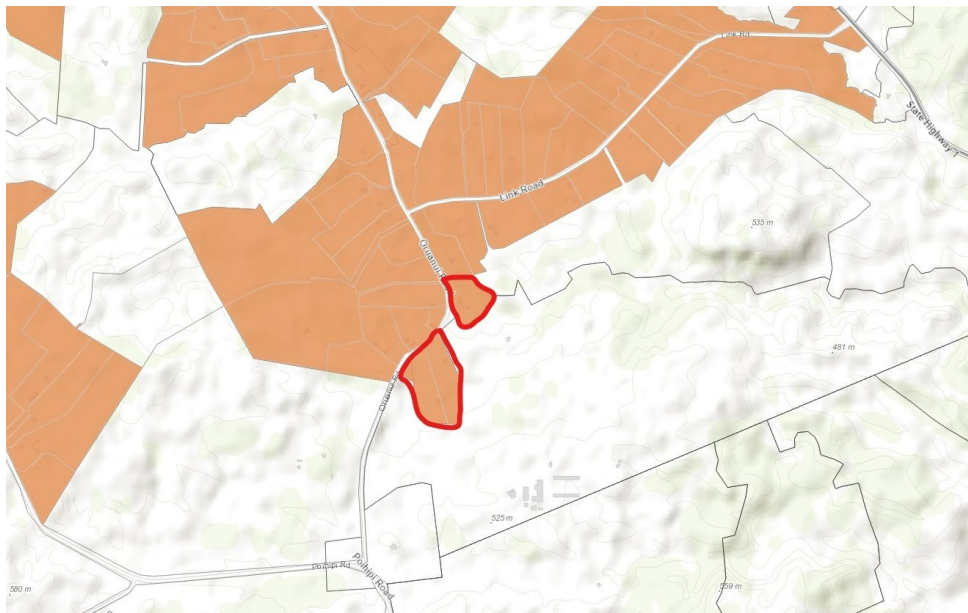


Figure 2: Oruanui Road Proposed Rural Lifestyle Environment

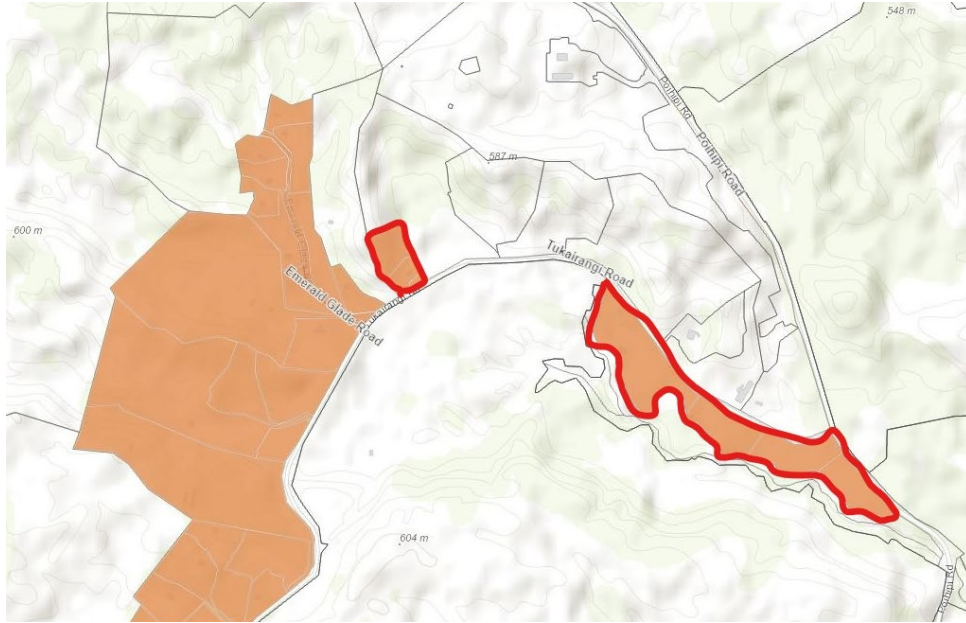


Figure 3: Tukairangi Road Proposed Rural Lifestyle Environment

Contact seeks that Policy 3b.2.9 be amended to read:

Policy 3b.2.9 Maintaining the established Rural character

Enable activities in the ~~Maintain the established~~ General Rural Environment ~~that will not compromise the character of the General Rural Environment~~, as defined by:

- ~~a) Extensive pastoral farming and forestry~~
- ~~b) Renewable electricity generation activities~~
- ~~c) Geothermal areas and activities, electricity transmission and distribution~~
- ~~a~~d) Large open spaces between built structures
- ~~b~~e) A mix of residential and rural industry buildings
- ~~c) Noises related to production activities during the day but low levels of noise at night~~
- ~~d) Low levels of light spill~~
- ~~f) Effects from activities including noise, vibration, dust, odour and visual effects~~
- ~~e) Infrequent vehicle movements to and from a site~~
- ~~f~~g) Limited signage that directly relates to the activity operating on the site.

Contact seeks that Policy 3b.2.14 be amended to read:

Policy 3b.2.14 Commercial and industrial activity

Limit the scale of commercial and industrial activity (excluding renewable electricity generation activities) to avoid the uptake of general rural land by activities that are provided for in other Environments and may impact on the availability of land for primary production and other activities provided for within the General Rural Environment.

Contact seeks that Rule 4b.2.13 be amended to read:

4b.2.13 Maximum Noise – Other

- i. Nothing in the foregoing Performance Standards shall apply to farm animals including working dogs, and to agricultural and forestry vehicles, agricultural and forestry machinery or equipment (including mobile plant at produce packing facilities but excluding sawmilling equipment), operated and maintained in accordance with the manufacturer’s specifications in accordance with accepted management practices (e.g. for milking, spraying, harvesting, packing, forest harvesting and the like). Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991
- ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers, bursting discs, emergency or upset operating conditions and hydro spills associated with the operation of Renewable Electricity Generation Activities Core-sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.