



NOTICE OF A MEETING OF

COUNCIL

to be held on Thursday, 25 July 2019 at 1.30pm
in the Council Chamber, Rotorua Lakes Council

Chairperson: Mayor Chadwick

Members: Cr Donaldson (Deputy) Cr Bentley Cr Gould
Cr Hunt Cr Kent Cr Kumar
Cr Maxwell Cr Raukawa-Tait Cr Sturt
Cr Tapsell

Quorum: 6

A G E N D A

-
- KARAKIA WHAKAPUAKI
OPENING KARAKIA**
 - NGĀ WHAKAPAAHA
APOLOGIES**
 - WHAKAPUAKITANGA WHAIPĀNGA
DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Corporate Planning & Governance Manager (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

4. **NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA**

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –
- (a) the local authority by resolution so decides, and
 - (b) the presiding member explains at the meeting at a time when it is open to the public, -
 - (i) the reason why the item is not on the agenda; and
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- (7A) Where an item is not on the agenda for a meeting, -
- (a) that item may be discussed at the meeting if –
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

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8. **KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
CONFIDENTIAL MINUTES of previous meeting held on 27 June 2019	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
VERBAL UPDATE: Request for land transfer (Karamu-Takinga Springs)	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

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VERBAL UPDATE : Request for land transfer (Karamu-Takinga Springs)– Gina Rangī

Rotorua Lakes Council is the operating name of Rotorua District Council.

NGĀ TUKUNGA HAEPAPA A TE KAUNIHERA

COUNCIL DELEGATIONS

Type of Committee	Council
Subordinate to	
Subordinate Committees	<ul style="list-style-type: none"> • Strategy, Policy and Finance committee • Operations and Monitoring committee • District Licencing committee • CEO performance committee • RMA Policy Committee • Audit and Risk Committee • Working /Strategy Groups (People, Sustainable living, Creative communities, District Revitalisation, Sustainable Economic Development Strategy, Sports and Recreation)
Legislative Basis	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
Purpose	The purpose of the Council is to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee.
Reference	01-15-010
Membership	Mayor (Chair) Deputy Mayor (Deputy Chair) All councillors
Quorum	6
Meeting frequency	Monthly
Delegations	<ul style="list-style-type: none"> • the power to make a rate • the power to make a bylaw • the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan • the power to adopt a long-term plan, annual plan, or annual report • the power to appoint a chief executive • the power to adopt policies required to be adopted and consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement; and • the power to adopt a remuneration and employment policy • the power to set and support strategies in measures related to emergency matters. • all the powers, duties and discretions under the Civil Defence Act for the proper operation and administration of the approved Civil Defence Plan; such delegation to be executed solely within the

	defined policy guidelines as determined from time to time by the Council and subject to the Financial limits imposed by the approved Council estimates.
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	Powers that cannot be delegated to committees a per the Local Government Act 2002 Schedule 7 S32



MINUTES OF COUNCIL MEETING

ROTORUA LAKES COUNCIL

Minutes

**Council meeting held Thursday, 27 June 2019 at 9.30am
in the Council Chamber, Rotorua Lakes Council**

- MEMBERS PRESENT:** Mayor Chadwick (Chairperson)
Cr Bentley, Cr Donaldson (Deputy Mayor), Cr Gould, Cr Hunt, Cr Kent, Cr Kumar, Cr Maxwell, Cr Raukawa-Tait, Cr Sturt, Cr Tapsell
- ABSENT ON COUNCIL BUSINESS** Cr Maxwell
- IN ATTENDANCE:** P Thomass, Chair Lakes Community Board
- STAFF PRESENT:** G Williams, Chief Executive; H Weston, Group Manager Operations; T Collé, CFO/ Group Manager Business Support; G Rangi, Manahautu Maori; S Michael, General Manager Infrastructure; O Hopkins, Manager Corporate Planning & Governance; I Tiriana, Council Communications Manager; R Pitkethley, Sports Recreation and Environment Manager; J Wilkinson, Recreation and Open Spaces Manager; M Hancock, Strategic Lead Advisor; P McKenzie, Strategy Advisor; K Starling, Procurement Lead; M Bell, Corporate Planning Co-ordinator; M Cullen, Corporate Planner; H King, Governance Support Advisor; I Brell, Governance Support Advisor

Mayor Chadwick welcomed councillors, members of the public, media and staff to the Council meeting.

**1. KARAKIA WHAKAPUAKI
OPENING KARAKIA**

Cr Sturt opened the meeting with a karakia.

**2. NGĀ WHAKAPAAHA
APOLOGIES**

Resolved:

That apologies from Cr Maxwell on Council business be received

Cr Raukawa-Tait/Cr Sturt
CARRIED

**3. WHAKAPUAKITANGA WHAIPĀNGA
DECLARATIONS OF INTEREST**

None

**4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE
URGENT ITEMS NOT ON THE AGENDA**

None

**5. TE WHAKAŪ I NGĀ MENETI
CONFIRMATION OF COUNCIL MINUTES**

5.1 Council meeting – 30 May 2019

Resolved

That the minutes including the list of attachments of the Council meeting held 30 May 2019 be confirmed as true and correct record.

Cr Donaldson/Cr Tapsell
CARRIED

6. NGĀ TAUNAKITANGA A ĒTAHI ATU KOMITI

RECOMMENDATIONS FROM OTHER COMMITTEES

Resolved

1. That the report “Recommendations from other committees” be received.

Cr Hunt/Cr Bentley
CARRIED

2. That the following recommendations of the Strategy, Policy & Finance Committee meeting held 13 June 2019 be adopted:

Resolved:

That Council approve that officers undertake a comprehensive road safety review including posted speed limits assessment around all rural schools and report back to Council with its findings and recommendations.

Cr Raukawa-Tait/Cr Gould
C19/05/37
CARRIED

**7. PŪRONGO KAIMAHI
STAFF REPORTS**

- 7.1 RECOMMENDATION 1: HEARING PANEL RECOMMENDATIONS - WAIKAWAU/HANNAHS BAY RESERVE MANAGEMENT PLAN 01-15-010\25

Resolved

1. That the report 'Hearing Panel Recommendations - Waikawau/Hannahs Bay Reserve' be received.

Cr Sturt/Cr Gould
C19/05/38
CARRIED

2. That pursuant to Section 41(1) of the Reserves Act 1977 Council adopts the Hearing Panel's recommendations identified in Attachment 3, as final amendments to the Waikawau/Hannahs Bay Reserve Management Plan.

Cr Sturt/Cr Hunt
C19/06/39
CARRIED

- 7.2 RECOMMENDATION 2: ADOPT THE ANNUAL PLAN 2019/20 01-65-096

Resolved

1. That the report 'Adopt the Annual Plan 2019/20' be received.

Cr Raukawa-Tait /Cr Donaldson
CARRIED

2. That the Council adopts the Annual Plan 2019/20 noting that the plan reflects minor variations to year 2 of the Long term Plan 2018/28 based on project timing.

Cr Kent/Cr Hunt
C19/06/40
CARRIED

The motion was put and a division was called for with the following result;

For: Mayor Chadwick, Cr Donaldson, Cr Hunt, Cr Kent, Cr Raukawa-Tait, Cr Sturt, Cr Tapsell

Against: Cr Bentley; Cr Gould; Cr Kumar

- 7.3 RECOMMENDATION 3: SETTING THE COUNCIL RATES FOR THE YEAR 1 JULY 2019 TO 30 JUNE 2020

01-65-096

Resolved:

1. That the report 'Setting Council rates for the year 1 July 2019 to 30 June 2020' be received.

Cr Sturt/Cr Donaldson
CARRIED

2. That Council

- in accordance with section 23 of the Local Government (Rating) Act 2002, set the rates (as set out below);
- in accordance with section 24 of the Local Government (Rating) Act 2002, set the dates by which rates must be paid (as set out below);
- in accordance with sections 57 and 58 of the Local Government (Rating) Act 2002, set the penalties that may be added to unpaid rates (as set out below);
- set the discount for early payment.

Cr Sturt/Cr Raukawa-Tait
C19/05/41
CARRIED

**8. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI
RESOLUTION TO GO INTO PUBLIC EXCLUDED**

Resolved

That Council move into public excluded session.

Cr Sturt/Cr Raukawa-Tait
CARRIED

The meeting adjourned at 10.50 am and reconvened at 10.59 am
ATTENDANCE: Cr Bentley and Cr Kumar left the meeting at 10.53am

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

<u>General subject of each matter to be considered</u>	<u>Reason for passing this resolution in relation to each matter</u>	<u>Ground(s) under Section 48(1) for passing of this resolution</u>
CONFIDENTIAL MINUTES of previous meeting held 30 May 2019	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).

<u>General subject of each matter to be considered</u>	<u>Reason for passing this resolution in relation to each matter</u>	<u>Ground(s) under Section 48(1) for passing of this resolution</u>
<p>RECOMMENDATION 4 Rotorua Lakefront Construction</p>	<p>Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>The withholding of the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>The withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Section 48(1)(a) Section 7(2)(b)(ii)</p> <p>Section 48(1)(a) Section 7(2)(h)</p> <p>Section 48(1)(a) Section 7(2)(i)</p>
<p>RECOMMENDATION 5 Rotorua Economic Development Ltd Board Appointments – Extension to Term</p>	<p>Protect the privacy of natural persons, including that of deceased natural persons.</p> <p>Maintain effective conduct of public affairs through free and frank expression of opinions by or between or to members or officers or employees of any local authority in the course of their duty.</p>	<p>Section 48(1)(a) Section 7(2)(a)</p> <p>Section 48(1)(a) Section 7(2)(f)(i)</p>

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

OPEN SESSION

The meeting closed at 11.15am

Confirmed at a Council meeting on 25 July 2019

.....
Mayor

Rotorua Lakes Council is the operating name of Rotorua District Council

Note 1: Rotorua Lakes Council is the operating name of Rotorua District Council

Note 2: Attachments to these minutes are available on request or on Council's website www.rotorualc.nz



RECOMMENDATIONS FROM OTHER COMMITTEES

ROTORUA LAKES COUNCIL

The Mayor
Members
COUNCIL

**NGĀ TAUNAKITANGA A ĒTAHI ATU KOMITI
RECOMMENDATIONS FROM OTHER COMMITTEES**

Report prepared by: Hilda King, Governance Support Advisor

Report reviewed by: Rick Dunn, Governance Lead

Report approved by: Geoff Williams, Chief Executive

1. **TE PŪTAKE
PURPOSE**

The purpose of this report is to provide an opportunity for members to consider recommendations received from other committees.

2. **NGA TŪTOHUNGA
RECOMMENDATIONS**

1. **That the report 'Recommendations from other committees' be received.**
2. **That the following recommendations of the Strategy, Policy & Finance Committee meeting held 11 July 2019 be adopted:**

RECOMMENDATION 1

RDC-933353

PROGRESS A REVISED RATES REMISSION AND POSTPONEMENT POLICY TO ENCOURAGE INNER CITY DEVELOPMENT

1. **That Council progress a revised rates remission policy to encourage development in the inner city, including a process of stakeholder engagement and public consultation.**

RECOMMENDATION 2

RDC-933353

APPOINTMENT OF COMMISSIONER TO ROTORUA DISTRICT LICENSING COMMITTEE

1. **That Council agree that the Chief Executive appoint Councillor Karen Hunt to be a Commissioner under the Sale and Supply of Alcohol Act 2012 for a period of up to five years.**
-

3. That the following recommendations of the Resource Management Act Policy Committee meeting held 11 July 2019 be adopted:

RECOMMENDATION 1

RDC-933353

MISCELLANIOUS CHANGES AND PLAN CHANGE 5: SIGNAGE AND MISCELLANEOUS CHANGES – REQUEST TO APPROVE AND MAKE OPERATIVE

1. That Council approve the provisions in Plan Changes 1 and 5 to the District Plan.
2. That Council instructs the affixing of the Council seal and notification of an operative date for the plan change.

**3. TE TĀHUHU
BACKGROUND**

- 3.1 Reports relating to the above recommendations were included in the agenda for the Strategy, Policy & Finance Committee meeting & the RMA Policy Committee held 11 July 2019. This agenda is available for viewing on Council's website under <https://www.rotorualakescouncil.nz/our-council/agendas-and-minutes/livestream/Pages/default.aspx>. or available upon request.

File No: 69-06-040-08
RDC-932332

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

NOTIFICATION OF PROPOSED PLAN CHANGE 3 (SIGNIFICANT NATURAL AREAS) FOR SUBMISSIONS

Report prepared by: Kim Smith, Senior Policy Advisor
Report reviewed by: Henry Weston, Group Manager, Operations
Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of this report is for Council to consider recommendations relating to Proposed Plan Change 3 Significant Natural Areas (SNAs) from:

- the RMA Policy Committee; and
- the joint Governance Committee for the joint management agreement between the Rotorua District Council and the Raukawa Settlement Trust (the Raukawa JMA).

Both committees have authority to provide recommendations on Proposed Plan Change 3 to Council.

Adopting the RMA Policy Committee's and joint Governance Committee's recommendations would allow the proposed plan change to proceed to be publicly notified for submissions. The proposed plan change is embodied in the plan change evaluation (section 32) report circulated to Council members electronically and available at this [link](#). The hearing of submissions is anticipated early 2020.

Also before Council are recommendations from the RMA Policy Committee that Council:

- Implement changes to Council's fees and charges policy in relation to processing resource consents for some activities effecting SNAs;
- Investigate rates remission for SNAs and other protected natural areas at the next Annual Plan;
- Investigate an incentive fund for owners of SNAs at the next Long Term Plan.

**2. HE TŪTOHUNGA
RECOMMENDATION**

- 1. That the report 'Notification of Proposed Plan Change 3 Significant Natural Areas' be received.**
- 2. That the following recommendations of the RMA Policy Committee to Council, from their meeting on 6 June 2019, be adopted but limiting recommendation d) to non-notified consents:**

RMA Policy Committee meeting held 6 June 2019 - Recommendations to Council

- a) **Plan Change 3: Significant Natural Areas is approved for public notification¹**
- b) **The [proposed plan change evaluation report circulated to Council members] is adopted as the evaluation required under section 32 of the Resource Management Act 1991²**
- c) **Council investigate an amendment to its rates remission policy at the next annual plan to provide for remission of rates with SNAs, QEII covenants or Ngā Whenua Rāhui kawenata at a uniform rate per hectare.**
- d) **Council amend its fees and charges for processing resource consents requiring no fees for processing applications for [non-notified] consents related to conservation, restoration and protection of SNAs (including applications for tracks for pest management) or for walking tracks in SNAs.**
- e) **Council investigate, during the preparation of the next Long Term Plan, a contestable incentive fund for restoration and protection of SNAs.**

3. **That the following additional recommendations of the RMA Policy Committee to Council, from their meeting on 11 July 2019 to consider additional feedback on the draft plan change from the Bay of Plenty Regional Council and the Rural Community Board, be adopted:**

RMA Policy Committee meeting held 11 July 2019 – Recommendation to Council

- a) **That Council amend the proposed plan change evaluation report (section 32 report), which the RMA Policy Committee recommends to Council for adoption, to record a summary of the feedback from the Bay of Plenty Regional Council and Rural Community Board under the ‘consultation’ section of the report.**

[This summary has been incorporated into the section 32 evaluation report circulated to Council members]

4. **That the following recommendation of the joint Governance Committee for the joint management agreement between Council and Raukawa, from meetings of Council joint Governance Committee members on 12 July 2019 and the Raukawa Charitable Trust on 16 July 2019, be adopted subject to the additional changes to the consultation section in recommendation 3a) above:**

Council joint Governance Committee meeting held 12 July 2019 and Raukawa Charitable Trust meeting held 16 July 2019 – Joint Recommendation to Council

- a) **The Rotorua Lakes Council commence and notify Proposed Plan Change 3 (Significant Natural Areas) to the Rotorua District Plan, as set out in [the plan change evaluation report circulated to Council members].**

¹ The RMA Policy committee’s recommendation was made subject to the joint Governance Committee also approving this recommendation, which has been satisfied.

² The RMA Policy committee’s recommendation was made subject to minor changes made during the joint Governance Committee process. None were made.

3. TE TĀHUHU BACKGROUND

3.1 Reasons for initiating Proposed Plan Change 3

Under the Resource Management Act 1991 (RMA) the protection of significant indigenous vegetation and habitats of indigenous fauna is considered to be of national importance (section 6(c)). The Bay of Plenty and Waikato regional policy statements describe how district councils are to give effect to section 6(c) in carrying out their functions. Both policy statements require protection of significant natural areas (SNAs) through district plans.³

The Rotorua Lakes Council notified its first set of SNAs and the associated policy/rule framework with the proposed Rotorua District Plan in 2012. Decisions on these SNAs and the policy/rule framework were released in 2014 and made operative in 2016.

When Council made its decisions on the first set of SNAs it committed, in response to submissions from the Department of Conservation and the Waikato Regional Council, to investigate over 50 additional sites that were identified by the consulting ecologists, Wildland Consultants Limited (Wildlands), but not assessed for significance against the criteria in the regional policy statements.

In 2016 Council commissioned Wildlands to assess these sites. Wildlands have now completed their assessment and found most sites have local, regional, national or international significance. They have also identified several further significant sites. The Council also commissioned the ecologists to review the boundaries of some SNAs at the request of landowners.

In addition, a survey of geothermal sites by Wildlands (commissioned by the Waikato Regional Council) has identified further boundary changes and several geothermal SNAs missing from the Rotorua District Plan.

In the process of considering these changes areas have been identified that could be removed from the District Plan due to alternative legal protection such as Ngā Whenua Rāhui kawenata or QEII covenants.

3.2 Scope of Proposed Plan Change 3

In summary, this plan change considers:

- 48 new SNAs or extensions to existing SNAs identified as significant by the ecologists;
- Ten new geothermal SNAs and boundary changes to nine existing geothermal SNAs;
- SNA boundary reviews on nine properties at the request of landowners;
- Removal of SNAs due to alternative legal protection.

The policy/rule framework is not within the scope of the changes being considered.

3.3 Joint Management Agreement between Raukawa Settlement Trust and Rotorua District Council

In 2013 the Rotorua District Council entered into a joint management agreement (JMA) with the Raukawa Settlement Trust pursuant to section 43 of the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010.

Section 7 of the JMA applies to the plan change because the plan change impacts on Te Ture Whaimana o Te Awa o Waikato (the vision and strategy for the Waikato River) with respect to sites within the Waikato River catchment/joint management agreement area.

Section 7 of the JMA requires a Joint Working Party of Council officers and senior managers at the Trust to develop joint recommendations on the plan change to a joint Governance Committee

³ Refer to Bay of Plenty Regional Policy Statement Policy IR8C, MN2B and Waikato Regional Policy Statement Policy 11.2 and 11.2.2, which are discussed in section 3 of the section 32 evaluation report circulated to Council members.

(comprising Council and Settlement Trust representatives), which then makes recommendations to Council.

The joint working party met and endorsed recommendations to initiate and notify the plan change. Members of the joint Governance Committee then met to consider the advice of the joint working party. The joint Governance Committee members agreed to put these recommendations to Council.

It is noted that the Rotorua Lakes Council members of the joint Governance Committee met separately to consider this matter from the Raukawa Charitable Trust, which is delegated to represent Raukawa. Each party recommended the plan change be initiated and proceed to notification.

3.4 RMA Policy Committee

Council has delegated the RMA Policy Committee the responsibility to make recommendations to Council on changes to the District Plan. The Committee has met several times to workshop the development of the plan change and has now put forward the recommendations in this report to proceed to notification. The Committee has also made several other related recommendations to Council, as detailed below.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

4.1 Proposed Plan Change

The report, which has been circulated to Council members via Stellar contains the proposed plan change recommended by the RMA Policy Committee and the joint Governance Committee and the evaluation of the plan change required under section 32 of the Resource Management Act 1991 (RMA).

The report proposes to progress the new SNAs and SNA changes identified by the ecologists, but with some amendments. These amendments can be summarised as follows:

1. Not progressing or removing SNAs on properties with other legal protection

It is proposed to remove or not progress new SNAs on properties with other legal protection for the ecological values. This is consistent with practice when the first set of SNAs was included in the District Plan.

2. Not progressing minor areas considered insignificant to the plan change objectives

SNAs on some properties are not supported as they represent only very small areas and are considered administratively inefficient. These range in size from only several square meters to scattered forest remnants of several hectares.

3. Moderation of SNAs in response to consultation

In some cases it is considered that the evaluation of benefits, costs, efficiency and effectiveness does not support the SNAs identified by the ecologist, or that the SNAs should be reduced in size. This includes:

- Removing or not progressing SNAs on several properties / land holdings that already have extensive areas of SNAs or QEII covenants.
- Reducing the size of the proposed SNAs to align with existing fencing for practicality and efficiency
- Reducing the size of the proposed SNAs to allow for light around dwellings and sufficient space for rural residential activities to occur (small areas of fruit trees and grazing)
- Not progressing SNAs on residential-sized properties as the SNAs are not considered consistent with the use for which the properties were subdivided and the size of the properties.

4. *Not progressing SNAs where owners have not had opportunity to present their views*

A key objective during the planning of this project was that land owners be given reasonable opportunity to present their concerns. We have high confidence that this test was met for most properties (although some chose not to respond). However, there were several Māori land properties at Te Ngae and near Te Manu Road with unknown landowners or with a larger number of land owners and no management structure to contact. It is proposed that the SNAs not be progressed on these properties.

4.2 Other Recommendations of the RMA Policy Committee

Consultation on the plan change has prompted consideration of how Council might support land owners alongside its regulation of SNAs. The RMA Policy Committee has put forward three recommendations to Council:

1. *Council investigate an amendment to its rates remission policy at the next annual plan to provide for remission of rates with SNAs, QEII covenants or Ngā Whenua Rāhui kawenata at a uniform rate per hectare.*

Currently there is no specific rates remission for SNAs. Land owners must individually apply for remission, providing evidence of the value of the land. The costs of this process can outweigh the remission received. The value of any rates remission is likely to be low (due to the generally small contribution that the capital value of SNA land makes to a property's total rates). Nonetheless, initial consultation indicates that many land owners would consider this a meaningful acknowledgement of their contribution to biodiversity protection.

2. *Council amend its fees and charges for processing resource consents requiring no fees for processing applications for consents related to conservation, restoration and protection of SNAs (including applications for tracks for pest management) or for walking tracks in SNAs.*

Land owners were frequently concerned about the costs associated with meeting consent requirements. It is considered appropriate that Council not charge resource consent fees for activities that are to protect an SNA. This is in line with practice for heritage buildings. It is also considered that Council should not charge for applications for walking tracks that do not meet the permitted rules. This may help promote compliance with the requirement for resource consent while facilitating enjoyment/use of the land.

For clarity it is recommended that these changes are expressly limited to non-notified resource consents.

3. *Council investigate, during the preparation of the next Long Term Plan, a contestable incentive fund for restoration and protection of SNAs.*

This recommendation would mean SNAs would be considered as a potential area for Council support to be prioritised alongside other potential programmes during the next Long Term Plan.

If accepted by Council, the above recommendations would be progressed separately from the plan change (that is, they would not be subject to submissions).

**5. TE TINO AROMATAWAI
ASSESSMENT OF SIGNIFICANCE**

The decision sought in this report to notify Plan Change 3 potentially has some significance given the potential for SNAs to generate concern. However, it is considered that the one-on-one consultation with land owners should have reduced the risk of concern. Overall, the significance is not considered high.

The decision to waive resource consent fees is considered of low significance. Currently Council receives only around one application per year that would meet the proposed criteria for waiving resource consent fees. The likely value of the fees waived is considered to be low.

The other decisions sought in this report regarding rates remission and an incentive fund are also considered to have low significance. The decisions are merely to investigate the matters further at the appropriate time in Council's planning cycle.

6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

Land owners

A priority in the planning of this project was that land owners be given reasonable opportunity to present their views. Several months were spent consulting with landowners one-on-one. Land owners were initially invited to discuss the project by letter but the response was low. Nearly all land owners that did not respond were followed up with an email or phone call, using the Council's customer database to connect with land owners (the exception being very minor impacts on properties e.g. small mapping corrections to existing geothermal SNAs).

Māori land

Around 50 land owners/land owner groupings for Māori freehold land are affected by the project. In addition, general title properties owned by Māori trusts are also being considered. The majority of Māori land properties affected are owned by a small number of land owners or administered by trusts. It is considered that nearly all have been provided reasonable opportunity to express any concerns. However, for a small number of properties the owners were unknown or there were a large number of owners without a management structure. The plan change proposes not to progress the SNAs on these properties.

Iwi Authorities

Iwi authorities were invited to discuss the project prior to consultation with land owners in September 2018. Several hui with iwi authorities followed. The draft plan change was also circulated to twenty iwi authorities in late April, prior to finalising the evaluation report (as required under the RMA). Refer to section 4.1 of the circulated plan change evaluation report for further detail.

Regional Council

The Bay of Plenty Regional Council provided feedback on a draft of this plan change and commented that overall they would want to see sites that meet significance criteria in the Regional Policy Statement included in the District Plan. They have some reservations about the recommended exclusion of sites and indicate particular concern with the exclusion of wetlands. They also seek that Council include sites protected through other means such as Ngā Whenua Rāhui kawenata and QEII covenants to ensure there is a robust repository of all significant natural areas. They commented that often the protection aligns with the site being made an SNA and that alternative protections can sometimes be removed at a later date.

The RMA Policy Committee considered this feedback at their meeting on 11 July 2019 but decided to make no changes to the plan change recommended to be notified for submissions.

Rural Community Board

The Rural Community Board has put forward the following position and passed the following resolution on July 3, 2019 in relation to Proposed Plan Change 3.

That the Rotorua Rural Community Board opposes further impositions on private property rights, other than on a voluntary individual property owner agreement basis.

The RMA Policy Committee also considered this position at their meeting on 11 July 2019. The RMA Policy Committee decided to recommend this position be recorded in the section 32 evaluation but made no further changes to the plan change.

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1 Mahere Pūtea Financial/budget considerations

The cost of the plan change will be met from existing budgets.

7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

Progressing the plan change will meet a commitment made by Council when it released its decisions on the District Plan to develop a plan change for the unconfirmed sites.

SNAs give effect to regional policy statement requirements to protect significant indigenous vegetation and significant habitat of indigenous fauna through District Plans.

7.3 Tūraru Risks

Plan changes that introduce additional regulation and restrictions on the use of land have the potential to create concern and a negative perception. Significant resourcing has been put into one-on-one consultation with land owners and many land owner concerns have been met through moderation of the SNAs. However, there remains the risk that some land owners will be unsupportive. Some have not responded to the invitations for consultation.

On the other hand, not progressing the plan change presents reputation and relationship risks, given the commitment made to submitters in 2014 and the requirements of the regional policy statements.

7.4 Te Whaimana Authority

The JMA provides for the joint Governance Committee to make recommendations to council on the initiation and notification of this plan change. The RMA Policy Committee is also delegated to make recommendations to Council on this matter.