

RECOMMENDATION OF THE INDEPENDENT HEARINGS COMMISSIONERS
ROTORUA LAKES DISTRICT PLAN
PLAN CHANGE 3 – SIGNIFICANT NATURAL AREAS

Interpretation- Terms Used	
BOPRPS	Bay of Plenty Regional Policy Statement
CNI	Central North Island Forests
Forestry NES	The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
<i>New Plymouth case</i>	Royal Forest and Bird Protection Society of New Zealand V New Plymouth District Council [2015] NZEnvC 219
PC3	Proposed Plan Change 3
Section 42A Report	Section 42A Report prepared by Kim Smith
Section 32 evaluation	Section 32 evaluation July 2019
SNA Report 2018	Wildlands Consultants. Assessment of 56 Natural Areas in the Rotorua District. September 2018.
WRPS	Waikato Regional Policy Statement

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INTRODUCTION

Description of the proposal

Overview

1. Proposed Plan Change 3 proposes changes to the maps of significant natural areas (SNAs) and the associated schedule of SNAs in Appendix 2 'Natural Heritage Inventory' of the Rotorua District Plan. The proposal does not address the objectives, policies, rules or other provisions relating to SNAs that were made operative in 2016; rather it amends the areas to which these provisions apply.¹
2. There are four parts to the proposed plan change. These are:
 - New SNAs and extensions to existing SNAs at forty-eight sites.
 - Ten new and nine amended Geothermal SNAs.
 - Field assessments of existing SNAs on nine properties.
 - Removal of one SNA and parts of three SNAs due to alternative protection.
3. A total of 37 new SNAs are proposed as well as boundary changes to some 24 existing SNAs.

Purpose

4. The proposed plan change seeks to give effect to provisions for SNAs in the Bay of Plenty and the Waikato Regional Policy Statements that require SNAs to be identified, assessed and protected, and ultimately section 6(c) and Part II of the RMA.

The land affected by the plan change.

5. There are over 200 properties affected by PC3, which contain some 1350 hectares of land proposed to be added and 270 hectares of land to be removed from the SNA layer.

Appointment of Panel

6. Rotorua Lakes Council appointed Antoine Coffin (Chair) and Rob Kent as independent hearings commissioners to:
 - determine, control and conduct the hearing for Plan Change 3 (Significant Natural Areas) to the Rotorua District Plan (in accordance with the relevant functions, powers and duties set out in Part 4 of the Resource Management Act (including Section 32AA);
 - waive or extend time limits under Sections 37 and 37A of the Resource Management Act in relation to Plan Change 3; and
 - make recommendations to Council on the provisions and matters raised in submissions in accordance with clause 10, 1st Schedule of the Resource Management Act.

¹ Section 42A Report, page 7.

Notification and Submissions

Public Notification

7. The Rotorua Lakes Council notified the proposed Plan Change on 27 July 2019. The closing date for submissions was 30 August 2019. An opportunity to make further submissions was publicly notified on 28 September 2019. The closing date for further submissions was 7 October 2019.

Submissions

8. Thirty-five submissions were lodged; ten in general support, nineteen in opposition or seeking amendment and six with points in support and opposition. One submission was later withdrawn.
9. Fourteen further submissions were lodged in relation to these submissions, one of which was received after the closing date.
10. A summary of submissions is attached at Appendix One of this decision.

Late further submission

11. A late further submission was received from Vercoe Farm Partnership (representing the owners of Tokerau A12 Block) on 5 January 2020 in relation to the Director-General of Conservation's submission to extend proposed SNA 708 to the south east and into Tokerau A12 Block (submission 8.34). The period for further submissions closed 7 October 2019.
12. The owners of Tokerau A12 Block were only informed of the plan change and of the Director-General's submission in early December, when Council officers wrote to them. They responded promptly over the holiday period to ensure their interests were recorded in the section 42A report.
13. We considered the criteria set out in sections 37A(1), (2) and (6) and decided that in accordance with section 37(1)(a) RMA the further submission period for Proposed Plan Change 3 – Significant Natural Areas (SNAs) to the Rotorua District Plan (District Plan) be extended to 5 January 2020 to enable the late further submission above to be received and considered.

Conflicts of interest

14. No conflicts of interest are recorded.

Jurisdictional and procedural matters

15. The RMA (First Schedule) requires any decisions on plan changes to be made within 2 years from the date of public notification. PC3 was publicly notified on 27 July 2019.
16. Evidence in advance of the hearing to support submissions was requested. We received evidence from Waikato Regional Council, Bay of Plenty Regional Council, Mercury and the Director General of Conservation. One of the submitters, Waikato Regional Council provided their statement of evidence late. We received their accompanying documents; however, the statement of evidence was not attached due to a technical error in the email system. This matter was rectified quickly, and we considered this matter to be of no consequence and did not pose any delay to our proceedings.
17. We issued a minute regarding a late further submission from Vercoe Partnership Limited.

18. We received a right of reply from Rotorua Lakes Council on 21 February 2020 prepared by Ms Smith. Having considered and agreed that we had sufficient information to make a decision, we closed the hearing on 26 March 2020.

HEARING

19. The Hearings for Plan Change 3 were held at Rotorua Lakes Council, Committee Room 1 on Monday 17 February and Tuesday 18 February 2020.

Recommendations to the Independent Hearing Commissioners

20. The Independent Hearings Commissioners received a detailed review of all submissions and recommendations on the matters raised in those submissions in the form of a report prepared pursuant to section 42A of the RMA. The "Section 42A Report" is dated January 2020 and was prepared by Kim Smith, Senior Policy Advisor for Rotorua Lakes Council.
21. Ms Smith has qualifications in BSC Geography and LLB, some 14 years of experience in local government policy and has indicated that she does not have expertise in ecology and biodiversity. In this regard she relies on Wildland Consultants Ltd who prepared most of the technical assessments that support the plan change.
22. Angela Simpson, a co-author of the Wildlands technical assessments who also undertook field work for the assessments attended the hearing and provided advice as was necessary.

Tabled submissions

23. The Independent Hearings Commissioners received the following submissions from submitters who did not to attend the hearings.
- Nassah Stead on behalf of Bay of Plenty District Council (tabled 17 February 2020)
 - Responses from Nassah Stead to questions (emailed and dated 18 February 2020)

Hearing appearances

24. The Independent Hearings Commissioner heard and received submissions, written evidence and legal submissions from the following submitters (in order of appearance):

Alejandro Cifuentes on behalf of Waikato Regional Council

25. Mr Cifuentes submitted that he is a Policy Advisor in the Integration and Infrastructure Section of WRC, involved in working with territorial authorities of the Waikato Region and neighbouring regional councils to assist in the development of consistent integrated regional policy. He appears as an expert witness on behalf of WRC, in support of WRC's submission highlighting perceived issues with PC3 with respect to removing SNA status from sites due to alternative protection; and also areas of geothermal vegetation not having been mapped using appropriate WRC RPS criteria.
26. Mr Cifuentes recommended that a combination of complete SNA mapping and scheduling and alternative legal protection would satisfy WRC's submission requests, with RLDC providing rules in covenants and areas under other legal protection as permitted activities. He submitted that in such cases, should conservation estate or covenants cease, the land would still be subject to SNA rules, and therefore protected in accordance with the requirements of the RPS.
27. He also submitted that the S42A officer's report regarding sites 700, 701, 703 and 579 with reliance on intent to develop management plans as a method of alternative legal protection may not meet RLC's own criteria of what constitutes an alternative legal mechanism.

Katherine Luketina on behalf of Waikato Regional Council

28. Ms Luketina appeared as expert witness for WRC, and submitted an extensive background in geothermal science, including the authorship of numerous technical reports and papers on the subject. She has, for many years, been a key staff member of WRC in the development of geothermal sections of the WRPS, and Regional Plan, and has presented at overseas geothermal conferences, including the 2015 World Geothermal Congress.
29. Ms Luketina submitted that RLDC's use of the Wildlands Consultants Ltd 2018 report assessed 56 natural areas not already identified as SNAs; amendments to 12 current SNAs; and 12 new SNAs led to exclusion of areas that meet WRPS criteria for determining significance of biodiversity that had been identified in WRC Technical Report 2015/07 – Geothermal Vegetation of the Waikato Region, 2014 prepared by Wildlands Consultants Ltd.
30. Her submission supports WRC's submission listing those additional and expanded geothermal sites not covered in PC3.

Nassah Steed and Nathan Te Pairi on behalf of Bay of Plenty Regional Council

31. Mr Steed submitted that he is a Principal Advisor at BOPRC with 22 years' experience in local and regional government resource management practice. He manages the BOPRC's RPS programme.
32. He detailed relevant parts of the RPS; the proposed NPSIB; proposed NPFM and NESFM; and the NESPF.
33. He submitted his view that while alternative protection mechanisms are valid tools to protect significant indigenous habitats and vegetation, the scheduling of sites as SNAs in district plans is the most appropriate protection mechanism in a resource management context for a number of stated reasons, and notes deficiencies and limitations of alternative legal protection mechanisms.
34. Mr Steed then submitted in support of BOPRC with respect to a number of specific sites and comments in response to the S42A Staff recommendations with those individual sites.

Michelle Hooper on behalf of the Director General of Conservation

35. Ms Hooper, Counsel for the Director-General of Conservation presented legal submissions on behalf of the Director-General, and called Mr Christie and Mr Cashmore as expert witnesses.

Thomas Christie on behalf of the Director General of Conservation

36. Mr Christie submitted that he is an RMA Planner for DOC. At [9] he states his view that the 17 additional sites identified by DOC as satisfying the criteria for SNA classification within the WRPS and BOPRPS that are not included in the S32 Report are out of scope due to persons directly affected not having been adequately informed or provided opportunity to submit. He also stated his view that neither RPS specifically requires SNAs to be mapped and listed in the District Plan.
37. His evidence relates specifically to sites 559, 566, 570, 579,700, 701 and 716 located within WRC, and sites 1, 142, 664 and 681 within BOPRC scheduled in PC3 for removal of SNA status. He submitted planning evidence in support of DGOC's view that alternative protections do not obviate the necessity for continuing existing SNA status designations within the RLC District Plan.

Paul Cashmore on behalf of the Director General of Conservation

38. Mr Cashmore submitted that he is a Technical Advisor with DOC responsible for flora. He has worked as a botanist for DOC in Rotorua for 24 years. His evidence at [5.1] – [5.17] relates to the ecological status of 15 additional sites, stated to be out of scope of PC3 by Mr Christie. At [5.18] – [6.5] he states his view that the sites not listed as SNAs because of Alternative Legal Protection, or because of other Side Agreements, all meet significance criteria qualifying them for SNA status

Kas Hohneck on behalf of Te Rimu Trust

39. Mr Hohneck stated his concerns with proposed SNA 154 at the likely necessity to fence off SNAs in the future, preventing the Trust continuing to graze pockets of indigenous vegetation and winter stock in their shelter. He stated that there were grass and open areas under the canopy that did not show in aerial photographs that were important to the farm.

Alamoti Te Pou and Bridget Robson on behalf of CNI Iwi Holdings and Timberlands

40. Ms Robson submitted her background in Resource and Environmental Planning, including operational and policy roles in regional councils, and environmental advocacy and implementation roles in the forestry and energy sectors. She was principal policy advisor to MPI for the development of the NES for Plantation Forestry (2108), and has managed environmental operations for Carter Holt Harvey Forests.
41. Ms Robson questioned the necessity for SNA status with respect to Mangaharakeke and Torepatutahi (SNAs 700, 701 & 703) in the light of existing protection under NESPF, Forest Stewardship Council Certification, and proposed Reserve Management Plans submitted in draft form at the hearing, and also questioned the test of significance with respect to SNA 700 & 703. She also stated her view that the biggest risk to the proposed areas was from plant and animal pests, neither of which SNA status would protect.

Fraser Graafhuis on behalf of Mercury

42. Mr Graafhuis submitted that he holds the position of Planning and Policy Advisor at Mercury, and has over 17 years international planning experience. In summary he states that Mercury does not challenge the validity of SNAs 583 and 585, but is opposed to a 2m strip adjacent to the road being so classified in SNA 583, and the designation applying to the area above the Underground Diversion Tunnel in SNA 585 which could compromise dam safety. Mercury considers the SNA needs to be set back approximately 2m from the roadside to exclude weeds and scrub, and minimise conflict with maintenance activities to the Ohakuri tailrace bridge, and SNA status removed from the area above the Underground Tunnel.
43. He detailed the Dam Safety Assurance Program and importance of maintenance access to the Underground Tunnel to the safe operation of the Ohakuri hydro dam, and the likely consequences of dam failure. Mr Graafhuis also summarised the RMA provisions relevant to the Ohakuri Electricity Core Generation Site, pointing out that s330 includes Emergency works and power to take preventative or remedial action, but do not enable surveillance work, which could be essential to identify structure risk

Briar Taylor-Smith on behalf of Mercury

44. Dr Briar Taylor-Smith submitted that she is employed as a terrestrial ecologist with Tonkin & Taylor. Her evidence included ecological re-assessments of the amendments to SNAs 583 and 585 sought by Mercury following visiting the sites. She states with respect to SNA

583 at [6.9] that the proposed SNA area adjacent to the road is vegetated with weedy species including bracken, blackberry and ragwort, with some mahoe seedlings.

45. Her assessment of the likely impact of vegetation removal in the area above the Underground Diversion Tunnel to facilitate any required maintenance access would impact on an area of only 592 m², 0.07% of SNA 585, and to be no more than minor [5.15].

Robert Martin on behalf of Northdale Farms Ltd

46. Mr Martin submitted with respect to his farming properties and his opposition to proposed SNA 155. He stated his main concerns were possibly being unable to prove long existing use rights to the satisfaction of council with respect to areas he grazes only at certain times of the year, and use of which he could therefore lose; and also his concern at possibly being blamed for grazing damage to a proposed SNA area which was caused by natural occurrences beyond his control, such as draught and parasites.
47. Mr Martin stated that he would prefer to enter into a covenant arrangement with respect to the proposed area.

Brett Walshe

48. Mr Walshe submitted in opposition to a proposed SNA 679 on his property which he stated would increase the area under protection to 28% of his property, and make it more difficult to continue to farm the property.

Phillip Loest and Warwick Moyle

49. Mr Loest and Mr Moyle submitted in support of PC3 and the intention to exclude from proposed SNA 679 their small lifestyle properties each 1.8Ha in size. They submitted that including them in the SNA would impact on 68% and 49% of their land area, and fail to take into account such factors as close proximity surrounding their existing dwellings and outbuildings, and an existing 145m concrete driveway that runs through the area but is not visible from the air because of the canopy. Both submitted concerns at the potential loss of value to their properties, and the impacts of not being able to clear vegetation encroaching on their dwellings if they were part of the SNA.
50. They also presented details of a Memorandum of Understanding between properties of the subdivision which protects the indigenous vegetation and habitats of indigenous fauna on the properties, encompassing weed and pest control; fencing; clearing only of naturally fallen or dangerous trees, and protects the amenity of the subdivision for its property owners.

Clive Tozer

51. Mr Tozer submitted in support of several changes proposed in PC3 that reduced the impact of a new SNA 703 with respect to his property, notably boundary changes; exclusion of an access track corridor to a planted woodlot area, and reduction in edge constraints that would impact on future woodlot harvesting.

Hilary Walker, Neil Heather & others on behalf of Federated Farmers

52. Ms Walker submitted that she is a Senior Policy Advisor for Fed. Farmers. In essence Ms Walker stated Fed. Farmers' position is to support the amendment of SNA boundaries proposed in PC3 where these have been revised with landowner support; to ensure that ongoing opportunities for ground truthing is available to landowners; to support the removal of SNA sites subject to alternative legal protection, and to ensure weight is given to the use of education and non-regulatory incentives as a means of achieving biodiversity gains, as opposed to just regulation alone. She stressed the

importance of accurate mapping of ground truthed SNAs to minimise adverse impact on landowners' farming operations, and a collaborative approach to gain landowner buy-in.

Hearing closed

53. The hearing was closed on 26 March 2020.

RECOMMENDATION

54. As the Independent Hearings Commissioners with delegated authority to hear submissions and recommend a decision on Plan Change 3 – Significant Natural Areas, careful consideration has been given to the advice received from the Reporting Officer, and the content of all submissions and supplementary evidence / submissions of those submitters who either appeared at the hearing or tabled documents for the Independent Hearings Commissioners to consider.

55. The Independent Hearings Commissioner's recommendation is as follows:

Recommendation

That it be Resolved

- a) That the Council receive the recommendation of the Independent Hearings Commissioners in relation to Plan Change 3 – Significant Natural Areas;*
- b) That the Council confirm the standing of all further submitters under Clause 8 of the Resource Management Act 1991;*
- c) That the Council accept and/or reject in whole or in part the submissions and further submissions as set out in Appendix 1 for the reasons set out in this report;*
- d) That the Council approve the proposed amendments to the Rotorua Lakes District Plan proposed through Plan Change 3 – Significant Natural Areas as set out in Appendix 2 to this report.*

STATUTORY CONSIDERATIONS

56. The statutory and policy consideration relevant to Plan Change 3 Significant Natural Areas are set out in the Section 42A report, the legal advice contained in Appendix 3 of that report and section 3 of the section 32 evaluation.

57. In summary those matters include:

The Resource Management Act 1991

- Section 31 – functions of Council;
- Section 32 – 32AA – Requirements for preparing evaluation and further evaluation reports;
- Section 72-77, District Plan matters of consideration
- Schedule 1, Part 1 – The preparation of plan changes; and
- Part 2 – Purpose and Principles of the RMA.

National Policy Statements

- the National Policy Statement on Renewable Energy

National Environmental Standards

- National Environmental Standards for Plantation Forestry

The Waikato Regional Policy Statement

- provisions relating to the significant natural areas and significant geothermal natural areas
- criteria for assessing SNAs
- Te Ture Whaimana – Vision and Strategy of the Waikato River

Bay of Plenty Regional Policy Statement

- provisions relating to the significant natural areas and significant geothermal natural areas
- criteria for assessing SNAs (BOPRPS, Appendix F set 3)

Iwi Management Plans

- Ngāti Kea Ngāti Tuara Iwi Environmental Management Plan
- Ngāti Rangiwewehi Iwi Environmental Management Plan
- Tuhourangi Tribal Authority Enhanced Iwi Environmental Resource Management Plan
- Ngāti Tahu Ngāti Whaoa Iwi Environmental Management Plan – Te Aranga Ake I Te Taimahatanga
- Te Arawa River Iwi Trust Environmental Plan
- Tapuika Environmental Management Plan
- Te Rautaki Taiao a Raukawa
- Te Mahere ā Rohe mo Ngāti Rangitihī
- CNI Iwi Collective Iwi Management Plan

National Direction for Freshwater

58. Since the plan was notified a National Policy Statement on Freshwater Management, National Environmental Standards (NES) for Freshwater and stock exclusion regulations have been released. These national directions will include a number of new measures to protect indigenous vegetation and habitats.
59. A Proposed National Policy Statement on Indigenous Biodiversity has also been released for consultation and the submission period has closed. Once adopted there are likely to be significant new measures for the protection of areas with indigenous vegetation and habitats.

PRINCIPALS ISSUES FOR CONSIDERATION

60. Having considered all the submissions, the section 42A reports and evidence, the principal issues that require consideration are outlined as follows:
- Giving effect to the Regional Policy Statements – scheduling SNAs
 - The District Plan and alternative methods of protection
 - The tension between Part 2 matters
 - Crown Land
 - National Environmental Standards for Plantation Forestry
 - Minimum contiguous land area
 - Inadequate Process
 - Procedural matters
 - Consultation
 - Multiple Landowners
 - Assessment by an expert

- Disputed boundaries/nature of SNA

EVALUATION

Scheduling SNAs

61. The Commissioners have considered whether the Council is required to identify, evaluate, map and schedule all sites determined to be SNAs in the district plan or sites claimed by Regional Councils to comply with their criteria for identifying SNAs in their RPS.
62. The section 42A report sets out the context for giving effect to regional policy statements by acknowledging that the Bay of Plenty Regional Policy Statement and Waikato Regional Policy Statement are relevant to sites within their respective region. Both regional policy statements set criteria for identifying SNAs, which form the basis of the ecological assessments that support this plan change. The regional policy statements also contain objectives, policies and methods relating to SNA identification and management.²
63. The specific objectives, policies and methods from the respective policy statements are included in Appendix 2 of the Section 42A report.
64. The BOPRPS seeks that the criteria are used, but is not prescriptive as to the way in which they are used. Policy MN 3B(c) refers to the “extent to which criteria consistent with those in Appendix F Set 3: Indigenous vegetation and habitats of indigenous fauna are met”.
65. The WRPS states that where regional and district plans require an assessment of significant indigenous vegetation and the significant habitats of indigenous fauna that have not been identified by Waikato Regional Council as part of Method 11.2.1 “the criteria in section 11A shall be used”. Section 11A further states that:

To be identified as significant an area needs to meet one or more of the criteria identified in the table below.

Areas of significant indigenous biodiversity shall not include areas that have been created and subsequently maintained for or in connection with:
 - *artificial **structures** (unless they have been created specifically or primarily for the purpose of protecting or enhancing biodiversity); or*
 - *beach nourishment and coastal planting (unless they have been created specifically or primarily for the purpose of protecting or enhancing biodiversity).*
66. RLC commissioned an ecological assessment of SNAs in the district (The “SNA Report 2018”). This work was prepared by a team from Wildland Consultants including Sarah Beadel, Mieke Kapa, Angela Simpson, Richard Gillies and Frederico Mazzieri. This report updates work conducted by Wildlands Consultants in 2009, work which identified SNAs in the Proposed District Plan 2012. The 2009 study identified a further 56 sites which required field survey or further work to identify whether they contain significant natural vegetation or habitats. The SNA Report 2018 includes the results of the assessment of significance for these 56 sites, as well as maps and descriptions for 12 new SNAs and amendments to 12 SNAs in the 2012 proposed Rotorua District Plan.
67. Wildlands Consultants have prepared a number of reports previously including a 2009 desktop study of SNAs within Rotorua District, an inventory of geothermal vegetation of the Waikato region in 2014, Geothermal vegetation of the Bay of Plenty region 2005 and several addendums to the 2009 report. Ms Simpson attended the hearing and provided

² Section 42A Report, page 12.

some context for the previous studies and what weight we should give the latest report, in particular the assessment and recommendations.

68. In response to submissions a further assessment report was prepared by Wildlands to review the extent of some ten SNAs.³
69. The Section 42A Report confirms that not every area identified as significant has been automatically scheduled in the District Plan.⁴
70. At 5.20 of the Section 42A Report, four scenarios are identified where the Council will evaluate site specific factors that may result in a recommendation to exclude or moderate the areas scheduled. These are (1) where other Part 2 matters are relevant, (2) sites with alternative protection, (3) inadequate process, and (4) scheduling not considered to be in the greater interest of protecting the SNAs.⁵ We consider each of these matters later in this decision.
71. A key question of the commission was to ascertain whether a SNA that met the RPSs criteria has to be scheduled. Put another way, do the RPS's provide any room for scheduling part or no part of a SNA that met the criteria in the RPSs.
72. Federated Farmers have acknowledged the relevance of RPSs and assessments against the criteria including obligations of RLC to protect significant indigenous vegetation and significant fauna under the RMA.⁶ Federated Farmers have supported the approach of RLC where area may not be scheduled due to reasons set out in paragraph 5.20(3) *Inadequate process* and 5.20(4) of the Section 42A report.
73. CNI Iwi Holdings and Timberlands Holdings have supported the Section 42A report recommendations to not schedule three SNAs on the grounds that they can be managed and actively protected by the implementation of management plans. These draft management plans would not be legally enforceable and require voluntary management by the forestry license holders.⁷ Ms Christine Robson for the CNI and Timberlands Ltd states that there are other matters that should be considered when the decision to schedule or not schedule is considered. These include the relevance of section 6(e), 7(a) and section 8 the principles of the Treaty of Waitangi, the National Environmental Standards for Plantation Forestry 2018, the draft NPS-IB and the nature of forestry activity.⁸
74. Raukawa Charitable Trust supports the protection of areas of indigenous riparian vegetation, wetlands and terrestrial indigenous habitat and vegetation, and the continued provision for cultural harvest. Their submission is silent on moderating and limiting the scheduling of SNAs.⁹
75. The Forest and Bird further submission supports the submissions of Director-General for Conservation, Waikato Regional Council and Bay of Plenty Regional Council, in particular they submit that:
 - all areas that meet the criteria for significance should be mapped and defined as SNAs
 - amendments sought by BOPRC are necessary to give effect to the RPS and provide for Councils responsibilities under s6(c) of the RMA

³ Wildland Consultants 2019: Review of Ten Significant Natural Areas in the Rotorua District. Wildland Consultants Ltd Contract Report 3417j. Prepared for Rotorua Lakes Council.

⁴ Section 42 Report, paragraph 5.18, page 19

⁵ Section 42A Report paragraph 5.20(4), page 22

⁶ Hilary Walker, Hearing Statement, 18 Feb 2020, page 2

⁷ Bridget Robson, Statement of Evidence, paragraph 33, page 6 and paragraph 41, page 7

⁸ Bridget Robson, Statement of Evidence, paragraph 21, 23, 24 26, pages 4-5

⁹ Raukawa Charitable Trust Submission (#22), paragraph 4.1

- all sites within the Conservation estate that meet the criteria of the WRPS should be scheduled
- it is not appropriate to rely on processes under other legislation.¹⁰

76. According to Nassah Steed for Bay of Plenty Regional Council, the RLC made a commitment to review the schedule of SNAs post 2015, as part of the suite of consent orders.¹¹ Mr Steed's view is that the scheduling of SNAs in the district plan is the most appropriate protection mechanism in a resource management context. He further provides eleven reasons at paragraph 21.14 of his evidence to support this view.

77. Mr Steed identifies the relevant criteria for assessment and identification of SNAs in the BOPRPS (Appendix F set 3) and states that:

*District plans are required to give effect to these RPS provisions, or in other words, actively implement the direction given in Policies MN 1B, MN 2B and MN 3B above. BOPRC's submission seeks to ensure the PC3 gives effect to the RPS in accordance with section 73(4) of the RMA.*¹²

78. Mr Steed's view of the RPS stops short of requiring the district council to 'schedule' SNAs, but he suggests it is implied. We asked Mr Steed (in writing) if the BOPRPS specifically directed or prescribed the scheduling of SNAs, that is, sites that met the criteria set out in Appendix F set 3.

*Strictly speaking the RPS does not state 'scheduling' it instead says to assess and identify which is inferred as SNAs being listed or scheduled. RPS Policy MN 1B(a) seeks to ensure the matters of national importance listed in paragraphs (b) – (e) are reliably assessed and identified using the RPS Appendix F criteria. Policy MN 1B is linked to Method 1 District Plan implementation therefore the assessment and identification of those matters of national importance in district plans. Similarly Policy MN 3B(c) reinforces this requirement for an assessment of section 6(c) matters using the Appendix F criteria via Method 3 which applies to consents and plan change processes. The explanation text for Policy MN 1B and MN 3B states: 'The criteria are to be used as a framework for assessment. They are not tests or standards that, by themselves, determine what protection is required. The criteria are to be applied in regional, city and district plans, and in case-by-case consents assessments.'*¹³

79. According to Mr Alejandro Cifuentes for Waikato Regional Council, the approach of assessing areas against the criteria, mapping and scheduling is the most suitable approach in giving effect to WRPS Policy 11.2.¹⁴ He goes on further to say that assessment, identification and protection under the WRPS direction addresses the requirements of section 6c of the Resource Management Act 1991 to protect areas of significant vegetation and significant habitat of indigenous fauna in terrestrial, freshwater, coastal and marine environments.

80. We also heard from Michelle Hooper, legal Counsel for the Director-General of Conservation. She confirmed the view of the Director-General that all sites that meet the significance criteria as set out in the regional policy statement should be mapped and identified as SNAs in the District Plan.¹⁵ Her view was that the recommendations in the Section 42A report gave too much weight to the Environment Court decision *Royal*

¹⁰ Forest and Bird Protection Society further submission (#8), Table 1, pages 2-3

¹¹ Nasaah Steed, EiC, paragraph 2.12, page 4

¹² Nasaah Steed, EiC, paragraph 2.4, page 2

¹³ Nassah Steed, reply to questions from the panel, dated 18 February 2020.

¹⁴ Alejandro Cifuentes, Statement of Position, 17 Feb 2020, paragraph 12, page 5

¹⁵ Legal Submissions on behalf of Director-General of Conservation. 17 Feb 2020, paragraph 15, page 7

Forest and Bird Protection Society of New Zealand V New Plymouth District Council, in particular where the Court stated:

*We accept that the Council might conceivably meet its duty under ss 6(c) and 31(1)(b)(iii) by means of such other methods.*¹⁶

81. Her view was that the recommendations did not give effect to the WRPS and BOPRPS. Ms Hooper raises other issues regarding 'other methods' and the full palette of methods in a district plan. We will return to these matters later in this decision.
82. Thomas Christie, Planner for the Director-General of Conservation considered it appropriate for all SNAs to be listed within the RLC District Plan if they qualify under the criteria set with the BOPRPS and WRRPS.¹⁷ Mr Christie quoted provisions of the draft National Policy Statement on Indigenous Biodiversity (draft NPSIB), section 75(3)(c) and section 73(4) of the RMA and the criteria of the WRPS and BOPRPS to give weight to the requirement for SNAs to be scheduled and mapped in the district plan.¹⁸
83. In reply, Ms Smith sets out the reasons for moderating and limiting a relatively small number of SNAs (13) from being scheduled. She reiterated that the RPSs were not as directive as the Regional Council advocated and acknowledged that there are advantages of providing SNA information in the District Plan including a more sophisticated rules regime that automatically subject sites to the rules if they are no longer subject to the alternative legal protection.
84. As we have set out in our decision, Ms Smith indicated that the scope of the plan change constrains this from occurring. Ms Smith also put forward some scenarios, where the Plan Change was put on hold, new ecological reports are commissioned to cover a broad range of sites including those within the conservation estate, and developing a new rule framework. This was tempered by Ms Smith in light of the impending NPS for Indigenous Biodiversity which is expected to provide national direction on the scheduling and protection framework for SNAs and other biodiversity.

Discussion

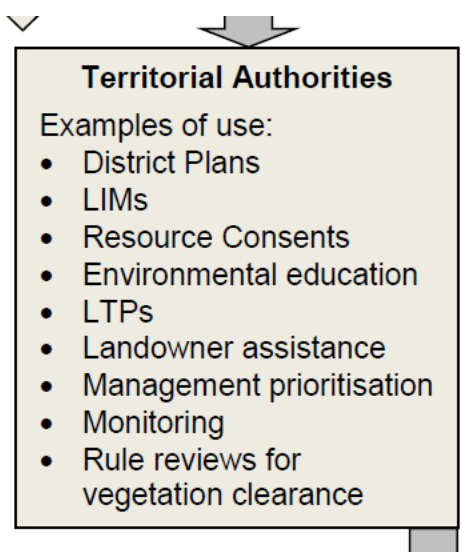
85. The extent to which SNAs meet the criteria in the respective regional policy statements requires expert assessment. Wildlands Consultants and their experts are experienced in this area and have prepared a number of comprehensive surveys and assessments of SNAs in Rotorua.
86. We follow that the criteria in the respective regional policy statements should be used for assessing and identifying SNAs. The assessment should be conducted by a suitably qualified person(s). SNAs should be scheduled and the rules of the District Plan apply to them.
87. We understand that the Council's jurisdiction is limited by the scope of PC3 itself, and submissions on PC3. In particular, if the District Plan already excludes SNAs with alternative legal protection, there may not be scope to bring those into Appendix 2 even if that relief has been requested by a submitter in submissions on PC3.
88. The SNA Assessment report sets out the criteria from the respective RPSs and in our view, has undertaken a comprehensive and proper assessment of sites that could qualify for SNA status. The report is specific in its omission of a number of sites that have alternative methods of protection such as covenants and the like or are part of the Conservation Estate.

¹⁶ Royal Forest and Bird Protection Society of New Zealand V New Plymouth District Council [2015] NZEnvC 219 at paragraph 68.

¹⁷ Thomas Christie, EiC, 5 Feb 2020, paragraph 49, page 9

¹⁸ Thomas Christie, EiC, 5 Feb 2020, paragraphs 20-45, pages 5-8.

89. We note that PC3 does not involve changes to the District Plan, other than changes to Appendix 2. In other words, once an SNA is scheduled in Appendix 2, it will be captured by whatever provisions are already in force in the District Plan.
90. This plan change has not sought to make changes to the objectives, policies and rules of the District Plan. We of the view that any alternative methods used to substitute the district plan rules is premature and does not meet the best method of giving effect to the RPSs and section 6(c) of the RMA.
91. Our review of the District Plan is that aside from the rules which are already in the District Plan, there are no 'other methods' articulated in the District Plan for protecting SNAs. There is not, for example, the 'palette' of methods that was at issue in the NPDC decision which referred to incentives, Council action or works etc.
92. The relevant regional policy statements contain the following provisions:
- (a) Policy MN 1B(a) of the Bay of Plenty Regional Policy Statement (**BOPRPS**) is to "identify" which natural and physical resources warrant recognition and provision for as matters of national importance under s 6 of the RMA using criteria consistent with those in Appendix F of the BOPRPS. Policy MN 1B(c) then provides "Recognise and provide for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a)". Method 1 (District Plan implementation) is listed as a reference method. Methods 64 and 66 are also listed as reference methods, which are:
- (i) Method 64: Encourage agencies and landowners to protect key sites; and
 - (ii) Method 65: Advocate to establish reserves.
- (b) The Waikato Regional Policy Statement (**WRPS**) contains detailed implementation methods which commence with the Waikato Regional Council's identification of SNAs (Method 11.2.1) but 'require' through Method 11.2.2 the protection of SNAs through district plans, and explain this further. This includes a statement that "It is important that regional and district plan provisions provide for the identification of additional areas, including those not identified in Method 11.2.1 which are difficult to detect at the regional scale due to limitations in technology." A diagram in section 11B is referred to which in relation to implementation by territorial authorities shows the following:



93. In this case, the District Plan identifies SNAs through Appendix 2. This does not appear to be a question of *how* an SNA should be identified (e.g. whether it should be mapped or identified in another way) as the definition of SNAs states that they are “listed in Appendix 2- Natural Heritage Inventory and their location and extent are shown on the Planning Maps.” Rather, the question is whether certain SNAs should be included in Appendix 2 and therefore become subject to the provisions of the District Plan.
94. If certain SNAs that have been assessed and ‘identified’ are not scheduled, then it is unclear to us how:
- (a) SNAs are being identified in a way which gives effect to the BOPRPS and WRPS. Both regional policy statements refer to identification and protection. While it could be argued that the regional policy statements do not explicitly require mapping/scheduling associated with district plan rules, they do nevertheless require some form of identification and protection.
 - (b) How the “directive and obligatory” protection in s 6(c) is achieved (particularly in the absence of there being other methods articulated in the District Plan).
95. In summary, we do not think the RMA or the regional policy statements explicitly state that the Council must identify all SNAs. However, there is a judgment to be made about whether the non-scheduling of certain SNAs gives effect to the regional policy statements and protects SNAs in accordance with s 6(c). We conclude that identification of SNAs in Appendix 2 is required to give effect to the regional policy statements and protect SNAs in accordance with s 6(c).
96. To this we would add the functions of territorial authorities which include (specifically in relation to indigenous biodiversity) the “control of any actual or potential effects of the use, development, or protection of land, including for the purpose of ... the maintenance of indigenous biological diversity”. We question how that ‘control’ function can be exercised if the control mechanism is in the hands of other parties.

The District Plan and alternative methods of protection

97. NPDC’s indication that a territorial authority was not *necessarily* obliged to achieve the protection sought by s 6(c) by incorporating rules in its district plan, suggests that a council is not *bound* to rely on the district plan as the primary tool for protecting indigenous biodiversity.
98. We are cautious about placing too much emphasis on that particular statement from NPDC in isolation, as the Environment Court went on to find in NPDC that the protection of SNAs which the District Council in that case was obliged to recognise and provide for required the application of the *full palette* of methods identified in the District Plan.
99. Certainly, the Council is able to rely on other methods as tools for protecting indigenous biodiversity, although in order for the s 32 evaluation to be completed we think those other methods would need to be articulated somewhere. Currently the District Plan states in Appendix 2:

A2.1.2 Significant Natural Areas

Significant natural areas (SNA) were identified, assessed and mapped in the report ‘Natural Heritage and Biodiversity Review 2009’. This report was a desk top review of the report ‘Natural Heritage of the Rotorua District’ completed in 1998. The scope of these reports was to identify significant natural areas located on private land and without formal protection. These sites are listed in order of their site number.

100. The section 32 evaluation also articulates the other methods where relevant – e.g, for site #142, the area shown in yellow is covered by alternative legal protection and including as an SNA would not be efficient.¹⁹
101. Again, there is no explicit mandatory direction to district councils to rely on district plans as the primary tool for protecting indigenous biodiversity. However, if the district plan is not the primary (or one of the primary) tool(s) for protecting indigenous biodiversity there is a question about whether the regional policy statements are being given effect to, or s 6(c) is being achieved. We also think that leaving certain SNAs to alternative legal protection which is, in effect, outside the Council's control (e.g. where the Council is not a party to particular arrangements) is open to challenge on the basis that the Council is not controlling the effects of the use, development, or protection of land, for the purpose of the maintenance of indigenous biodiversity.
102. We think there is a balance to be found where the district plan and alternative methods meet. This in our view should be provided in a more sophisticated version of the objectives, policies and rules (methods). Again, these matters are out of scope in our considerations. This makes it difficult to reconcile adding the areas with alternative methods in a framework that does not currently anticipate or appropriately provide for them.
103. The Section 42A report confirms that the District Plan does not identify areas as SNAs if the indigenous vegetation / habitat is legally protected by alternative means.²⁰

Discussion and finding

104. Although a district plan must state the objectives for the district, the policies to implement the objectives, and the rules (if any) to implement the policies, methods other than rules for implementing the policies for the district are not mandatory.
105. Nevertheless, one of the reservations we have about other methods in this instance is the lack of articulation of other methods in the District Plan. The District Plan itself only appears to address this in Appendix 2 when describing the reports which led to the scheduled sites, with the "scope of these reports ... to identify significant natural areas located on private land and without formal protection".
106. Fundamentally, the District Plan must assist the Council to carry out its functions in order to achieve the purpose of the RMA, be prepared in accordance with (amongst other things) the Council's functions under s 31 and the provisions of Part 2,11 and give effect to the regional policy statements.
107. It is a judgment call as to whether the non-scheduling of certain SNAs achieves these things. We think there is a risk that non-scheduling certain SNAs would be viewed by a Court as not achieving these things given:
- (a) The Council's function in s 31(1)(b)(iii) of the RMA;
 - (b) The fact that SNAs are defined in the District Plan as those listed in Appendix 2 (although apparently there are other SNAs but they are not listed in Appendix 2);
 - (c) The lack of articulation in the District Plan about other methods being used to implement the SNA policies for the district.
108. On the other hand we think there are valid reasons to support the use of alternative methods of protection that would achieve these matters above. This we think would be

¹⁹ Section 32 Report, page 46

²⁰ Section 42A Report, paragraph 5.45, page 26

best achieved by having the sites scheduled and appropriate objectives, policies and rules set out to recognise these alternative methods.

109. We believe it is premature to include these sites without the corresponding policy framework in the district plan. As such we find that although we agree with the Council officers that the SNAs not be scheduled, our reasons are different, in that we believe they should be considered as part of a review of the corresponding District Plan objectives, policies and methods.
110. We do not believe this applies as a blanket over all the sites with some form of alternative protection. For instance, sites which have voluntary agreements between members, draft management plans and other voluntary measures do not meet a necessary threshold or provide confidence that the measures are legally binding, can be enforced, and are of similar or stronger weight than the rules of the District Plan.

Tension between Part 2 Matters

111. The Plan Change as proposed seeks to moderate or limit the recognition of some SNAs where there are objectives and policies in the respective RPSs that give effect to section 6(e), 7(a) and 8, as well as national directions that may direct a particular consideration.
112. This approach has been used in our view to give weight to alternative methods of protection such as memorandums of understanding, management plans, and providing certainty to regional infrastructure and reducing compliance costs.
113. The legal advice relied upon by the Section 42A report advises that other Part 2 matters of relevance must be evaluated before a decision can be made as to whether to schedule or not in a district plan.²¹ The advice goes on to say:

Section 6(e) of the RMA does not ‘trump’ other matters of national importance, but the weight of national importance assigned to it in the context of significant indigenous vegetation values under s6(c) may be greater where otherwise qualifying sites contain wahi tapu or other taonga. A somewhat similar set of circumstances emerged in Te Tumu landowners Group V Tauranga City Council in which two district plan overlays were scheduled for the same waahi tapu site to recognise archaeological and cultural values respectively. Both values were considered to be of sufficient national importance, through the evaluation under s32, to warrant the scheduling of both values in the Tauranga District Plan.²²
114. We note that Waikato Regional Council, Bay of Plenty Regional Council and the Director-General of Conservation have not supported this approach.
115. Ms Hooper for the Director-General of Conservation advises us that too much weight has been given to selective parts of the New Plymouth case, and provides other parts of the decision including those which describe limitations of a single alternative measure.²³
116. Ms Hooper also quotes from the King Salmon case for the purposes of reminding us that the phrase give effect is a strong direction and the reasons are:

[a] The hierarchy of plans makes it important that objectives and policies at the regional level; and

²¹ Section 42A Report, Legal Advice, Appendix Three, page 193

²² Section 42A Report, Legal Advice, (paragraph 17), Appendix Three, page 193

²³ Ms Hooper, Legal Submission, paragraph 13 and 14, page 7

[b] The Regional Policy Statement, having passed through the [RMA] process, is deemed to give effect to Part 2 matters.²⁴

Discussion and Finding

117. We have two operative RPSs that have relevant provisions addressing SNAs. We are of the view that Part 2 matters have been addressed in those plans, and can be considered as appropriate in the circumstances affecting each SNA.
118. We have not identified a reason why other Part 2 matters would moderate or limit the scheduling of a SNA that met the criteria in the RPSs. The Tumu case suggests that other matters of national importance may be recognised in their own way in so much as they are presented. We note that the Te Tumu case related to review of the whole district plan and did not preclude the scheduling of the respective ecological and significant Maori areas.
119. We are mindful that King Salmon is helpful in explaining the relationship between ss 6, 7 and 8. We consider that every effort should be made to reconcile any apparent conflict between the provisions. We also consider that the most likely area for conflict will be within s 6 (where there are two or more apparently conflicting matters of national importance). Beyond that, the Supreme Court has said that the matters referred to in s 7 tend to be more abstract and more evaluative than the matters set out in s 6, and that under s 8 the principles of the Treaty may have an 'additional relevance' to decision makers (for example on a matter of process).
120. We think this is particularly important when weighing the tensions between section 6(c) and the other matters of national importance first, then considering section 7 and 8 matters.

Crown Land

121. The SNA report 2018 does not include sites located on 'protected public land' or land vested in the Crown and administered by the Department of Conservation (excluding reserves where other agencies have been appointed to control and manage or reserves vested in other agencies).²⁵
122. The Section 42A Report concludes that conservation covenants and other mechanisms were equivalent or stronger protection for a SNA.²⁶ There does not appear to be a final recommendation regarding conservation estate as it assumed that the Director-General and Bay of Plenty Regional Council are primarily concerned with private land.²⁷
123. The Waikato Regional Council seeks that the Council include as SNAs all areas within Department of Conservation estate that meet the criteria of the Waikato Regional Policy Statement, stating (submission 34.28):
- Such inclusion creates an appropriate contingency in the event of treaty settlement land transfers.
 - Having SNAs on transferred land will ensure that activities are appropriately managed under the RMA, after the land ceases to have a protected status under the Conservation Act.

²⁴ Ms Hooper, Legal Submission, paragraph 9(b)(ii), page 6

²⁵ Section 42A Report, paragraph 5.45, page 26

²⁶ Section 42A Report, paragraph 5.56, page 29

²⁷ Section 42A Report, paragraph 5.49, page 28

- This also makes it easier for landowners to access funding to improve management of those sites.²⁸

124. The Director-General submissions are silent on this matter and when asked at the hearing what their view was, their responses were not definitive in this regard.

125. Section 4 of the RMA provides that the RMA binds the Crown, except as provided in that section. We understand that Section 4 does not operate in a way which precludes local authorities from making rules applying to Crown land. Rather, it applies to exempt certain works from compliance with s 9 of the RMA.

126. The most relevant exclusion is that set out in s 4(3). It says that s 9(3) “does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act or any other Act specified in Schedule 1 to that Act (other than land held for administrative purposes) that:

- (a) Is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act; and
- (b) Does not have a significant adverse effect beyond the boundary of the area of land.”

Discussion

127. Given that the Council is not in a position to undertake a wide ranging enquiry as to whether there are proposed works, which are consistent with a conservation management strategy, conservation management plan, or management plan and do not have a significant adverse effect beyond the boundary of the area of land, it is our view that s 4(3) does not operate to preclude a local authority from scheduling SNAs on land owned or managed by the Crown.

128. Rather, the effect of s 4(3) is that if there are scheduled SNAs on Crown land, then s 9(3) does not apply *in the circumstances set out in s 4(3)*.

Finding

129. We note that an evaluation of sites on the conservation estate has not taken place, and to our knowledge there has been no formal consultation with the Department in this regard. We recommend that sites on the conservation estate be considered at the next plan change or district plan review.

National Environmental Standards for Plantation Forestry

130. The Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (**Forestry NES**) includes provisions relating to SNAs.

131. The Forestry NES does however provide that a rule in a plan maybe more stringent than, if the rule recognises and provides for the protection of SNAs (clause 6(2)). Otherwise, the Forestry NES contains provisions relating to SNAs, but not ones which would operate as a constraint on the ability to make rules.

Minimum contiguous land area

132. The Section 42A report recommends that several SNAs should not be listed due to the land area being very small. These SNAs include:

- SNA 716 Maungakakamea (see para 234-235)
- SNA 141 Pohaturoa wetlands (see para 182)

²⁸ Section 42A Report, paragraph 5.388, page 157

- SNA 712 Te Kopia (see para 234-235)
- SNA 679 Te Waerenga Road (see para 220)
- SNA 154 72 Te Manu Road

The section 32 report is silent on minimum contiguous areas and there do not appear to be any provisions for consideration of minimum contiguous area in the District Plan. The Commissioners note that there are also scope issues with respect to several of the above sites.

Discussion and Finding

133. The Commissioners have not identified a minimum contiguous land area required for an SNA to be classed as significant in the WRPS, BOPRS, and the RLDP. There is no minimum contiguous area identified in the SNA Report 2018.
134. The criteria in the respective regional policy statements do consider size, however this is more related to the superlative of specimens rather than minimum spatial extent. For example, “the largest remaining examples of its type within the region or any relevant ecological district”.
135. We do not think minimum contiguous land area is a criteria that can be applied to considering whether an SNA should be excluded from the District Plan. Theoretically it is possible that an area is so reduced in extent that it does not meet any of the criteria for significance, however we consider this assessment should be made based on expert assessment and not minimum contiguous land area.
136. Whilst we think there would be some benefit in having some minimum contiguous area to avoid ridiculous situations such as a single tree or a disparate assemblage of vegetation, the absence of one at the present time presents a short-term challenge for managing some of the SNAs effectively.
137. We recommend that a minimum contiguous size be considered by suitable experts and practitioners at the next review of the criteria for SNAs.
138. We have recommended that a minimum contiguous area is not a consideration where an area has met the criteria of the RPSs.
139. We have already discussed and made a finding on the alternative methods suggested by CNI Holdings, which we believe do not provide an appropriate level of protection and control.

Inadequate Process

140. The panel has identified a number of matters that may exclude whole or part of an SNA in the district plan. We have grouped these matters in three categories, procedural, statutory and SNA thresholds.
141. The Commissioners have identified potential SNAs or parts of SNAs that may be out of scope, that is, subject to matters that would preclude them from consideration. These matters include:
- The SNA was not part of the notified proposed plan change.
 - The owner of the property was not notified (as distinct from consulted)
 - The owner of the property subject to an SNA has not been consulted
 - An assessment by a suitably qualified expert has not taken place.

Procedural

142. We have considered whether an SNA or change to an SNA can be excluded from the District Plan schedules due to a non-notification, that is, the proposed SNA has not been part of the notified proposed plan change. In such circumstances, there would be no need to notify the affected landowners of their rights to make submissions and attend the hearing. Landowners who may be affected by a proposed SNA that has not been notified would unlikely know of the process currently underway and would be excluded from the process.
143. For the Council, Ms Smith advised us that in her view non-notification would discount SNAs from consideration in the plan change. As such she has recommended there are a number of potential SNAs that would be 'out of scope' and not considered as part of the plan change. These sites include:
- Sites identified on pages 155-157 of the Section 42A report
 - An extension to SNA 578
 - SNA 570
 - SNA 157 - Pohaturoa
 - SNA 153 - Te Peka Road
 - SNA 148 - Te Ngae Lake Edge Wetlands
 - SNA 132 - Whakarewarewa
 - An extension to SNA 139 - Ngapuna Wetlands
 - SNA 111 - Paumauna Stream Riparian
 - SNA 8 - 39 Waikuta Road
144. For a number of these sites there has been no consultation with the landowners. The reasons provided by Ms Smith include the lack of contact details, contact details are incorrect, or there has been no reply from correspondence. Ms Smith provided us an overview of the consultation process that was undertaken at page 9 and 10 of the Section 42A report. It involved consultation with affected landowners from September 2018 to April 2019, prior to the notification of the plan change. There have also been a number of interactions and dialogue with landowners in response to submissions and direct contact.
145. There are several affected land blocks that are administered under the Māori Land Act 1993. These blocks of land have a large number of owners, however, may not have a trust or administering entity to represent their interests. This makes consultation with landowners challenging and time consuming. As we have mentioned above there are a number of reasons for not being able to make contact with and consult with landowners.
146. In some small instances the SNA has been unable to be assessed by an expert. The Wildlands 2018 report has identified two sites that could not be field surveyed and the status of those sites could not be determined by desktop assessment.
147. In a few instances the disputed boundaries or nature of the SNA that have not yet been ground-proofed. We understand from Ms Simpson and Ms Smith that the lack of ground-truthing is not fatal to a site being a SNA due to the accuracy of aerial photography and oblique aerial photography.²⁹

²⁹ Section 42A Report, paragraph 5.85, page 35.

148. We have also become aware of instances where landowners were not notified that the proposed plan change affected the relevant property. This limits the potential to address submissions seeking the following SNAs or extensions to SNAs:

- SNA 143
- SNA 141
- SNA 716 Maungakakamea
- SNA 712 Te Kopia (small areas)
- SNA – 708 (Tokerau A12 Block only)
- SNA 679 – Te Waerenga Road (Walshe, Loest and Moyle Properties only)
- SNA 660 – Mid Mangorewa Gorge (328 Dudley Road only)
- SNA 598 – Tokiaminga Stream Riparian
- SNA 597 Wharekaunga Stream Riparian
- SNA 579 – Tahunaatura Stream Gorge (Tumunui Lands only)

Discussion and Finding

149. We are of the view that the introduction of, removal of, or changes to an SNA would either have to have been notified in PC3, or requested as relief by a submitter on PC3 with sufficient particularity as is the case in R Campbell, 39 Waikuta Road.³⁰

150. As PC3 is a plan change, there is a question of the scope of the plan change. Our assessment is that no changes were proposed to the District Plan itself, and therefore changes to the District Plan are outside the scope of PC3. It is Appendix 2 which is the subject of PC3.

151. Some parties may argue that scope is even more confined – e.g. only those parts of PC3 which were being changed may be submitted on, and since Appendix 2 did not include sites with alternative legal protection, those cannot now be brought into Appendix 2. We do think this is an arguable ‘grey’ area. However, we consider that the question of removing SNAs which are currently in Appendix 2 but are proposed to be removed, is squarely before the Council.

152. Clause 5 of the First Schedule to the RMA sets out the requirements for notification of a proposed plan. Clause 5(1A) provides:

A territorial authority shall, not earlier than 60 working days before public notification or later than 10 working days after public notification of its plan, either—

- (a) Send a copy of the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, to every ratepayer for the area of the territorial authority where that person, in the territorial authority's opinion, is likely to be directly affected by the proposed plan; or
- (b) Include the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, in any publication or circular which is issued or sent to all residential properties and Post Office box addresses located in the affected area—

and shall send a copy of the public notice to any other person who, in the territorial authority's opinion, is directly affected by the plan.

153. If there were a failure to comply with the notification requirements of the First Schedule, we think that would be problematic (and potentially fatal) to at least the relevant part of PC3.

³⁰ Section 42A Report, paragraph 5.390, page 157

Consultation

154. The consultation requirements under the First Schedule do not require consultation with the landowner but the local authority may choose to do so. Consultation undertaken should be conducted meaningfully, with appropriate persons and be informed.

155. For completeness, we note that clause 3 of the First Schedule to the RMA provides that during the preparation of a proposed plan, the local authority shall consult the following:

- (a) The Minister for the Environment;
- (b) Other ministers of the Crown who may be affected by the proposed plan;
- (c) Local authorities who may be so affected;
- (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.

156. If there were a failure to comply with the consultation requirements of the First Schedule, we think that would be problematic (and potentially fatal) to PC3.

157. A local authority may consult anyone else during the preparation of a proposed plan.

Multiple Landowners

158. Owners of Māori land who the Council considers are likely to be directly affected by PC3 should be notified in accordance with clause 5 of the First Schedule. Difficulties can arise in notifying owners of Māori land, where there are multiple landowners who are unable to be identified or contacted.

159. Section 353 of the RMA provides that Part 10 of the Māori Land Act 1993 shall apply to the service of notices under the RMA on owners of Māori land, except that in no case shall the period fixed for anything to be done by the owners be extended by more than 20 working days under s 181 (4) of that Act unless otherwise provided by the local authority.

160. Part 10 of the Te Ture Whenua Māori Act 1993 provides that:

- (a) If the Māori land block is not vested in any trustee(s), and is beneficially owned by more than 10 persons, notice can be served on the Registrar of the Māori Land Court for the district in which the land is situated;
- (b) If the Māori land block is not vested in any trustee(s), and is beneficially owned by not more than 10 persons, the Court may determine that an agent be appointed to represent any owner that is dead and their interests have not been succeeded to or if their whereabouts is unknown and therefore giving notice to that owner is impractical.

161. We do not consider that the additional time involved with the Court appointing an agent or any difficulty in meeting First Schedule requirements means that they can be overlooked. If there were a failure to comply with the notification requirements of the First Schedule, we think that would be problematic (and potentially fatal) to at least the relevant part of PC3.

Assessment by an expert

162. We have commented earlier in this decision regarding the preparation of the SNA Report. We would expect SNAs which are to be scheduled to have been assessed by

an expert so that there is a robust and evidential basis upon which the relevant SNA meets the criteria of the relevant regional policy statement. If they have not been assessed, then we would expect there to be some other incontrovertible evidence that the proposed SNA does or does not meet the criteria for SNAs set out in the BOPRPS or WRPS. In the absence of an assessment, or other incontrovertible evidence, we do not see how the Council has an evidential basis on which to include an SNA in Appendix 2 (or not).

Disputed boundaries / nature of SNA

163. Where there are disputes about the boundaries of SNAs, or the values of SNAs, then we think this becomes an evaluative judgment for the decision-maker based on the evidence before it. If the Panel is called to make a recommendation on such matters, we think it should set out what evidence it heard, and then articulate in its recommendation why it has recommended a particular outcome.

Compensation

164. The section 42A Report sets out the issue of compensation raised in the submission of the Rotorua Rural Community Board. The submitter seeks full compensation of capital value and operating losses accruing to the landowner as a result of a site being scheduled as a SNA. This submission is supported in part by C and W Tozer, in so far as pest control, rates remission, transferrable development rights, resource consent fee waivers and other measures may be provided by Council.
165. We consider such measures requested by Rotorua Rural Community Board are not provided for in the Resource Management Act 1991. There are provisions that provide for compensation relating to taking of esplanades, vesting of roads, taking of beds of rivers and acquisitions for public works.
166. We do acknowledge that the Council is exploring a range of 'incentives' as part of the long term plan, and we think it prudent that a more sophisticated policy framework in the future consider suitable objectives, policies and methods that support landowners protecting SNAs.
167. We reject the submission of the Rotorua Rural Community Board and the further submission of C and W Tozer.

Incentives and Support

168. This matter is similar to the aforementioned matter of compensation in that Plan Change 3 is not considering changes to the objectives, policies and methods of the district plan.
169. The Section 42 A sets out the background, submissions and evaluation. We agree with the evaluation and recommendation and make no changes in response to the submissions.³¹

Performance standard for existing grazing

170. Federated Farmers seeks that A9.2.3(3)(a)(viii) be amended to provide the same opportunity to newly affected landowners as was given to those affected by the District Plan review (submission 9.06).
171. Rule 9.5.72 of the District Plan provides that disturbance, restoration, re-vegetation or enhancement of indigenous vegetation within SNAs is a permitted activity in rural zones provided it meets performance standards in Appendix 9. These performance

³¹ Section 42A Report, paragraphs 5.67-5.71, pages 32-33

standards, in turn, allow for disturbance in certain circumstances (A9.2.3(3)(a)). In resolving appeals on the District Plan an additional circumstance (viii) was added to allow for:

viii. The continuation of grazing in the rural zone where it does not increase the scale and intensity, as stated in the report by an agricultural consultant submitted to Rotorua District Council within six months of the Plan being fully operative, provided that the grazing does not cease for more than 12 months.

172. Forest and Board oppose all parts of the Federated Farmers submission and did not attend the hearing.

173. The section 42 Report author recommends that landowners of new sites should have the same opportunity to clarify the level of permitted grazing. The recommended amendment to A9.2.3(3)(a)(viii) is as follows:

174. *viii. The continuation of grazing in the rural zone where it does not increase the scale and intensity as stated in the report by an agricultural consultant submitted to Rotorua District Council within six months of the Plan being fully operative the inclusion of the significant natural area on that site becoming operative, provided that the grazing does not cease for more than 12 months.*

175. We have some sympathy for the request and would agree that the amendments would give an opportunity similar to those at the time of the district plan review. We are not privy to the circumstances in which the appeals on this point were concluded, but more importantly Plan Change 3 seeks changes to the schedule and not the objectives, policies and methods of the district plan. We are of the view that the request is out of scope. We do not consider the request to be either consequential or a minor correction.

UNCONTESTED SNAS

176. There are some 37 SNAs that are uncontested by the RLC and submitters. These are sites with submissions in support included with Group 2 sites in the Section 42A report.³² The following table lists the SNAs, the Section 42A recommendations, the submitters that support their inclusion and our recommendation.

Table 1 – Uncontested SNAs

SNA #	Name	Sec 42A page	Sec42A Report Recommendation	Submissions in support	Recommendation
1	Mamaku	37	No concerns raised - should be progressed Parts of existing SNA removed because of QEII covenants Part of existing SNA removed for Nga Whenua Rahui kawenata	s8.63 DOC, fs8 F&Bird	Approve - no amendments required

³² Section 42A Report, paragraph 5.94, pages 37-38

SNA #	Name	Sec 42A page	Sec42A Report Recommendation	Submissions in support	Recommendation
2	Ohinenui Stream	37	No concerns raised - should be progressed	s8.63 DOC, fs8 F&Bird	Approve - no amendments required
5	Waitetahi Stream	37	No concerns raised - should be progressed	s8.63 DOC, fs8 F&Bird	Approve - no amendments required
15	Waiteti Stream	37	No concerns raised - should be progressed	s8.63 DOC, fs8 F&Bird	Approve - no amendments required
32	Tumoana Point	37	No concerns raised - should be progressed	s8.06 DOC, fs8 F&Bird	Approve - no amendments required
34	Te Ngae Junction Wetland	37	No concerns raised - should be progressed	s8.07 DOC, fs8 F&Bird	Approve - no amendments required
37	Maraeroa	37	No concerns raised - should be progressed	s8.08 DOC, s10.01 Hancock, fs8 F&Bird	Approve - no amendments required
45	Cookson Road	37	No concerns raised - should be progressed	s8.63 DOC, fs8 F&Bird	Approve - no amendments required
123	Wharetata Bay	37	No concerns raised - should be progressed	s8.10 DOC, s10.02 Hancock, fs8 F&Bird	Approve - no amendments required
124	Otutatara Springs	37	No concerns raised - should be progressed	s8.11 DOC, s10.03 Hancock, fs8 F&Bird	Approve - no amendments required
127	Otutatara Road Lake	37	No concerns raised - should be progressed	s8.12 DOC, s10.04 Hancock, fs8 F&Bird	Approve - no amendments required

SNA #	Name	Sec 42A page	Sec42A Report Recommendation	Submissions in support	Recommendation
147	Tikitere Kahikatea	37	No concerns raised - should be progressed	s8.17 DOC, fs8 F&Bird	Approve - no amendments required
151	Tawa Road	37	No concerns raised - should be progressed	s8.19 DOC, fs8 F&Bird	Approve - no amendments required
156	Horohoro Forest Extension	37	No concerns raised - should be progressed	s8.22 DOC, fs8 F&Bird	Approve - no amendments required
157	Anderson Road	37	No concerns raised - should be progressed	s8.23 DOC, s10.05 Hancock, fs8 F&Bird	Approve - no amendments required
158	Hauraki Stream	37	No concerns raised - should be progressed	s8.24 DOC, fs8 F&Bird	Approve - no amendments required
167	Tikitere Hill Forest	37	No concerns raised - should be progressed	s8.25 DOC, s10.06 Hancock, fs8 F&Bird	Approve - no amendments required
172	Upper Wairau Bay	37	No concerns raised - should be progressed	s8.26 DOC, s10.07 Hancock, fs8 F&Bird	Approve - no amendments required
411	Mamaku South Road Bush	37	No concerns raised - should be progressed	s8.63 DOC, fs8 F&Bird	Approve - no amendments required
415	Barker Road	37	No concerns raised - should be progressed	s8.36 DOC, fs8 F&Bird	Approve - no amendments required
417	Arahiwi	37	No concerns raised - should be progressed	s8.37 DOC, fs8 F&Bird	Approve - no amendments required

SNA #	Name	Sec 42A page	Sec42A Report Recommendation	Submissions in support	Recommendation
552	Horohoro Geothermal Area	37	No concerns raised - should be progressed	s8.62 DOC, s34.05 Waikato RC, fs8 F&Bird	Approve - no amendments required
568	Waikato River Springs	38	No concerns raised - should be progressed	s8.62 DOC, s34.09 Waikato RC, fs8 F&Bird	Approve - no amendments required
571	Wharepapa Road	38	No concerns raised - should be progressed	s8.62 DOC, s34.10 Waikato RC, fs8 F&Bird	Approve - no amendments required
572	Ngapouri	38	No concerns raised - should be progressed	s8.62 DOC, s34.11 Waikato RC, fs8 F&Bird	Approve - no amendments required
577	Rahopakapa ka	38	No concerns raised - should be progressed	s8.38 DOC, s10.10 Hancock, fs8 F&Bird	Approve - no amendments required
582	Lake Atiamuri North Faces	38	No concerns raised - should be progressed	s8.40 DOC, fs8 F&Bird	Approve - no amendments required
583	Lake Atiamuri South Faces	84	Adopt SNA 583 as notified	s8.41 DOC, s18.01 Mercury Energy, fs 8.41 and 8.76 F&Bird	Approve - no amendments required
589	Lake Ohakuri Northeast Riparian	38	No concerns raised - should be progressed	s8.43 DOC, fs8 F&Bird	Approve - no amendments required
596	Pukemoremore	38	No concerns raised - should be progressed	s8.46 DOC, fs8 F&Bird	Approve - no amendments required

SNA #	Name	Sec 42A page	Sec42A Report Recommendation	Submissions in support	Recommendation
658	Upper Pipikarihi Road	38	No concerns raised - should be progressed	s8.28 DOC, fs8 F&Bird	Approve - no amendments required
659	Mervyn Street	38	No concerns raised - should be progressed	s8.29 DOC, s1.01 Aislabie, fs8 F&Bird	Approve - no amendments required
680	Jackson Road	38	No concerns raised - should be progressed	s8.32 DOC, fs8 F&Bird	Approve - no amendments required
710	Akatarewa East	38	No concerns raised - should be progressed	s8.52 DOC, s34.18 Waikato RC, fs8 F&Bird	Approve - no amendments required
713	Mangamingi Station	38	No concerns raised - should be progressed	s8.54 DOC, s34.20 Waikato RC, fs8 F&Bird	Approve - no amendments required
714	Matapan Road	38	No concerns raised - should be progressed	s8.55 DOC, s34.21 Waikato RC, fs8 F&Bird	Approve - no amendments required
717	Upper Atiamuri West	38	No concerns raised - should be progressed	s8.58 DOC, s34.23 Waikato RC, fs8 F&Bird	Approve - no amendments required
718	Western Te Kopia	151	Adopt SNA 718 with an additional area at 862 Te Kopia Road as identified in figure XI, S42A page 152	s8.59 DOC, s34.24 Waikato RC, fs 8.59 & fs 8.111 F&Bird, fs 1.01 Bayes	Adopt SNA 718 with an additional area at 862 Te Kopia Road as identified in figure XI, S42A page 152

SNA #	Name	Sec 42A page	Sec42A Report Recommendation	Submissions in support	Recommendation
801	Murphy's Springs	38	No concerns raised - should be progressed	s8.61 DOC, s34.26 Waikato RC, fs8 F&Bird	Approve - no amendments required

OUT OF SCOPE SNAS

177. We have identified a number of sites which were not notified with the plan change, the landowners have not been notified, no consultation was undertaken with the landowner and/or the site was not assessed by an expert (table 2).

178. There are also sites that have been notified, however, submitters have requested additional areas that have not been subject to assessment, ground truthing or any consultation (table 3).

Table 2 – Out of Scope Sites/SNAs

Site No	Name	S42 A Page	Summary of S42A Recommendation	Subs in Support of SNA (including those wanting additional areas added)	Subs Opposing SNA or the proposed change to the SNA	Recommendation
111	Paumauna Stream Riparian	155	Out of scope Not notified. Staff ruled submission by DOC out of scope	s8.09, s8.27 & s 8.65 DOC		Do not schedule extension identified by DOC.
132	Whakarewarewa	155	Out of scope Not considered an appropriate time for consultation, as ownership under negotiation Staff ruled out of scope as did not notify and have not	s2.05 BOPRC		Do not schedule

Site No	Name	S42 A Page	Summary of S42A Recommendation	Subs in Support of SNA (including those wanting additional areas added)	Subs Opposing SNA or the proposed change to the SNA	Recommendation
			consulted with owners			
139	Ngapuna Wetlands	40	Adopt new SNA without extension to South & East requested by DOC as owners of these additional sites have not been consulted	s8.13 DOC, fs8.13 F&Bird		Schedule SNA as notified. Do not schedule additional areas requested by DOC, F&B
148	Te Ngae Lake Edge Wetlands	51	Do not include 148 as an SNA at this time due to issues with consultation and notification of multiple owners	s8.18 DOC, s2.09 BOPRC, fs8.18 & fs8.74 F&Bird		Do not schedule.
153	Peka Forest	155	Out of scope No access so unable to ground-proof Not notified	s2.03 & s2.04 BOPRC, fs 5.12 & fs 5.03 DOC	fs 6.03 & fs 6.04 Fed Farmers	Do not schedule

Site No	Name	S42 A Page	Summary of S42A Recommendation	Subs in Support of SNA (including those wanting additional areas added)	Subs Opposing SNA or the proposed change to the SNA	Recommendation
177	Pohaturoa	155	Out of scope	s8.09, s8.27 & s 8.65 DOC		Do not schedule additional areas identified by DOC
578	Ngatuku Road Wetlands	155	Out of scope No access so unable to ground-proof Not notified	s2.03 & s2.04 BOPRC, fs 5.12 & fs 5.03 DOC	fs 6.03 & fs 6.04 Fed Farmers	Do not schedule
	Several sites not notified in PC3 - S42A pages 155-157	155	Out of scope Not Notified	s2.06 BOPRC, s8.09 & s8.27 & s8.65 DOC	fs 5.04 & 6.05 Fed Farmers	Do not schedule

Table 3 – Sites with alternative protection not to be scheduled

Site No	Name	S42 A Page	Summary of S42A Recommendation	Subs in Support of SNA (including those wanting additional areas added)	Subs Opposing SNA or the proposed change to the SNA	Recommendation
800	Northern Paeroa Range	153	Adopt new SNA as identified by ecologists and without extension over reserve requested by WRC	s8.60 DOC, s34.25 WRC fs8.112 F&Bird	fs6.33 Fed Farmers	Schedule site 800 excluding reserve
555	Waiōtapu South	63	Amend existing SNA as identified by ecologists	s34.06 and 34.27 WRC, s8.62 DOC,	s6.29 and 6.34 Fed Farmers	Amend SNA555 as identified by ecologists. Do not include reserve

Site No	Name	S42 A Page	Summary of S42A Recommendation	Subs in Support of SNA (including those wanting additional areas added)	Subs Opposing SNA or the proposed change to the SNA	Recommendation
			without the extension over the reserve	fs8.93 and 8.62 F&Bird		
573	Waiotapu North	76	Amend boundaries as proposed. Do not include the reserve.	s8.62 DOC, s34.12 and 34.27 WRC. fs8.62, 8.99 and 8.114 F&Bird		Amend SNA 573 as identified by ecologists. Do not include reserve
574	Waikite Valley	78	Amend boundaries as proposed. Do not include the reserve.	s8.62 DOC, s34.13 and 34.27 WRC. fs8.62, 8.100 and 8.114 F&Bird		Amend SNA 573 as identified by ecologists. Do not include reserve

CONTESTED SNAS

Site 008 Waiohiro Flat Wetland

179. A removal to part of an existing SNA at 39 Waikuta Road was sought by the owner. The staff recommendation was to remove SNA 8 following a site visit by Wildlands.

180. The removal of this area as we understand, was not notified.

181. We recommend that the area identified be removed from the District Plan.

Site 141 Pohaturoa Wetlands

182. This site was not notified in the plan change and owners were not notified that plan change affected the relevant property. It is considered to be out of scope and may be considered in future SNA review.

Site 154 Te Miri Road

183. Site 154 extends across some 13 properties, a mixture of freehold and Māori land.

184. The Section 42A report adequately sets out the issues raised by submitters,

185. We heard from Mr Honeck from Te Miro Trust who oppose the SNA being scheduled as noted in the appearances. He explained to us the range of measures the Trust had undertaken to protect Site 154, including fencing. He pointed out to us (on an aerial) the tree canopy with grazing areas, an asbestos and dump site, old pines and gorse.

186. We agree with the recommendations of the Section 42A report. We recommend that the proposed SNA 154 as notified be scheduled with the exclusion of the two Maori blocks, as shown in figure II on page 59 of the Section 42A report.

Site 155 Horohoro Forest East

187. This site has been recommended by the ecologist and the Section 42A report. The landowner has articulated the deep history and connections with the land. The landowner is concerned regarding impacts on the current grazing. We understand the plan provides for existing grazing rights. The landowner has indicated interest in future protection measures such as a covenant.

188. We recommend that the site 155 be scheduled in the District Plan as recommended in the Section 42A report.

Site 558, 559 and 566

189. It is recommended that the additions and removals identified by the ecologists be made. This includes removal of areas subject to alternative protection which should be subject to a future review with other sites with alternative legal protection measures.

Site 567

190. The location and boundaries of this site were contested by the landowner. The updating of property boundaries and confirmation of the site on the property are sufficient to confirm the location of the SNA on this land. We recommend that the boundaries of Site 567 are amended in the District Plan as identified by the ecologists.

Site 570

191. Site 570 is not currently scheduled in the District Plan but is shown on the planning maps. There has not been an ecological assessment to support this site being included in the schedule of SNAs.

192. The site is subject to a conservation covenant under the Reserves Act.

193. It is recommended that Site 570 not be scheduled and subject to a future review with other sites with alternative legal protection measures.

Site 579

194. The Section 42A report has recommended that this site is scheduled with the exclusion of an area subject to a Memorandum of Understanding. The Memorandum of Understanding does not in our view meet the thresholds for protection, is not legally binding and cannot be enforced. However, this area of land was not notified with the Plan Change and is deemed to be out of scope. We recommend that the excluded area be considered at the next SNA review.

195. We recommend that site 579 excluding the area at 2387 State Highway 30 (Tumunui Lands Trust) be scheduled in the District Plan.

Site 583

196. Dr Taylor-Smith, in her ecological evidence for Mercury, concluded that the boundary for Site 583 should be reviewed near the bridge within the core electricity generation site for the Ōhakuri Dam. The consulting ecologist, Ms Simpson from Wildlands, supports this conclusion. Ms Simpson had advised of changes to the mapping around the bridge (circulated in the hearing) following a site visit in February 2019. Unfortunately, this was not included in the Section 42A report. Ms Smith (for Council) recommended that these changes be made to SNA 583.

197. We have considered the evidence provided by Mercury, in particular Dr Taylor-Smith and the correspondence between Mercury and Rotorua Lakes Council staff. We concur

with the evidence that was presented to us and find that the changes to SNA 583 as described in the plan provided to us should be accepted.

Site 585 Lake Ōhakuri Northwest Riparian Faces

198. Following the receipt of submissions Council clarified with Department of Conservation staff that the concerns about the mapping of the SNA relate to 152 Maleme Road. Wildlands reviewed the mapping on this property using aerial photography and oblique aerial photography (2017) and recommend additions and removals to the proposed SNA as shown in Figure IV on page 92 of the Section 42A Report.³³
199. We agree with the Section 42A report, that these changes should be adopted. The owners of 152 Maleme Road did not provide feedback before the plan change was notified and did not submit. However, Council staff contacted the owners to ensure they were aware of the Director-General's submission and the potential to make a further submission. They were then sent the changes recommended by Wildlands and advised to consider lodging a late further submission
200. The landowners of the property at 890 Poutaka Road did not have as much time as other landowners to consider the SNA due to the recent sale of the property. The new landowners were contacted by Council staff to clarify if there were any specific concerns with the mapping.³⁴
201. Wildlands reviewed the mapping on 388 Maleme Road using oblique aerial photography and recommend that most of the SNA be removed from this property as shown in Figure V in the Section 42A Report.³⁵
202. In regards to the Ōhakuri Hydro Dam core site, we are cognisant that 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 hydro-electricity generation activities to the extent applicable to the region or district.³⁶ There is also a need for decision-makers to acknowledge the practical constraints associated with operation and maintenance of existing renewable electricity generation activities.³⁷
203. We believe that the District Plan should provide for these circumstances, where Site 585 is affected by the designation applying to the area above the Underground Diversion Tunnel. We recommend the exclusion of the diversion tunnel area as recommended in the Section 42A report.³⁸

Site 590, 592

204. We have accepted the recommendation in the Section 42A report and ecological review of the boundaries.

Site 660

205. Site 660 Mid Mangorewa Gorge is an existing SNA. Two new contiguous areas were assessed at 328 Dudley Road and 158 Dudley Road. The area at 158 Dudley Road was notified for scheduling and 328 Dudley Road was not notified for scheduling.

³³ Section 42A Report, paragraph 5.227, pages 91-92

³⁴ Section 42A Report, paragraph 5.229, page 92

³⁵ Section 42A Report, page 93

³⁶ NPS – Renewable Energy 2011, Policy E2

³⁷ NPS – Renewable Energy 2011, Policy C1

³⁸ Section 42A Report, paragraph 5.232, page 93

206. The Director-General of Conservation considers that scheduling of the whole area is required as a significant forest site adjoining conservation land and seeks the addition of both the areas identified by the ecologists. The Director-General states that all significant unprotected sites that meet the regional policy statement criteria must be scheduled as SNAs regardless of tenure (submission 8.30). This is supported by Forest and Bird (further submission 8.30).³⁹
207. The owner of 158 Dudley Road has not opposed the scheduling of the area on their property.⁴⁰
208. The owner of 328 Dudley Road opposes the submission of the Director-General as it does not adjoin conservation land as stated, does not have canopy on some edges suggested by the aerial photography, is currently grazed and provides shelter for livestock.⁴¹
209. Mr Cashmore, at paragraph 9.11 of his evidence, pointed out that the GIS data provided to the Department of Conservation did not include the changes to 299 Dudley Road and missed an area proposed to be included at 158 Dudley Road. These errors were acknowledged, and Ms Smith for Council ensured the hearing panel that the landowners were not misinformed. Notification material for landowners referred to the section 32 report detail of the proposed changes, however it is our understanding that the GIS data was created later.
210. We recommend that the area identified on 328 Dudley Road not be scheduled as a SNA due to the site not being included in the notified Plan Change. The panel notes that there are no alternative protection mechanisms applying to this area. This site should be considered at the next SNA review.

Site 664

211. Site 664 is an existing SNA. The ecologists have recommended that boundary adjustments are appropriate at 650 Kapukapu Road and part of the SNA within 1019 Kaharoa Road should be removed. The section 42A Report supported the boundary adjustments at 650 Kapukapu Road but recommended that all the SNA on 1019 Kaharoa Road should be removed.
212. The Section 42A Report notes that the site assessment has been undertaken at 650 Kapukapu Road and it is considered that the limited changes identified by the ecologists and notified for submissions should be adopted. It is not considered appropriate to remove the SNA to allow for planting of new exotics.
213. The owner of 650 Kapukapu Road, G Hartley, opposes the proposed changes, stating areas of historic grazing haven't been considered. He seeks the removal of the SNA for provision of new exotic planting of scrubland (submission 11.01). Federated Farmers supports the submission (further submission 6.15).⁴²
214. The Director-General of Conservation supports the limited removals identified by the ecologist at 650 Kapukapu Road and included in the notified plan change (submission 8.63). This is supported by Forest and Bird (further submission 8.63). In the further submission in response to G Hartley the Director-General states that the site contains significant indigenous vegetation; all sites that meet the significance criteria regional

³⁹ Section 42A Report, paragraph 5.260, page 106

⁴⁰ Section 42A Report, page 105

⁴¹ Section 42A Report, paragraph 5.261, page 106

⁴² Section 42A Report, paragraph 5.276, page 114

policy statements must be included as SNAs; SNAs cannot be removed to facilitate future development if they are assessed as significant; and the landowner hasn't identified which specific areas are of concern so it is difficult to assess the relief sought. The Director-General also considers that assurance that the site meets SNA criteria could be increased if ground-truthing is undertaken (further submission 5.10).⁴³

215. The Director-General opposes the proposed removal of the whole SNA on 1019 Kaharoa Road and seeks that the limited removals recommended by the ecologists be adopted. He states the SNA contains significant indigenous vegetation with significant kokako population (submission 8.64). This is supported by Forest and Bird (further submission 8.64).⁴⁴
216. The owner of 1019 Kaharoa Road, W Fleming, opposes the Director-General's submission. He states that one area was burnt in the 1960s and is not a natural area. He has lived there for over 58 years and there are no kokako in that area (only two sightings of kokako in the last 50 years). The other area has been grazed since 1936 and has been logged four times.
217. Federated Farmers also opposes the Director-General's submission, stating it supports the pragmatic approach taken in the notified Plan change. There is a range of options available to improve biodiversity outcomes on private land – identifying an area as an SNA is not the only way to 'protect' a site (further submission 6.13).⁴⁵
218. We agree with the site assessment for 650 Kapukapu Road and the limited changes identified by the ecologists and notified for submissions should be adopted. It is not considered appropriate to remove the SNA to allow for planting of new exotics.⁴⁶
219. We do not agree with the Section 42A Report regarding 1019 Kaharoa Road. We recommend that the boundaries of the SNA consistent with the area identified by the ecologists on page 113 of the Section 42A Report be adopted.

Site 679

220. This site is located across properties of Mr Walshe, Phillip Loest and Warwick Moyle. They have raised issues with the amount of land affected and a voluntary memorandum of understanding between owners. We do not believe that the MoU constitutes a legal protection mechanism that would appropriately and adequately protect the SNA.
221. The parts of the site that affect their properties were not included in the notified plan change. We recommend that Site 679 be included in the schedule of the District Plan as notified excluding the areas on the above properties. These excluded parts of the site should be considered at the next SNA review.

Site 681

222. The Section 42A report has recommended that this site is scheduled with the exclusion of an area (marked in red) which may be subject to future alternative protection and assessment. The landowner Memorandum of Understanding does not in our view meet the thresholds for protection outside of the plan, however there is a question whether the area marked in red has received a rigorous level of assessment. We did not receive any further information on this point from the ecologist. We are of the view that further assessment of this area is required and recommend that it should not be scheduled until such time further assessment is conducted. We reach the same

⁴³ Section 42A Report, paragraph 5.277, page 114

⁴⁴ Section 42A Report, paragraph 5.278, page 114

⁴⁵ Section 42A Report, paragraph 5.280, page 115

⁴⁶ Section 42A Report, paragraph 5.281, page 115

recommendation as the Section 42A report, that site 681 be scheduled excluding the area marked in red.

Sites 143, 597, 598, 700, 701 and 703

223. In the section 42A report it was recommended that sites 700, 701 and part of 703 not be included in the District Plan, subject to the hearing panel satisfying themselves that the content of the management plans and land improvement agreements for these sites will achieve similar or better outcomes than an SNA. Initial draft management plans were provided by Ms Robson, on behalf for Timberlands, at the hearing to demonstrate progress.
224. Site 143, 597 and 598 were not recommended to be included in the schedule due to potentially undermining Treaty settlements, existing forestry standards and practises, the low risk of damage or their relatively small size. These sites were not included in the notified proposal and the owners of these sites were not notified that proposed plan change 3 affected their property. These sites should be considered at the next SNA review.
225. We have discussed a range of matters relating to these sites including minimum contiguous area, tension between Part 2 matters and alternative protection methods.
226. We note that the management plans we received as part of the submissions were early drafts, the drafts refer to generic management plan policies for forestry reserves, and the submitters stated an intention to include pest management policies but the details appears yet to be developed for one of the draft plans.
227. We were not satisfied that a land improvement agreement covering the area at 'Short Road Gully' is not a suitable substitute for district plan protection relate to access for pest control. We do however see some benefit in providing for pest control access on existing and proposed tracks but not a proposed future cabin.⁴⁷
228. For these reasons and earlier findings set out in this decision we have recommended that these sites 700, 701 and 703 be scheduled in Appendix 2 with exception of small amendments to the Short Road Gully.

Site 142

229. An extension to Site 142 and the removal of area deemed to be protected by a covenant has been recommended in the Section 42A report.⁴⁸
230. It is recommended that boundary changes identified in the s42A report be made subject to a future review with other sites with alternative legal protection measures.

Site 708 Tokerau Wetland A and 709 Tokerau Wetland B

231. Site 708 is located on Maori freehold land managed by an Ahu Whenua Trust and an adjoining property owned by Vercoe Farm partnership. The surrounding land use is plantation forestry. Site 708 and 709 have been recommended to be scheduled as a new SNA. We have previously mentioned that the Director-General of Conservation has submitted to extend the SNA to include the Tokerau A12 Block (para 11-12).
232. The landowners have acknowledged the SNA status and requested that they can access and harvest watercress. It is understood that this activity is not fettered by the SNA and would have little if any bearing on the SNA.

⁴⁷ Section 42A Report, paragraph 5.311, page 132

⁴⁸ Section 42A Report, page 46-47

233. We recommend that Site 708 (excluding Tokerau A12 block) and 709 are scheduled in the District Plan including the areas as shown in Figure X, page 139 of the Section 42A Report.

Site 712 Te Kopia and 716 Maungakakamea

234. We have previously commented on the minimum contiguous area at paragraphs 132 to 139. We have recommended that a minimum contiguous area is not a consideration where an area has met the criteria of the RPSs, and that this matter should be addressed at the next review of the relevant objectives, policies and methods.
235. Small areas within Site 712 Te Kopia and Site 716 Maungakakamea were not notified in the Plan Change and are considered to be out of scope. We recommend that these areas are not scheduled in the district plan and considered at the next SNA review.

Site 715 Ohaaki Steamfield East

236. This site is a geothermal basin about 0.8ha, located on a Landcorp property.
237. The Waikato Regional Policy Statement is explicit that Chapter 11 (containing the SNA policies and methods) does not apply to indigenous biodiversity that forms part of geothermal features within the Development Geothermal Systems or Limited Development Geothermal Systems.
238. The Section 42A Report notes that the District Plan contains several other existing geothermal SNAs within geothermal systems classified for development or limited development. A plan change may be required in the future to align the approach to these to regional policy and / or the emerging national policy statement.⁴⁹
239. We recommend that site 715 is not included in the District Plan.

Site 718 Western Te Kopia

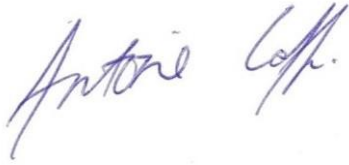
240. This is a new SNA over several non-contiguous areas. The site is located over two properties. Following a further site visit, a further area was identified for inclusion (see Figure XI, page 152).
241. We accept the reviewed extent of the boundary and recommend scheduling the SNA with the additional area at 862 Te Kopia Road.

SECTION 32AA

242. Whilst the Hearing panel generally concurs with the section 42A report, there are several matters where we have differing views. This is particularly with regard to whether SNAs should be scheduled in the District Plan to give effect to the WRPS and the BOPRPS, and ultimately section 6(c) of the RMA, and the scope of sites with alternative protection mechanisms and methods such as covenants, legal protections and location on the conservation estate.
243. The Hearings panel have considered that the relationship between the rules framework and Appendix 2 are symbiotic and should be reviewed in unison to prevent unintended consequences. We are also cognisant of the proposed NPS for Indigenous Biodiversity and believe it would be efficient and good practise to consider the range of issues that this plan change has raised in regard to the two matters above as well as expected higher controls and requirements for SNA from the national direction.

⁴⁹ Section 42A Report, paragraph 5.356, page 148

Signed

A handwritten signature in blue ink that reads "Antoine Coffin". The signature is written in a cursive style with a large initial 'A' and a distinct 'C'.

Antoine Coffin
Commissioner (Chair)

A handwritten signature in blue ink that reads "Rob Kent". The signature is written in a cursive style with a large initial 'R' and a distinct 'K'.

Rob Kent
Commissioner

APPENDIX 1 – SUMMARY OF DECISIONS

Topic	Sub #	Sub. Point #	Submitter Name	Decision Sought	Reasons	Further Submitter	F Sub #	FS Point #	Support / Oppose	FS Decision Sought	FS Reasons	Hearing Panel Recomm
Site 659 - Mervyn Street	1	1.01	Aislabie, V & B	Supports not to include their property as SNA [at 52 Dudley Road] that is already covenanted.	The area identified for further protection in your maps predominantly exists across the property boundary at 62 Dudley Road. We agree that providing further protection to these types of areas, which are already protected could cause confusion in the future.	Director General of Conservation	5	5.01	O	Include all sites that meet significance criteria, even if they are already covenanted	The Director-General considers that all sites that meet the significance criteria in the WRPS and BOPRS must be included as SNAs	Accept
h) Other sites not in scope of notified plan change	2	2.03	Bay of Plenty Regional Council Toi Moana (BOPRC)	Site #153 be included unless identified as not meeting the significance criteria.	Site #153 identified as wetland vegetation - wetlands are covered by National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and have been reduced to less than 10% of their former extent in the Bay of Plenty Region. Note: Parts of this site were identified in the recent desk top wetland extent mapping carried out by Landcare Research. Site 578 is outside the BOP region however the same information applies here. BOPRC seek that all sites that meet the significance criteria are included as SNAs. This is required under RPS Policies MN 1B (a) & (c) and MN 3B (c). Ensure completeness of the SNA layer, District Plan schedule and maps.	Director General of Conservation	5	5.02	S	Allow submission that site 153 includes area of wetland vegetation and hence wetland areas should be included as SNAs	The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Wetlands are National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and are significantly reduced in area in the BOP.	Reject
h) Other sites not in scope of notified plan change	2	2.04	Bay of Plenty Regional Council Toi Moana (BOPRC)	Site #578 be included unless identified as not meeting the significance criteria.	Site #153 identified as wetland vegetation - wetlands are covered by National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and have been reduced to less than 10% of their former extent in the Bay of Plenty Region. Note: Parts of this site were identified in the recent desk top wetland extent mapping carried out by Landcare Research. Site 578 is outside the BOP region however the same information applies here. BOPRC seek that all sites that meet the significance criteria are included as snaps. This is required under RPS Policies MN 1B (a) & (c) and MN 3B (c). Ensure completeness of the SNA layer, District Plan schedule and maps.	Director General of Conservation	5	5.03	S	Allow submission that Site 578 includes area of wetland vegetation and hence wetland areas should be included as SNAs	The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Wetlands are National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and are significantly reduced in area in the BOP.	Reject
h) Other sites not in scope of notified plan change	2	2.06	Bay of Plenty Regional Council Toi Moana (BOPRC)	Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Regarding the acknowledgement in section 1.3 of the Section 32 Report that a number of additional amendments to existing SNAs and new SNAs have also been identified in a recent draft report (Wildland Consultants 2018c) but excluded from scope due to the need to progress the sites already under consideration - BOPRC seek that all sites that meet the significance criteria are included as SNAs. This is required under RPS Policies MN 1B (a) & (c) and MN 3B (c).	Director General of Conservation	5	5.04	S	Allow submission to include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps	The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRS must be included as SNAs	Accept in part
f) Sites with alternative legal protection (general points)	2	2.01	Bay of Plenty Regional Council Toi Moana (BOPRC)	(Regarding new and expanded SNAs) - Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Regarding considering of new and expanded SNAs - BOPRC retain concerns about the exclusion of some sites assessed as meeting the RPS Appendix F Set 3 criteria and/or provided protection under other means. We consider areas covenanted or protected by other mechanisms should still be added where these sites meet SNA assessment criteria. Generally these covenants seek to protect indigenous vegetation/ecological values which aligns with the purpose of SNAs. Our main concern is occasionally covenants are removed to enable subdivision and development inconsistent with the purpose of PC3.	Federated Farmers	6	6.01	O	Disallow submission	FFNZ does not accept that sites with existing legal protection, in particular, QE11 covenants, are at risk of losing that protection. A QE11 covenant protects the land in perpetuity. It cannot be removed for any reason. The sites with legal protection can still form part of a district biodiversity dataset, they do not need to be identified as an	Accept in part

					Excluding such areas poses a risk that their private protection status may be removed leaving them with no protection under the District Plan. Inclusion of all sites that meet the significance criteria is required under RPS Policies MN 1B (a) & (c) and MN3B (c). BOPRC seeks to avoid a piecemeal approach to the District Plan SNA layer. Our preference is to ensure that the full extent of the SNAs are mapped across the district, to ensure there is a robust repository of all SNAs allowing for the completeness of the layer. Excluding sites afforded private protection from the SNAs maps and schedule doesn't lend well to future protection of sites under these other mechanisms.						SNA to achieve completeness of data.	
f) Sites with alternative legal protection (general points)	2	2.02	Bay of Plenty Regional Council Toi Moana (BOPRC)	(Regarding removed SNAs) - Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Regarding removal of sites that have alternative legal protection - BOPRC seek all sites that meet the significance criteria are included as SNAs. This is required under RPS Policies MN 1B (a) & (c) and MN 3B(c). BOPRC considers covenanted areas or areas with some other level of protection that meet the significance should still be added. Often the intention of these covenants is to protect the native vegetation/ecological value and therefore aligns with the site being made an SNA. It does not change the fact that these sites meet the SNA criteria. Further, occasionally covenants are removed to enable development inconsistent with the purpose of the PC3 (SNAs). Excluding such areas poses a risk that their private protection status may be removed leaving them with no protection under the District Plan. BOPRC seeks to avoid a piecemeal approach to the District Plan SNA layer. Our preference is to ensure that the full extent of the SNAs are mapped across the district, to ensure there is a robust repository of all SNAs allowing for the completeness of the layer. Excluding sites afforded private protection from the SNAs maps and schedule doesn't lend well to future protection of sites under these other mechanisms.	Federated Farmers	6	6.02	O	Disallow submission	FFNZ does not accept that sites with existing legal protection, in particular, QE11 covenants, are at risk of losing that protection. A QE11 covenant protects the land in perpetuity. It cannot be removed for any reason. The sites with legal protection can still form part of a district biodiversity dataset, they do not need to be identified as an SNA to achieve completeness of data.	Accept in part
h) Other sites not in scope of notified plan change	2	2.03	Bay of Plenty Regional Council Toi Moana (BOPRC)	Site #153 be included unless identified as not meeting the significance criteria.	Site #153 identified as wetland vegetation - wetlands are covered by National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and have been reduced to less than 10% of their former extent in the Bay of Plenty Region. Note: Parts of this site were identified in the recent desk top wetland extent mapping carried out by Landcare Research. Site 578 is outside the BOP region however the same information applies here. BOPRC seek that all sites that meet the significance criteria are included as SNAs. This is required under RPS Policies MN 1B (a) & (c) and MN 3B (c). Ensure completeness of the SNA layer, District Plan schedule and maps.	Federated Farmers	6	6.03	O	Disallow submission	The s32 report states that the status of sites 153 and 578 could not be determined from desktop information; this is a valid reason to not include them within the scope of PC3.	Reject
h) Other sites not in scope of notified plan change	2	2.04	Bay of Plenty Regional Council Toi Moana (BOPRC)	Site #578 be included unless identified as not meeting the significance criteria.	Site #153 identified as wetland vegetation - wetlands are covered by National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and have been reduced to less than 10% of their former extent in the Bay of Plenty Region. Note: Parts of this site were identified in the recent desk top wetland extent mapping carried out by Landcare Research. Site 578 is outside the BOP region however the same information applies here. BOPRC seek that all sites that meet the significance criteria are included as NAS. This is required under RPS Policies MN 1B (a) & (c) and MN 3B (c). Ensure	Federated Farmers	6	6.04	O	Disallow submission	The s32 report states that the status of sites 153 and 578 could not be determined from desktop information; this is a valid reason to not include them within the scope of PC3.	Reject

					completeness of the SNA layer, District Plan schedule and maps.							
h) Other sites not in scope of notified plan change	2	2.06	Bay of Plenty Regional Council Toi Moana (BOPRC)	Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Regarding the acknowledgement in section 1.3 of the Section 32 Report that a number of additional amendments to existing SNAs and new SNAs have also been identified in a recent draft report (Wildland Consultants 2018c) but excluded from scope due to the need to progress the sites already under consideration - BOPRC seek that all sites that meet the significance criteria are included as SNAs. This is required under RPS Policies MN 1B (a) & (c) and MN 3B (c).	Federated Farmers	6	6.05	O	Disallow submission	It is acknowledged in the Section 32 report that there is no certainty the additional sites described under section 1.3 would meet the significance criteria and as such can not be included into the SNA schedule. By necessity, the SNA identification process is always only going to be a 'snap shot of sites in time'. Non-regulatory methods are designed to help improve outcomes for those areas that are not quite at SNA status yet.	Accept in part
Various	2	2.01 - 2.09	Bay of Plenty Regional Council Toi Moana (BOPRC)	Refer to points mentioned above in submission points #2.01 - #2.09	Refer to points mentioned above in submission points #2.01 - #2.10	Forest and Bird	8	8.66-8.74	S	Allow submission	The amendments sought are necessary to give effect to the Regional Policy Statement and to provide for Councils responsibilities under Section 6 of the RMA	Refer to points mentioned above in submission points #2.01 - #2.10
f) Sites with alternative legal protection (general points)	2	2.01	Bay of Plenty Regional Council Toi Moana (BOPRC)	(Regarding new and expanded SNAs) - Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Regarding considering of new and expanded SNAs - BOPRC retain concerns about the exclusion of some sites assessed as meeting the RPS Appendix F Set 3 criteria and/or provided protection under other means. We consider areas covenanted or protected by other mechanisms should still be added where these sites meet SNA assessment criteria. Generally these covenants seek to protect indigenous vegetation/ecological values which aligns with the purpose of SNAs. Our main concern is occasionally covenants are removed to enable subdivision and development inconsistent with the purpose of PC3. Excluding such areas poses a risk that their private protection status may be removed leaving them with no protection under the District Plan. Inclusion of all sites that meet the significance criteria is required under RPS Policies MN 1B (a) & (c) and MN3B (c). BOPRC seeks to avoid a piecemeal approach to the District Plan SNA layer. Our preference is to ensure that the full extent of the SNAs are mapped across the district, to ensure there is a robust repository of all SNAs allowing for the completeness of the layer. Excluding sites afforded private protection from the SNAs maps and schedule doesn't lend well to future protection of sites under these other mechanisms.							Accept in part
h) Other sites not in scope of notified plan change	2	2.05	Bay of Plenty Regional Council Toi Moana (BOPRC)	Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Re exclusion of this site due to ownership - BOPRC seek that all sites that meet the significance criteria are included as SNAs. This is required under RPS Policies MN 1B (a) & (c) and MN 3B (c).							Accept in part

Site 141 - Pohaturoa Wetlands	2	2.07	Bay of Plenty Regional Council Toi Moana (BOPRC)	Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Along with the protection of significant indigenous vegetation and significant habitats of indigenous fauna Section 6(a) of the RMA identifies the preservation of wetlands to be another matter of national importance. BORPC have particular interest in ensuring the protection of wetlands identified as #141 Pohaturoa Wetland, #143 Reservoir Road Wetland and #148 Te Ngae Lake Edge Wetland. RLC has assessed the risk of not including these sites in the schedule as 'low'. This area is within Whakarewarewa Forest and these wetlands will be playing a part in the lake nutrient budgets. These wetlands should be included in the SNA schedule. Wildland Consultants (2017) made the recommendation that all existing wetlands in the Rotorua Catchment should be protected from development and drainage now. The protection should be formal and in perpetuity. These wetlands are already functioning to remove N from lake nutrient budgets; further reduction of these wetlands will increase the amount of N that needs to be removed from the lake by 'other' means. Only four lake edge wetlands currently have any legal protection status.								Reject
Site 143 - Reservoir Road Wetland	2	2.08	Bay of Plenty Regional Council Toi Moana (BOPRC)	Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Along with the protection of significant indigenous vegetation and significant habitats of indigenous fauna section 6(a) of the RMA identifies the preservation of wetlands to be another matter of national importance. BORPC have particular interest in ensuring the protection of wetlands identified as #141 Pohaturoa Wetland, #143 Reservoir Road Wetland and #148 Te Ngae Lake Edge Wetland. RLC has assessed the risk of not including these sites in the schedule as 'low'. This area is within Whakarewarewa Forest and these wetlands will be playing a part in the lake nutrient budgets. These wetlands should be included in the SNA schedule. Wildland Consultants (2017) made the recommendation that all existing wetlands in the Rotorua Catchment should be protected from development and drainage now. The protection should be formal and in perpetuity. These wetlands are already functioning to remove N from lake nutrient budgets; further reduction of these wetlands will increase the amount of N that needs to be removed from the lake by 'other' means. Only four lake edge wetlands currently have any legal protection status.								Reject
Site 148 - Te Ngae Lake Edge Wetlands	2	2.09	Bay of Plenty Regional Council Toi Moana (BOPRC)	Include all sites that meet significance criteria. Ensure completeness of the SNA layer, District Plan schedule and maps.	Along with the protection of significant indigenous vegetation and significant habitats of indigenous fauna section 6(a) of the RMA identifies the preservation of wetlands to be another matter of national importance. BORPC have particular interest in ensuring the protection of wetlands identified as #141 Pohaturoa Wetland, #143 Reservoir Road Wetland and #148 Te Ngae Lake Edge Wetland. From a water quality perspective, site #148 - Te Ngae Lake Edge wetland should be included in the SNA schedule as a priority. This area plays an important role as a lake edge wetland, filtering nutrients from entering Lake Rotorua. As an existing wetland, its role is already accounted for in lake nutrient budgets. Given the location close to the lake, development pressure								Reject

					on this wetland should be considered high and this wetland complex should be included in the schedule to ensure the nutrient filtering values of the site are protected in the long-term. Wildland Consultants (2017) made the recommendation that all existing wetlands in the Rotorua Catchment should be protected from development and drainage now. The protection should be formal and in perpetuity. These wetlands are already functioning to remove N from lake nutrient budgets; further reduction of these wetlands will increase the amount of N that needs to be removed from the lake by 'other' means. Only four lake edge wetlands currently have any legal protection status.							
Site 008 - Waiowhoro Flat Wetland	3	3.01	Campbell, R	I would like the council to review the current SNA classification [for SNA 8] and remove it from the paddock side of the Waikuta Stream.	Can we please give some consideration to reassessing the current SNA [at 39 Waikuta Road], because as it stands it is only a paddock and therefore is not a SNA. To better understand the real situation rather than relying on aerial photographs please feel free to arrange a visit to the property.	Director General of Conservation	5	5.05	S	Allow submission subject to groundtruthing	General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Accept
Site 008 - Waiowhoro Flat Wetland	3	3.01	Campbell, R	I would like the council to review the current SNA classification [for SNA 8] and remove it from the paddock side of the Waikuta Stream.	Can we please give some consideration to reassessing the current SNA [at 39 Waikuta Road], because as it stands it is only a paddock and therefore is not a SNA. To better understand the real situation rather than relying on aerial photographs please feel free to arrange a visit to the property.	Federated Farmers	6	6.06	S	Allow submission	This practical request is consistent with the decision sought in our submission.	Accept
i) Incentives and support	4	4.01	Campion, R	Support SNA 154 with amendment - reduced rates - we would like to see a permanent reduction of our rates maybe based on a per hectare saved into SNA.	While we are happy with revised SNA boundaries on our property, we are still losing the use of a large area of our land.							Accept in part
Site 154 - Te Miri Road	4	4.02	Campion, R	Support SNA 154 with amendment - reduced rates - we would like to see a permanent reduction of our rates maybe based on a per hectare saved into SNA.	While we are happy with revised SNA boundaries on our property, we are still losing the use of a large area of our land.							Accept in part

Site 142 - Poplar Avenue Wetlands	5	5.01	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	That the additional area proposed to be included [for SNA 142] is not classified as SNA.	<p>The vegetation does not meet significance criteria in the Bay of Plenty RPS. The additional areas identified are dominated by weeds. The intent of the RPS, objectives 19, 20, and 21, policies MN 1-4B can be given effect to without applying an SNA.</p> <p>The protective status of an SNA does not address the predominant risk to this site - plant and animal pests. The section 32 report states “On private land the main causes of decline are habitat destruction or modification through the removal, fragmentation and degradation of ecosystems, wetland drainage and the effects of pests and weeds.” The risks either do not apply to this land in the context of FSC certified forest practice (which their lessee is certified under), or the SNA status does not address the risks identified (e.g. active pest control).</p> <p>Plantation forestry on land adjacent to this site will not lead to loss of protection of the site. Regulation under the National Environmental Standard for Plantation Forestry (NES-PF) already apply to riparian margins and wetlands. These require setbacks for planting, replanting, crossings, harvesting, mechanical land prep and earthworks near a stream or wetland. Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer to the site.</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.2 which is to Support the integrity of SNAs and habitat of indigenous fauna by provision of buffers around SNAs.</p> <p>The NPS on Indigenous Biodiversity (2018) is a pre consultation draft with limited weight.</p> <p>The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association.</p>	Director General of Conservation	5	5.06	0	Retain SNA as per Director General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Wetlands are National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and are significantly reduced in area in BOP. The Director-General opposes the removal of SNA without provision of appropriate evidence that the SNA does not meet RPS criteria.	Reject
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Site 700 - Mangaharakeke Waterfall	5	5.02	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	This site is not classified as a SNA.	<p>The area containing significant vegetation is overstated. Many sub-parts are dominated by weeds. Vegetation on at least one landform does not meet the Waikato RPS criteria.</p> <p>The intent of the Waikato RPS, objective 3.19, policy 11.2 and methods 11.2.1 – 3 can be met without an SNA. Most relevant is method 11.2.2. Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the Waikato RPS method (11.2.2.a), therefore the cascade of avoidance, mitigation and offset (11.2.2.b-d) is not required. The site contains no rare, at risk, threatened or irreplaceable indigenous biodiversity (11.2.2.f); and the activity of plantation forestry located next to the site (11.2.2.g) if anything performs a protective function, in that the biggest risk appears to be domestic animals, deduced from the regional council seeking to fence all wetlands in this catchment.</p> <p>The protective status of an SNA does not address the predominant risk to this site – plant and animal pests. Council does not identify how an SNA gives greater protection. The section 32 report states “On private land the main causes of decline are habitat destruction or modification through the removal, fragmentation and degradation of ecosystems, wetland drainage and the effects of pests and weeds.”</p> <p>The risks either do not apply to this land in the context of FSC certified forest practice, or the SNA status does not address the risks identified (e.g. active pest control).</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer to the site.</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.2 which is to Support the integrity of Significant Natural Areas and habitat of indigenous fauna by provision of buffers around SNAs.</p> <p>The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association.</p> <p>The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.</p>	Director General of Conservation	5	5.20	0	Disallow submission. Retain site as SNA as per Director-General's submission	<p>Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Wetlands are National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and are significantly reduced in area in BOP.</p> <p>The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken</p>	Reject
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Site 701 - Mangaharakeke Wetland	5	5.03	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	This site [SNA 701] is not classified as a SNA.	Vegetation does not all meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Regulation under the National Environmental Standards for Plantation Forestry (NES-PF) already applies to riparian margins and wetlands. These require setbacks for planting, replanting, crossings, harvesting, mechanical land prep and earthworks near a stream or wetland (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3). Plantation forestry on adjacent land will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	Director General of Conservation	5	5.22	0	Disallow submission. Retain site as SNA as per Director-General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Wetlands are National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and are significantly reduced in area in BOP. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Reject
Site 703 - Torepatutahi Stream Riparian	5	5.04	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	This site [SNA 703] is not classified as a SNA.	It is a dry gully system except in periods of heavy rain and not riparian. Thus it does not meet RMA s6(a). Nor is the vegetation significant thus it does not meet RMA s6(c). Forest activities will not have a significant effect in any case, so classifying it as SNA will not provide extra protection from what it already receives under the Forestry Management Plan, The Plantation Forestry NES and the requirements of the FSC Certification. SNA classification would introduce another layer of compliance assessment with no additional benefit. Vegetation does not meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Plantation forestry on land adjacent to this unstocked site will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest and fence around the forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	Director General of Conservation	5	5.24	0	Disallow submission. Retain site as SNA as per Director-General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject

Site 703 - Torepatutahi Stream Riparian	5	5.04	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	This site [SNA 703] is not classified as a SNA.	<p>It is a dry gully system except in periods of heavy rain and not riparian. Thus it does not meet RMA s6(a). Nor is the vegetation significant thus it does not meet RMA s6(c).</p> <p>Forest activities will not have a significant effect in any case, so classifying it as SNA will not provide extra protection from what it already receives under the Forestry Management Plan, The Plantation Forestry NES and the requirements of the FSC Certification. SNA classification would introduce another layer of compliance assessment with no additional benefit. Vegetation does not meet the Waikato RPS criteria for significance.</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2).</p> <p>Plantation forestry on land adjacent to this unstocked site will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest and fence around the forest provides a buffer.</p> <p>The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association.</p> <p>The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.</p>	C & W Tozer	12	12.01	Support	Allow CNIILML submission opposing the classification of this area as an SNA.	Concur that the gully system is not a riparian – it is a dry gully system – only flowing in periods of extreme rainfall (severe thunderstorms). We support the CNIILML conclusion that areas do not meet the requirements of the RMA section 6(a) or significance criteria for RMA 6(c). Agree with the submitter that an SNA classification introduces yet another layer of compliance assessment when the existing protection mechanisms are adequate. We seek that the CNIILML submission be allowed.	Reject
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Site 700 - Mangaharakeke Waterfall	5	5.02	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	This site is not classified as a SNA.	<p>The area containing significant vegetation is overstated. Many sub-parts are dominated by weeds. Vegetation on at least one landform does not meet the Waikato RPS criteria.</p> <p>The intent of the Waikato RPS, objective 3.19, policy 11.2 and methods 11.2.1 – 3 can be met without an SNA. Most relevant is method 11.2.2. Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the Waikato RPS method (11.2.2.a), therefore the cascade of avoidance, mitigation and offset (11.2.2.b-d) is not required. The site contains no rare, at risk, threatened or irreplaceable indigenous biodiversity (11.2.2.f); and the activity of plantation forestry located next to the site (11.2.2.g) if anything performs a protective function, in that the biggest risk appears to be domestic animals, deduced from the regional council seeking to fence all wetlands in this catchment.</p> <p>The protective status of an SNA does not address the predominant risk to this site – plant and animal pests. . The section 32 report states “On private land the main causes of decline are habitat destruction or modification through the removal, fragmentation and degradation of ecosystems, wetland drainage and the effects of pests and weeds.” The risks either do not apply to this land in the context of FSC certified forest practice, or the SNA status does not address the risks identified (e.g. active pest control).</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer to the site.</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.2 which is to Support the integrity of Significant Natural Areas and habitat of indigenous fauna by provision of buffers around SNAs.</p> <p>The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association.</p> <p>The NPS on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.</p>	Waikato Regional Council	13	13.01	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as locally significant based on aerial photographs and personal knowledge. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity.	Reject
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Site 701 - Mangaharakeke Wetland	5	5.03	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	This site [SNA 701] is not classified as a SNA.	Vegetation does not all meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Regulation under the National Environmental Standards for Plantation Forestry (NES-PF) already applies to riparian margins and wetlands. These require setbacks for planting, replanting, crossings, harvesting, mechanical land prep and earthworks near a stream or wetland (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3). Plantation forestry on adjacent land will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	Waikato Regional Council	13	13.02	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as locally significant based on aerial photographs and personal knowledge. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity. Mapping of the wetland will also assist landowners in identifying zones subject to inspection requirements under the proposed National Policy Statement for Freshwater Management (re. Proposed NPSFM 3.15(5)(a)(i-iii)).	Reject
Site 703 - Torepatutahi Stream Riparian	5	5.04	CNI Iwi Land Management Limited (CNIILML) on behalf of CNI Iwi Holdings Limited (CNIHL)	This site [SNA 703] is not classified as a SNA.	It is a dry gully system except in periods of heavy rain and not riparian. Thus it does not meet RMA s6(a). Nor is the vegetation significant thus it does not meet RMA s6(c). Forest activities will not have a significant effect in any case, so classifying it as SNA will not provide extra protection from what it already receives under the Forestry Management Plan, The Plantation Forestry NES and the requirements of the FSC Certification. SNA classification would introduce another layer of compliance assessment with no additional benefit. Vegetation does not meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Plantation forestry on land adjacent to this unstocked site will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest and fence around the forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	Waikato Regional Council	13	13.03	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as locally significant and important based on field work. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity.	Reject

Site 715 - Ohaaki Steamfield East	7	7.01	Contact Energy Ltd.	Support SNA 715 provided the area meets consistent and accepted ecological criteria and that sufficient flexibility is provided to allow the continued operation and development of renewable generation activities on the Ohaaki field and 'development geothermal fields'.	Proposed SNA 715 is within resource consent boundary 126153 of the Ohaaki Power Station. The Ohaaki East Steamfield is classified as Development Geothermal System by Waikato Regional Council and the operation was subject to a full assessment of effects and the resource consent process in 2013, including in relation to actual and potential effects on significant natural areas and geothermally tolerant vegetation. The consent is subject to conditions and extensive requirements to avoid, remedy and mitigate effects on natural areas such as Torepatutahi Wetland. Generation of renewable electricity is a matter of regional and national importance and key to the government's goal of 100% renewable electricity by 2035. While we support identification of SNAs in the Rotorua District Plan, our interest is in the rules that apply. Strict avoidance policies and rules could be inconsistent with the continued operation and development of renewable geothermal energy. This area would seem already controlled/managed under the SGF provisions of the District Plan (further detail provided in full submission). Contact is open to working with Council to ensure that any impacts of our operations are minimised, and steps taken to maintain, restore and enhance areas such as #715	Forest and Bird	8	8.75	Oppose in part	Disallow submission. That all areas meeting the criteria for significance be mapped as SNAs to give effect to the RPS.	The amendments sought are uncertain as to the Protection required under s6(c) of the RMA.	Accept in part
Site 718 - Western Te Kopia	8	8.59	Director-General of Conservation	Schedule the identified area [SNA 718] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.	M and C Bayes	1	1.01	S	Clarify the area included	The area mapped may not be sufficient	Accept in part
Site 660 - Mid Mangorewa Gorge	8	8.30	Director-General of Conservation	Schedule the two additional sites for SNA 660.	The Director-General considers that scheduling of this area is required as a significant forest site adjoining conservation land. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.	Beaufill	2	2.01	O		Oppose the submission as a whole on the basis that SNA 660 does not adjoin conservation land as stated. Further, the site does not have the canopy on some edges suggested by the aerial photography as those areas are currently grazed and provide shelter for livestock.	Accept in part
Site 679 - Te Waerenga Road 2	8	8.31	Director-General of Conservation	Schedule the entire identified area for SNA 679	The Director-General considers that scheduling of these areas is required as significant forest sites. Although fragmented many are close by or almost contiguous. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.	A Bedford	3	3.02	O	[Do not] Schedule the entire area for SNA 679	Consideration should be given to land owners to have areas excluded or boundary adjustments made due to Health, Safety and well-being of occupants where the dwelling is located inside the purposed SNA area. As for the property of 829 Te Wearenga the dwelling is in the SNA area, consideration should be given to the shade from the trees as they mature and the effect this would have on the dwelling and the occupants.	Accept in part

Site 154 - Te Miri Road	8	8.20	Director-General of Conservation	Schedule the whole identified area [SNA 154].	The Director-General considers that scheduling of this area is required as a significant forest site. A lack of landowner consultation should not be considered as the main criteria for exclusion of an SNA.	A Brill-Copley	4	4.01	O	Do not adopt the proposed change for my property [at 73 Te Manu Road]	The area that the plan change effects is fenced and protected from livestock and currently has a pest management plan in place by myself (the owner). Therefore I see no reason why the plan change needs to effect my property while under my ownership. I have the land's best interest at heart and am keen to see it return to something close to what it was. The management of the land is nothing I can't handle myself with hard work and diligence. Therefore I strongly oppose the whole plan change for my property.	Accept in part
f) Sites with alternative legal protection (general points)	8	8.02	Director-General of Conservation	Retain SNA mapping on legally covenanted areas or areas under other forms of formal protection.	The Director-General opposes the removal of SNA mapping in areas with legally protected covenants, including QEII and considers that all areas that meet the SNA criteria contained in the Waikato RPS and Bay of Plenty RPS should be included in the SNA mapping. The proposed SNA mapping and scheduling is inconsistent with section 11A of the Waikato Regional Policy Statement which requires mapping of SNAs where there is an identified covenant such as QEII and where it meets the criteria. The Bay of Plenty Regional Policy Statement also requires mapping of SNAs where it meets the criteria in Appendix F set 3. Scheduling should therefore occur if the site meets criteria, regardless. Covenants are also able to be removed which poses a risk to SNAs. RMA enforcement issues may arise in relation to covenanted areas that meet RPS criteria but are not identified as SNAs under the plan.	Federated Farmers	6	6.08	O	Disallow submission.	FFNZ does not accept that sites with existing legal protection, in particular, QE11 covenants, are at risk of losing that protection. A QE11 covenant protects the land in perpetuity. It cannot be removed for any reason. The sites with legal protection can still form part of a district biodiversity dataset, they do not need to be identified as an SNA to achieve completeness of data.	Reject
i) Incentives and support	8	8.04	Director-General of Conservation	Council investigate an incentive fund for restoration and protection of SNAs.	The Director-General supports council initiatives to incentivise protection of SNAs including rates remission, removal of resource consent fees for protection and restoration works and direct funding of restoration and protection works.	Federated Farmers	6	6.09	S	Allow submission.	This is consistent with the decision sought in our submission.	Reject

h) Other sites not in scope of notified plan change	8	8.09	Director-General of Conservation	Amend the scheduled identified area [SNA 111] to the extent to the north and east to include manuka scrubland and geothermal areas.	The Director-General considers that scheduling of this area is required due to its significant geothermal vegetation and features, however, requires extension to better reflect the actual extent of ecological significance.	Federated Farmers	6	6.10	O	Disallow submission.	It is acknowledged in the Section 32 report that there will be sites that are potential SNAs but for this Plan Change 3 there was not enough certainty they meet the significance criteria and as such cannot be included. By necessity, the SNA identification process is always only going to be a 'snap shot of sites in time'. Non-regulatory methods are designed to help improve outcomes for those areas that are not quite at SNA status yet.	Reject
Site 679 - Te Waerenga Road 2	8	8.31	Director-General of Conservation	Schedule the entire identified area for SNA 679	The Director-General considers that scheduling of these areas is required as significant forest sites. Although fragmented many are close by or almost contiguous. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.	Federated Farmers	6	6.11	O	Disallow submission.	FFNZ supports the pragmatic approach taken in the notified Plan change. There is a range of options available to improve biodiversity outcomes on private land – identifying an area as an SNA is not the only way to 'protect' a site.	Accept in part
Site 681 - Mangorewa Kaharoa	8	8.33	Director-General of Conservation	Schedule the identified area [SNA 681] subsequent to a field check of site to further ascertain if smaller areas identified are significant.	The Director-General considers that scheduling of this area is required as a significant forest site, however, the suggested removal of smaller sites has somewhat arbitrary boundaries especially as the site has not been ground truthed.	Federated Farmers	6	6.12	S (in part)	Allow submission in part.	Support is extended to the relief sought for the site to be ground truthed to determine whether it is significant against the criteria, before being included into the district plan.	Accept in part
Site 664 - Onaia Stream	8	8.64	Director-General of Conservation	Schedule the entire identified area [do not make the amendments to [SNA 664].	The Director General considers that scheduling of the entire area with amendments suggested by council is required as it contains significant indigenous vegetation with significant kokako population.	Federated Farmers	6	6.13	O	Disallow submission.	FFNZ supports the pragmatic approach taken in the notified Plan change. There is a range of options available to improve biodiversity outcomes on private land – identifying an area as an SNA is not the only way to 'protect' a site.	Accept
h) Other sites not in scope of notified plan change	8	8.65	Director-General of Conservation	Consider and include these additional SNAs or extensions to SNAs.	The Director-General considers that these areas should be considered and included in the SNA schedule. [Refer to full submission]	Federated Farmers	6	6.14	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process.	Reject
Site 664 - Onaia Stream	8	8.64	Director-General of Conservation	Schedule the entire identified area [do not make the amendments to [SNA 664].	The Director General considers that scheduling of the entire area with amendments suggested by council is required as it contains significant indigenous vegetation with significant kokako population.	W Fleming	7	7.01	S	Remove proposed SNA from my farm.	One area of the farm was burnt in the 1960s and is not a natural area. I have lived here for over 58 years and there are no kokako in that area. The other area has been grazed since 1936 and has been logged four times. A major part of farm income has been from the sale of firewood. Only two sightings of kokako in the last 50 years. DOC have had opportunities to buy my firewood block but have never made an offer.	Accept

Various	8	8.01 - 8.65	Director-General of Conservation	Refer to points mentioned above in submission points #8.01 - #8.65	Refer to points mentioned above in submission points #8.01 - #8.66	Forest and Bird	8	8.01-8.65	S	Allow submission	That all areas meet the criteria in for significance in the RPS. That the additional SNAs identified be added for the reasons set out in the original submission. It is not appropriate to rely on a process under a different piece of legislation with a different purpose. The Department of Conservation responsibilities under Conservation Act do not replace the Council's functions and responsibilities under the RMA.	Refer to points mentioned above in submission points #8.01 - #8.65
Site 585 - Lake Ohakuri Northwest Riparian Faces	8	8.42	Director-General of Conservation	Amend the scheduled identified area for SNA 585 to the West side of Southern most section of the SNA.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation, however, requires amendment to better reflect the actual extent of ecological significance. Some of the SNA is pasture and there is significant secondary vegetation outside of the SNA	Mercury Energy	9	9.01	O (part)	Disallow submission.	Mercury seeks clarity on relief sought by DOC. Mercury seeks to ensure activities associated with operation, maintenance, upgrading of renewable electricity generation activities are not constrained by Plan Change 3. Mercury has freehold ownership Ohakuri electricity generation core site. Mercury seeks to ensure proposed SNA's do not expand further than notified over Ohakuri Power Station core site.	Accept in part
h) Other sites not in scope of notified plan change	8	8.65	Director-General of Conservation	Consider and include these additional SNAs or extensions to SNAs.	The Director-General considers that these areas should be considered and included in the SNA schedule [Refer to full submission]	Mercury Energy	9	9.02	O (part)	Disallow submission	Relevant to SNA # 585. Mercury seeks clarity on relief sought by DOC. DOC submission refers to data/information not within the public domain. Further assessment is needed to which titles are the subject of this submission, but appears relevant to Lake Ohakuri (former PNA), upstream of the Ohakuri electricity generation core site and dam. Mercury have an easement to inundate Lake Ohakuri over land owned by the Crown. Mercury does not oppose this SNA in principle. Mercury has freehold ownership of Ohakuri electricity generation core site. Mercury seeks to ensure proposed SNA's do not expand further than notified over Ohakuri Power Station core site.	Reject

Site 679 - Te Waerenga Road 2	8	8.31	Director-General of Conservation	Schedule the entire identified area for SNA 679	The Director-General considers that scheduling of these areas is required as significant forest sites. Although fragmented many are close by or almost contiguous. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.	Moyle & Lane	10	10.01	O	[Do not] Schedule the entire area for SNA 679	No account has been made of the benefits individual ownership provides. This submission makes the false presumption that an authoritarian high handed one solution approach will work. What hasn't been understood is the environmental passion we as individual landowners have invested in our property. We have fenced, removed blackberry and barberry and trapped our very small bush area at our own expense. We pay rates on this privately owned land. An SNA will effectively make us tenants of our own land and will be totally counterproductive to what this submitter hopes to achieve.	Accept in part
Site 679 - Te Waerenga Road 2	8	8.31	Director-General of Conservation	Schedule the entire identified area for SNA 679	The Director-General considers that scheduling of these areas is required as significant forest sites. Although fragmented many are close by or almost contiguous. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.	P Loest	11	11.01	O	[Do not] Schedule the entire area for SNA 679	I believe the Director-General's submission completely ignores the severe impacts that the proposed SNA scheduling of our home property would have on our family's well being and future. It also doesn't take into consideration the errors made in the assessment that lead to the proposed SNA scheduling. It is easy for the Director-General of Conservation to make these submissions from behind a desk without having been on site. We are the ones that would have to live with the disproportionate consequences every day. I find her high level view on the issue at hand offensive as it completely lacks empathy for caring land owners. I have attached more detailed description of our position.	Accept in part
i) Incentives and support	8	8.04	Director-General of Conservation	Council investigate an incentive fund for restoration and protection of SNAs.	The Director-General supports council initiatives to incentivise protection of SNAs including rates remission, removal of resource consent fees for protection and restoration works and direct funding of restoration and protection works.	C & W Tozer	12	12.02	S (in part)	Council not just 'investigate', but as a matter of some urgency <u>establish</u> a meaningful incentive fund for the restoration and protection of SNA's.	We concur with Director General's support of ---'Council initiatives to incentivise protection of SNA's including rates remission, removal of resource consent fees for protection and restoration works and direct funding of restoration and protection works.'	Reject

Site 703 - Torepatutahi Stream Riparian	8	8.51	Director-General of Conservation	Schedule the identified area [SNA 703] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation. It is also noted that a Land Improvement Agreement does not prevent vegetation clearance and is therefore not considered adequate protection.	C & W Tozer	12	12.03	O	[Do not schedule the identified area as SNA 703].	We question the significance of the 'secondary vegetation' due to there being no threatened or at-risk indigenous flora identified by Wildlands and because of the presence and ongoing invasive threat of wildling pines and disheartening impact of blackberry re-invasion despite our genuine efforts to control. We contend that the Regional Council Land Improvement Agreement across our property strictly controls vegetation clearance and provides adequate protection.	Accept
k) Other	8	8.01	Director-General of Conservation	Commence review of the Lakes A zone mapping and provisions.	The Lakes A zone of the District Plan is currently overdue for review. A review of this zone would improve coherency of the current plan structure.							Reject
k) Other	8	8.03	Director-General of Conservation	Update the District Plan maps using the updated DOC public conservation land layer; Show Wildlife Management Reserve on GIS layer planning maps surrounding the SNA for Lake Tutaeinanga as a PNA.	The current GIS layer used in the District Plan maps are not the most up to date version. There have been several changes in land tenures which are not reflected in the layer being used by Rotorua Lakes Council. For example, Waikite valley wetland is now public conservation land. The reserve which surrounds Lake Tutaeinanga should be shown as PNA. Currently the mapping only shows the lake as an SNA on the GIS layer.							Reject
Site 032 - Tumoana Point	8	8.06	Director-General of Conservation	Schedule the identified area [SNA 32] as recommended.	The Director-General considers that scheduling of this area is required due to its significance and is at a high risk of disturbance. Inclusion of this site is also consistent with the RPS.							Accept
Site 034 - Te Ngae Junction Wetland	8	8.07	Director-General of Conservation	Schedule the identified area [SNA 34] as recommended.	The Director-General considers that scheduling of this area is required as a significant wetland site. Inclusion of this site is also consistent with the RPS.							Accept
Site 037 - Maraeroa	8	8.08	Director-General of Conservation	Schedule the identified area [SNA 37] as recommended.	The Director-General considers that scheduling of this area is required as a significant geothermal site. Inclusion of this site is also consistent with the RPS.							Accept
Site 123 - Wharetata Bay	8	8.10	Director-General of Conservation	Schedule the identified area [SNA 123] as recommended.	The Director-General considers that scheduling of this area is required as a significant geothermal and wetland site. Inclusion of this site is also consistent with the RPS.							Accept
Site 124 - Ōtūtara Springs	8	8.11	Director-General of Conservation	Schedule the identified area [SNA 124] as recommended.	The Director-General considers that scheduling of this area is required as a significant geothermal and wetland site and significant fauna habitat. Inclusion of this site is also consistent with the RPS.							Accept
Site 127 - Otutara Road Lake	8	8.12	Director-General of Conservation	Schedule the identified area [SNA 127] as recommended.	The Director-General considers that scheduling of this area is required as a significant lake and wetland. Inclusion of this site is also consistent with the RPS.							Accept
Site 139 - Ngapuna Wetlands	8	8.13	Director-General of Conservation	Amend the scheduled identified area [SNA 139] to extend to the south and east.	The Director-General considers that scheduling of this area is required due to its significance as a wetland site, however, requires extension to better reflect the wetland boundaries and extent of ecological significance.							Accept

Site 141 - Pohaturoa Wetlands	8	8.14	Director-General of Conservation	Schedule the identified area [SNA 141].	The Director-General considers that all significant unprotected wetlands should be identified as SNAs regardless of tenure.							Reject
Site 142 - Poplar Avenue Wetlands	8	8.15	Director-General of Conservation	Retain existing SNA 142 without amendment.	The Director-General considers that scheduling of this area is required as a significant wetland site, however, considers that all areas that meet the SNA criteria contained in the RPS should be included in the SNA mapping, regardless of additional covenants.							Accept in part
Site 143 - Reservoir Road Wetland	8	8.16	Director-General of Conservation	Schedule the identified area [SNA 143].	The Director-General considers that all significant unprotected wetlands should be identified as SNAs regardless of tenure.							Reject
Site 147 - Tikitere Kahikatea	8	8.17	Director-General of Conservation	Schedule the identified area [SNA 147] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest and wetland. Inclusion of this site is also consistent with the RPS.							Accept
Site 148 - Te Ngae Lake Edge Wetlands	8	8.18	Director-General of Conservation	Schedule the identified area [SNA 148] subject to amendments to ensure the appropriate area is included.	The Director-General considers that scheduling of this area is required as a significant wetland site. A lack of landowner consultation should not be considered as the main criteria for exclusion of an SNA.							Reject
Site 151 - Tawa Road	8	8.19	Director-General of Conservation	Schedule the identified area [SNA 151].	The Director-General considers that scheduling of this area is required as a significant forest site adjoining public conservation land. All significant unprotected sites should be scheduled as SNAs regardless of tenure when RPS criteria is met.							Accept
Site 154 - Te Miri Road	8	8.20	Director-General of Conservation	Schedule the whole identified area [SNA 154].	The Director-General considers that scheduling of this area is required as a significant forest site. A lack of landowner consultation should not be considered as the main criteria for exclusion of an SNA.							Accept in part
Site 155 - Horohoro Forest East	8	8.21	Director-General of Conservation	Schedule the identified area [SNA 155] as recommended.	The Director General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 156 - Horohoro Forest Extension	8	8.22	Director-General of Conservation	Schedule the identified area [SNA 156] as recommended. (It is noted that this option refers to SNA155 rather than 156 as stated in the 32A report)	The Director-General considers that scheduling of this area is required as a significant forest site adjoining public conservation land. Inclusion of this site is also consistent with the RPS.							Accept
Site 157 - Anderson Road	8	8.23	Director-General of Conservation	Schedule the identified area [SNA 157] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 158 - Hauraki Stream	8	8.24	Director-General of Conservation	Schedule the identified area [SNA 158] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept

Site 167 - Tikitere Hill Forest	8	8.25	Director-General of Conservation	Schedule the identified area [SNA 167] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 172 - Upper Wairau Bay	8	8.26	Director-General of Conservation	Schedule the identified area [SNA 172] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 177 - Pohaturoa	8	8.27	Director-General of Conservation	Amend [SNA 177] as per the Landcare Research report for Bay of Plenty Regional Council: An updated assessment of geothermal vegetation in the BOP region based on aerial photography (p231).	The Director-General considers that scheduling of this area is required due to its significance as a geothermal site, however, considers that the SNA boundaries are incorrect and require extension to better reflect the wetland boundaries and extent of ecological significance. The area of significant geothermal vegetation is larger than currently mapped.							Reject
Site 658 - Upper Pipikārihi Road	8	8.28	Director-General of Conservation	Schedule the identified area [SNA 658] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 659 - Mervyn Street	8	8.29	Director-General of Conservation	Schedule the identified area [SNA 659] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 660 - Mid Mangorewa Gorge	8	8.30	Director-General of Conservation	Schedule the two additional sites for SNA 660.	The Director-General considers that scheduling of this area is required as a significant forest site adjoining conservation land. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.							Accept in part
Site 680 - Jackson Road	8	8.32	Director-General of Conservation	Schedule the identified area [SNA 680] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 708 - Tokerau Wetland A	8	8.34	Director-General of Conservation	Schedule the identified area [SNA 708] as recommended but with amendments to extend SNA further South East to include the remainder of the wetland and forested area.	The Director-General considers that scheduling of this area is required as a significant wetland site, however, requires extension to better reflect the actual extent of ecological significance.							Accept in part
Site 709 - Tokerau Wetland B	8	8.35	Director-General of Conservation	Schedule the identified area [SNA 709] as recommended.	The Director-General considers that scheduling of this area is required as a significant wetland site. Inclusion of this site is also consistent with the RPS.							Accept
Site 415 - Barker Road	8	8.36	Director-General of Conservation	Schedule the identified area [SNA 415] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 417 - Arahiwi	8	8.37	Director-General of Conservation	Schedule the identified area [SNA 417] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 577 - Rahopakapaka Stream	8	8.38	Director-General of Conservation	Schedule the identified area [SNA 577] as recommended.	The Director-General considers that scheduling of this area is required as a significant forest site. Inclusion of this site is also consistent with the RPS.							Accept
Site 579 - Tahunaatura Stream Gorge	8	8.39	Director-General of Conservation	Schedule the identified area [SNA 579] as recommended.	The Director-General considers that scheduling of this area is required as a significant secondary vegetation site. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.							Accept in part

Site 582 - Lake Atiamuri North Faces	8	8.40	Director-General of Conservation	Schedule the identified area [SNA 582] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation and as a significant wetland site. Inclusion of this site is also consistent with the RPS.							Accept
Site 583 - Lake Atiamuri South Faces	8	8.41	Director-General of Conservation	Schedule the identified area [SNA 583] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 589 - Lake Ohakuri Northeast Riparian	8	8.43	Director-General of Conservation	Schedule the identified area [SNA 589] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 590 - Waihunuhunu Arm Riparian Faces and Wetland	8	8.44	Director-General of Conservation	Schedule the identified area [SNA 590] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation. Inclusion of this site is also consistent with the RPS.							Accept in part
Site 592 - Ōrākeikōrako Extension (Excludes Geothermal Areas)	8	8.45	Director-General of Conservation	Schedule the identified area [SNA 592] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation. Inclusion of this site is also consistent with the RPS.							Accept in part
Site 596 - Pukemoremore	8	8.46	Director-General of Conservation	Schedule the identified area [SNA 596] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 597 - Wharekaunga Stream Riparian	8	8.47	Director-General of Conservation	Schedule the identified area [as SNA 597]	The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure							Reject
Site 598 - Tokiaminga Stream Riparian	8	8.48	Director-General of Conservation	Schedule the identified area [as SNA 598].	The Director-General considers that scheduling of this area is required as it contains significant wetland vegetation. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.							Reject
Site 700 - Mangaharakeke Waterfall	8	8.49	Director-General of Conservation	Schedule the identified area [SNA 700] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant wetland vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 701 - Mangaharakeke Wetland	8	8.50	Director-General of Conservation	Schedule the identified area [SNA 701] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant wetland vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 710 - Akatarewa East	8	8.52	Director-General of Conservation	Schedule the identified area [SNA 710] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 712 - Te Kopia	8	8.53	Director-General of Conservation	Schedule the identified area [SNA 712] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Reject

Site 713 - Mangamingi Station	8	8.54	Director-General of Conservation	Schedule the identified area [SNA 713] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 714 - Matapan Road	8	8.55	Director-General of Conservation	Schedule the identified area [SNA 714] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 715 - Ohaaki Steamfield East	8	8.56	Director-General of Conservation	Schedule the identified area [SNA 715] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Reject
Site 716 - Maungakakamea (Rainbow Mountain)	8	8.57	Director-General of Conservation	Schedule the identified area [as SNA 716].	The Director-General considers that scheduling of this area is required as a significant geothermal site. All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.							Reject
Site 717 - Upper Atiamuri West	8	8.58	Director-General of Conservation	Schedule the identified area [SNA 717] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept
Site 718 - Western Te Kopia	8	8.59	Director-General of Conservation	Schedule the identified area [SNA 718] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept in part
Site 800 - Northern Paeroa Range	8	8.60	Director-General of Conservation	Schedule the identified area [SNA 800] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept in part
Site 801 - Murphy's Springs	8	8.61	Director-General of Conservation	Schedule the identified area [SNA 801] as recommended.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept
d) Boundary changes to existing geothermal Sites	8	8.62	Director-General of Conservation	Schedule the identified area as recommended for SNA 552, 555, 558, 567, 568, 571, 572, 573, 574.	The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation. Inclusion of this site is also consistent with the RPS.							Accept in part
e) Sites reassessed at request of landowner (general points)	8	8.63	Director-General of Conservation	Remove SNAs as recommended for SNA 1, 2, 411, 5, 15, 46, 660, 664 Kapukapu Road.	The removal of these areas provides clarification for landowners that they are not significant.							Accept

b) New sites and additions to existing sites (general points)	9	9.01	Federated Farmers of New Zealand (Federated Farmers)	Remove specific SNAs from PC3 process if an affected landowner disputes the accuracy of the mapping and/or wishes to have site visits undertaken by an ecologist to identify the site's ecological values. The costs of the onsite assessment are to be met by Council. It is accepted that if the site is confirmed as meeting a significance threshold and is accurately mapped it will be brought back into the PC3 process and become subject to District Plan provisions.	Some areas of vegetation may have been captured as SNAs inappropriately. In some, exotics are the predominant vegetation and/or the value of biodiversity is questioned and in others the mapping seems disconnected with what makes sense on the ground. Inaccuracies can occur with desktop analysis and we ask that for those sites which are disputed and where the affected landowner is keen to resolve the matter with onsite visits, Council accepts that sufficient uncertainty remains for those sites and they should not be included in the PC3 process at this time. This is important as not all landowners provided feedback pre-notification.	A Bedford	3	3.03	S	Site visits to establish areas of ecological value and the accuracy of mapping. Retain the amendments proposed	We support the Federated farmers view that areas need to be better accessed and mapped. We support that amended areas in the SNA plan be retained and further work on boundary alignment be conducted	Reject
b) New sites and additions to existing sites (general points)	9	9.01	Federated Farmers of New Zealand (Federated Farmers)	Remove specific SNAs from PC3 process if an affected landowner disputes the accuracy of the mapping and/or wishes to have site visits undertaken by an ecologist to identify the site's ecological values. The costs of the onsite assessment are to be met by Council. It is accepted that if the site is confirmed as meeting a significance threshold and is accurately mapped it will be brought back into the PC3 process and become subject to District Plan provisions.	Some areas of vegetation may have been captured as SNAs inappropriately. In some, exotics are the predominant vegetation and/or the value of biodiversity is questioned and in others the mapping seems disconnected with what makes sense on the ground. Inaccuracies can occur with desktop analysis and we ask that for those sites which are disputed and where the affected landowner is keen to resolve the matter with onsite visits, Council accepts that sufficient uncertainty remains for those sites and they should not be included in the PC3 process at this time. This is important as not all landowners provided feedback pre-notification.	Director General of Conservation	5	5.08	O	Disallow submission	The Director-General opposes the removal of SNA without provision of appropriate evidence that the SNA does not meet RPS criteria	Reject
	9	9.03	Federated Farmers of New Zealand (Federated Farmers)	Remove SNA sites subject to alternative legal protection from the planning maps and associated schedule of SNAs in Appendix 2; and Introduce provisions into the plan to ensure sites which become subject to alternative legal protection after this plan change are not subject to the rules framework.	Federated Farmers is always keen to ensure District Plans do not duplicate controls or introduce unnecessary overlapping functions for material benefit. Sites protected by QEII Trust or similar legal mechanisms such as conservation covenants or management agreements with the Department of Conservation do not need to be subjected to another layer of regulation. The RMA s6(c) goals in relation to these sites will be better achieved via these alternative mechanisms. There are no negatives for biodiversity, only mutually beneficial advantages - reduced monitoring and potential enforcement required by Council; affected landowners only have to deal with the agency that they voluntarily entered into a protection partnership with; no need to deal with inconsistencies in covenants and the District Plan. Our only concern relates to sites covenanted after this PC3 process. They will remain subject to District Plan regulations, pending another plan change. In our view this is inefficient. For equity and to ensure landowners remains supported and incentivised the landowner needs a new policy and implementation method that ensures the site will not be subject to the planning regime event if it remains on the planning maps and appendix.	Director General of Conservation	5	5.09	O	Disallow submission to remove SNA sites subject to alternative legal protection from the planning maps and associated schedule of SNAs in Appendix 2; and introduce provisions into the plan to ensure sites which become subject to alternative legal protection after this plan change are not subject to the rules framework. This may include a new policy and permitted activity rule	The Director-General considers that all areas that meet the SNA criteria contained in WRPS and BOPRPS should be included in the SNA mapping, regardless of alternative legal protection. The Director-General also considers that the proposed introduction of provisions is outside the scope of this plan change.	Accept in part

Various	9	9.01 - 9.06	Federated Farmers of New Zealand (Federated Farmers)	Refer to points mentioned above in submission points #9.01 - #9.06	Refer to points mentioned above in submission points #9.01 - #9.06	Forest and Bird	8	8.78-8.86	O	Disallow submission	Removing SNA status from sites that have other protection via covenant fails to give effect to the RPS. The removal of exotic vegetation within an SNA could adversely affect significant habitat values, for example the habitat of NZ Long Tailed Bat.	Refer to points mentioned above in submission points #9.01 - #9.06
i) Incentives and support	9	9.05	Federated Farmers of New Zealand (Federated Farmers)	Introduce a new paragraph into Part 2 Section 6 Matters 2.2 Key Environmental issues 2.2.4 Significant Indigenous Vegetation (Significant Natural Areas) and Habitat along the lines of [refer to full submission]	Federated Farmers strongly supports the recommendations made in the Section 32 report for Incentives and Support, section 3.5 and summarised section 6.2. However, a strong link between the planning and funding documents is required to inform LGA funding decisions. Without that link these worthy intentions have no certainty and may be difficult to advance. Federated Farmers understands that ultimately it will require changes to the policies and funding sources outlined in the Long Term and Annual Plans to enable this incentivising approach, but District Plan provisions can be used to support, guide and improve transparency regarding long term, unchanging environmental goals and what funding commitments made be required to meet them. Part of the reasoning used in the Section 32 Efficiency and Effectiveness to achieve Objectives analysis, included recommending sites for inclusion in Appendix 2, as becoming an SNA may help increase awareness of the values and the potential for incentives and assistance. This reasoning is understood (if the significant criteria is reached), but requires action from Council to ensure those benefits are realised both for the landowner and for biodiversity gains. To date RLC has not prioritised these actions and that needs to change if the reasoning is going to be justified. The suggestions made in our relief sought provide the necessary amendments required to give weight and follow through to the Section 32 reasoning. Whilst we understand the plan change addresses the mapping of SNAs, not the associated rules and policies for SNAs our submission will seek relief which is consistent with the recommendations made in the Section 32 report. The relief is consistent with the intent of the plan change, Part 2 s6 matters of the District Plan and are required to ensure an efficient planning process is carried out and effective tools are in place to achieve improved biodiversity outcomes.	C & W Tozer	12	12.04	S (in part)		There is very real and urgent requirement to provide a range of incentives by way of public investment. Some of these are set out in the Federated Farmers 8 bullet point examples (paragraphs 2.7 and 2.8 of their submission) including rates remission, resource consent fee waivers and pest plant and pest animal control assistance. We support Federated Farmers contention that amendments to the Operative District Plan ('Incentives and Support' Section 3.5 of s32 Report) should have been included in PC3 to maintain momentum and equity and genuinely facilitate best biodiversity outcomes. We find it disappointing and difficult to comprehend that currently "Rotorua Lakes Council does not administer any assistance programme" for landowners with SNA's.	Reject - out of scope
e) Sites reassessed at request of landowner (general points)	9	9.02	Federated Farmers of New Zealand (Federated Farmers)	Retain the amendments proposed for re-assessed SNAs, including the removal of part removal of SNAs as recommended in the Section 32 report.	Federated Farmers supports accurate planning maps and robust identification processes. The PC3 changes which amend boundaries based on the results of field assessments on existing SNAs or pre notification consultation with affected landowners are strongly supported. We understand some boundary amendments were made for practical reasons as well as ecological ones. This shows RLC is focused on the bigger picture and longer term gains. We fully support RLC in this collaborative approach, it will provide landowners some confidence that their issues are understood and addressed where possible. It will help foster a sense of good will required to achieve optimum protection for the remaining areas.							Accept in part

f) Sites with alternative legal protection (general points)	9	9.04	Federated Farmers of New Zealand (Federated Farmers)	Ensure that any sites that are protected by alternative legal mechanisms but not listed on the planning maps or Appendix 2 have access to any of the incentives and support packages introduced to implement the recommendations of the Section 32 Report. This may require the introduction of new provisions into the District Plan and amendment of Table 13.10.1 - Subdivisions in Rural Zones Rule 17 [Refer to full submission]:	It will be important to ensure access to incentives remains open to those with alternative protection mechanisms. This will not enable double dipping as the different schemes have different funding priorities.							Reject
j) Performance standard for existing grazing	9	9.06	Federated Farmers of New Zealand (Federated Farmers)	Amend A9.2.3(3)(a)(viii) as follows: The continuation of grazing in the rural zone where it does not increase the scale and intensity as stated in the report by an agricultural consultant submitted to Rotorua District Council within six months of the Plan being fully operative , provided that the grazing does not cease for more than 12 months.	A9.2.3(3)(a)(viii) should be amended to provide the same opportunity to newly affected landowners as was given to those affected by the District Plan review. Federated Farmers is aware that key concerns for a number of affected landowners relates to existing use rights and whether they can continue to use an area, now ring-fenced as a SNA, in the same way that they always have. This is an understandable concern and one that was expressed by farmers, who found themselves in similar circumstances during the proposed District Plan review. Performance Standard A9.2.3(3)(a)(viii) was, in part, introduced via the appeals process, to find resolution on issues relating to existing use rights for grazing. Given the issues and context is the same and in the interests of providing equity to landowners who are newly affected as a result of PC3 bringing new areas under the rules framework, the opportunity provided under A9.2.3(3)(a)(viii) should be extended to them. The amendment is required to provide that equity and future proof this process. The six month time frame seems arbitrary.							Reject - out of scope
Site 037 - Maraeroa	10	10.01	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 37.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept
Site 123 - Wharetata Bay	10	10.02	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 123.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept
Site 124 - Ōtūtara Springs	10	10.03	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 124.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept

Site 127 - Otutara Road Lake	10	10.04	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 127.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept
Site 157 - Anderson Road	10	10.05	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 157.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept
Site 167 - Tikitere Hill Forest	10	10.06	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 167.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept
Site 172 - Upper Wairau Bay	10	10.07	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 172.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept
Site 708 - Tokerau Wetland A	10	10.08	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 708.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept in part
Site 709 - Tokerau Wetland B	10	10.09	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 709.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept
Site 577 - Rahopakapaka Stream	10	10.10	Hancock Forest Management New Zealand (HFM NZ)	Adopt notified proposal for SNA 577.	HFM NZ supports the proposed changes to the District Plan for the sites listed as these sites are within forests managed by HFM NZ. All of the forests HFM NZ manages are certified by PEFC and FSC. These areas are already managed as reserves within the plantation forest and are responsibly managed as per the FSC & PEFC standards.							Accept

Site 664 - Onaia Stream	11	11.01	Hartley, G	Remove boundaries of SNAs for provision of new exotic planting of scrubland. Reconsider boundary of 664 SNAs, consideration of subdivision? Of land outside of your proposed boundaries.	Wildlands assessment of boundaries with recommendations to council we challenge these. Concerns: scale of plans maps provided, not equal. Grazed areas historically not been considered. No rebates to rates.	Director General of Conservation	5	5.10	O	Retain SNA as per Director-General's submission with yellow areas removed	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. SNAs cannot be removed to facilitate future development if they are assessed as significant. Landowner hasn't identified which specific areas are of concern so it is difficult to assess the relief sought. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject
Site 664 - Onaia Stream	11	11.01	Hartley, G	Remove boundaries of SNAs for provision of new exotic planting of scrubland. Reconsider boundary of 664 SNAs, consideration of subdivision? Of land outside of your proposed boundaries.	Wildlands assessment of boundaries with recommendations to council we challenge these. Concerns: scale of plans maps provided, not equal. Grazed areas historically not been considered. No rebates to rates.	Federated Farmers	6	6.15	S	Allow submission.	This is consistent with the relief sought in our submission.	Reject
i) Incentives and support	12	12.01	Kaharoa Community Association	Adopt the recommendation [to establish an incentive fund].	KCA supports Council establishing an incentive fund available to those with designated SNA's to help restore sections or parts of established bush that have become degraded for some reason and to establish fencing to further provide protection of that bush.	Federated Farmers	6	6.16	S	Allow submission.	This is consistent with the relief sought in our submission.	Reject
i) Incentives and support	12	12.02	Kaharoa Community Association	Adopt the recommendation [to adopt a uniform rates remission policy for SNAs calculated on the capital value of the land designated as SNA].	KCA supports Council adopting a uniform rates remission policy for SNA's calculated on the capital value of the land designated as an SNA.	Federated Farmers	6	6.17	S	Allow submission.	This is consistent with the relief sought in our submission.	Reject
Site 679 - Te Waerenga Road 2	13	13.01	Loest, Philipp	I want the Council to approve the proposed Plan Change 3 [in regards to SNA 679]	As a directly affected landowner I am pleased that the proposed changes recognize the important role conservation minded landowners play. Scheduling our property as an SNA would add a completely unnecessary layer of rules/bureaucracy without providing any ecological benefit. The many negative impacts would lessen our young families quality of life and undermine our long term financial stability. The proposed change allows us to look into the future with optimism. It empowers us and our neighbours to continue taking care of the properties we love and are proud to call home.	A Bedford	3	3.01	O	[Do not proceed with] The scheduling of the complete SNA 679 unopposed	Consideration should be given to all land owners that have dwellings inside the SNA to have boundaries clarified and adjusted before approval.	Accept in part
Site 567 - Golden Springs	14	14.01	Submitter 14	Council provide clear information that is easy to understand about what an SNA actually means in real terms for landowners. What are rights, obligations, benefits, losses? What is the purpose?	Property boundaries at 5087 State Highway 5 are incorrect and should be shown properly. We are not convinced the intended SNA is even on the property. We cannot be expected to make decisions based on guesswork. Due diligence has not be done by Council. Communication was ineffective. There is no need for Council to have any control over this private land.	Federated Farmers	6	6.18	S	Allow submission.	Support is extended for the request to have further assessment undertaken to determine the accuracy of the SNA identification and mapping process.	Accept in part

Site 567 - Golden Springs	14	14.01	Submitter 14	Council provide clear information that is easy to understand about what an SNA actually means in real terms for landowners. What are rights, obligations, benefits, losses? What is the purpose?	Property boundaries at 5087 State Highway 5 are incorrect and should be shown properly. We are not convinced the intended SNA is even on the property. We cannot be expected to make decisions based on guesswork. Due diligence has not be done by Council. Communication was ineffective. There is no need for Council to have any control over this private land.	Waikato Regional Council	13	13.04	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as both regionally and locally significant without need for further study. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity. Council's main concerns is the protection and sustainable management of the geothermal stream.	Accept in part
Site 585 - Lake Ohakuri Northwest Riparian Faces	15	15.01	McPherson, A	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Director General of Conservation	5	5.30	O	Disallow the submission point. Retain site as SNA as per Director General's submission	site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	15	15.01	McPherson, A	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Federated Farmers	6	6.19	S	Allow submission.	Support is extended for the request to have further assessment undertaken to determine the accuracy of the SNA identification and mapping process.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	16	16.01	McPherson, D	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Director General of Conservation	5	5.31	O	Disallow the submission point. Retain site as SNA as per Director General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	16	16.01	McPherson, D	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Federated Farmers	6	6.20	S	Allow submission.	Support is extended for the request to have further assessment undertaken to determine the accuracy of the SNA identification and mapping process.	Reject

Site 585 - Lake Ohakuri Northwest Riparian Faces	17	17.01	McPherson, K	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Director General of Conservation	5	5.32	O	Disallow the submission point. Retain site as SNA as per Director General's submission	site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	17	17.01	McPherson, K	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Federated Farmers	6	6.21	S	Allow submission	Support is extended for the request to have further assessment undertaken to determine the accuracy of the SNA identification and mapping process.	Reject
Site 583 - Lake Atiamuri South Faces	18	18.01	Mercury NZ Ltd. (Mercury)	Retain SNA provided Rule 15.5.6 continues to apply.	SNA #583 is located under existing 220kv high voltage National Grid lines which connect Ohakuri to Edgecumbe. The national grid lines are located within Ohakuri electricity generation core site, however the lines are owned and operated by Transpower. Correspondence established prior to notification confirms Mercury does not object to the SNA area within the Ohakuri electricity generation core site on the basis that vegetation is able to be pruned and trimmed under infrastructure, as provided for by permitted activity Rule 15.5.6.	Forest and Bird	8	8.76	O	Disallow submission. That all areas meeting the criteria for significance be mapped as SNAs to give effect to the RPS. We oppose removal of part of an SNA area.	Maintenance activities need to be considered in the context of the area as an SNA.	Accept in part
Site 585 - Lake Ohakuri Northwest Riparian Faces	18	18.02	Mercury NZ Ltd. (Mercury)	Support SNA 585 subject to removal of SNA over Ohakuri diversion tunnel (shown in orange) this is to be excluded as located above diversion tunnel	Mercury generally supports the proposed SNA area (Area 1 in picture), with the exception of the SNA shown in orange located above Ohakuri diversion tunnel, which is anticipated will be removed. Dam safety is paramount. Mercury considers an SNA over hydro electricity generation infrastructure has the potential to constrain future maintenance activities within the Ohakuri electricity generation core site.	Forest and Bird	8	8.77	O	Disallow submission. That all areas meeting the criteria for significance be mapped as SNAs to give effect to the RPS. We oppose removal of part of an SNA area.	Maintenance activities need to be considered in the context of the area as an SNA.	Accept
Site 679 - Te Waerenga Road 2	19	19.01	Moyle, W & Lane, C	Do not include the area 89, 119 and 119A Kaharoa Road a shared forest remnant that also extends on the road reserve, total c2.3ha in the District Plan as SNA.	The rules are unnecessary for our properties as the areas are physically protected by topography. Furthermore, the vegetation provides value to our small lifestyle properties and is at low risk of disturbance. We have all taken initiatives as our own expense to protect our small sections of bush through fencing, trapping and removing weeds while also entering into a memorandum of understanding to ensure we continue to improve the ecological value of our properties by protecting the natural vegetation. We feel imposition of an SNA is an unnecessary interference with our rights as property owners. We are concerned about how the rules may evolve in the future and area actually counterproductive by creating a sense of uncertainty. Our small remnant located on our small lifestyle properties at 89, 119 and 119A is at no risk of disturbance, as we see it as an amenity that adds significant value to our property.	Director General of Conservation	5	5.11	O	Disallow submission	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Accept in part

Site 155 - Horohoro Forest East	20	20.01	Northdale Holdings Ltd. & Martin, R	[Do not proceed with SNA 155]	The Martin family have owned this property since 1972, where we have farmed and been kaitiaki for the land, protecting the native flora and fauna, setting traps for pest control and killing deer, goats and possums. SNA does not have any fencing around it but had a natural geographic barrier that prevented stock entering 80% of the area. The unprotected area was used as winter protection for sheep. With climatic change and very hot summer days the sheep have become sunburnt after shearing and the shade trees are a huge asset to our stock husbandry. We feel we have transformed the property into a Significant Area. There is also concern that this land houses an urupa where our ancestors are buried. Our whanau consists of six generations of farming in the area and if it became an SNA this would be very impactful. The submitter finds it perverse that the area is potentially taken out of the control of the Owner and Custodian. We do not agree with rate compensation, but would consider selling SNA 155 at the value of a Heritage Site. The treasured area of our family land, that you have identified as a potential SNA 155 we are going to retain our land not be open for Public Access under any circumstances, but be the Crown in our Jewel of the Mamaku Scenic Reserve. We are prepared to instigate that the recorded proposed area SNA 155 have covenants placed over the Registered Title over the property so that it is complying to conditions that it cannot be removed, or damaged unless of an Act of God.	Director General of Conservation	5	5.12	O	Disallow submission. Schedule the entire area of Site 155 as per Director-General's submission	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Reject
i) Incentives and support	20	20.02	Northdale Holdings Ltd. & Martin, R	Allow the normal three yearly valuation process to take place, the land owner then has the opportunity to oppose or accept the new valuations. Therefore it is independent assessment and does not involve the Council with Administration costs.	I totally disagree with the whole concept of the Rotorua District Council being involved in Rate setting for compensation by way of \$5.00 per hectare. This is a messy and clumsy way of administration.							Reject
Site 681 - Mangorewa Kaharoa	21	21.01	Pukahukiwi Kaokaoroa Incorporation	We would like to explore other options [in regards to the incorporation's property at SH 33] with the Council that will achieve the same outcomes that have been proposed under Plan Change 3. We require further information and time to engage independent advice and to seek financial assistance for this process to occur. The Committee of Management would welcome further engagement going forward around this matter and remind the Council of its obligations under the Treaty of Waitangi.	We understand the steps that the Council are undertaking in the protection of wetlands and native fauna and flora but argue that the process undermines the Committee's right to govern its own affairs. We acknowledge attempts to contact the Committee and apologise for the delayed response.	Director General of Conservation	5	5.13	O	Disallow submission point. Schedule the identified area as per Director-General's submission subsequent to a field check of site to further ascertain if smaller areas identified are significant	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Accept in part

a) General	22	22.01	Raukawa Charitable Trust	The Plan Change is supported and the Trust seeks that it be approved by the Council.	<p>The Trust supports aspects of the proposed plan change - The protection of areas of indigenous riparian vegetation, wetlands and significant terrestrial indigenous habitat and vegetation; and the continued provision for cultural harvest in accordance with Māori customs and values. The Trust considers that the plan change will help achieve the restoration and protection of water quality; the restoration and protection of the relationships of Waikato River Iwi according to their tikanga and kawa with the Waikato River; and the protection and enhancement of significant sites, fisheries, flora and fauna.</p> <p>Te Ture Whaimana o te Awa o Waikato is the primary direction setting document for the Waikato River and activities within the catchment affecting the Waikato River - of particular relevance are objectives A to M [refer to full submission]. The trust seeks that the plan change provisions giving effect to the objectives of Te Ture Whaimana be retained and approved.</p> <p>Te Rautaki Taiao a Raukawa - Raukawa Environmental Management Plan (Te Rautaki) has sections relevant to the application [read full submission for extracts of sections 2.1 and 2.6]. The Trust seeks that provisions of Te Rautaki be considered and taken into account by Council as part of the plan change in accordance with section 74(2A)) of the RMA and section 17.7 of the Joint Management Agreement between the Raukawa Settlement trust and Council.</p>							Accept in part - reason for supporting plan change. Reject - out of scope (changes to District Plan policies, objectives and rules)
a) General	23	23.01	Rotorua Rural Community Board	Take the approach outlined to SNAs	<p>The RCB is supportive of the concept and broad objectives of protecting and preserving of genuine SNAs especially where a risk of extinction can be demonstrated. Our support for this concept is conditional as follows: A) that the definitions of each of the two words "significant" and "natural" are clearly defined, agreed and not left open to interpretation or misinterpretation by those responsible for enacting and/or enforcing the plan change in practice. B) that the benefits to the public are weighed against both the capital value losses and operating income losses to the landowner where encumbrances affect the prior existing use of the land. C) No SNA should be enacted without full compensation of capital value and operating losses accruing to the landowner resulting from such encumbrances. This should apply equally, whether any SNA be enacted voluntarily or imposed by regulation. D) Any and all SNAs should only apply under a voluntary individual landowner agreement basis.</p> <p>It is the Board's position that fair and mutually respectful negotiations with individual landowners along the lines of our submission will release most of the realistic SNA areas for voluntary protection, especially if carried out in a non-threatening environment.</p>	Forest and Bird	8	8.87	O	Oppose submission.	All potential SNAs should be mapped and defined as SNAs. Removing SNA status from sites that have other protection via covenant fails to give effect to criteria in the WRPS.	Reject

a) General	23	23.01	Rotorua Rural Community Board	Take the approach outlined to SNAs	The RCB is supportive of the concept and broad objectives of protecting and preserving of genuine SNAs especially where a risk of extinction can be demonstrated. Our support for this concept is conditional as follows: A) that the definitions of each of the two words "significant" and "natural" are clearly defined, agreed and not left open to interpretation or misinterpretation by those responsible for enacting and/or enforcing the plan change in practice. B) that the benefits to the public are weighed against both the capital value losses and operating income losses to the landowner where encumbrances affect the prior existing use of the land. C) No SNA should be enacted without full compensation of capital value and operating losses accruing to the landowner resulting from such encumbrances. This should apply equally, whether any SNA be enacted voluntarily or imposed by regulation. D) Any and all SNAs should only apply under a voluntary individual landowner agreement basis. It is the Board's position that fair and mutually respectful negotiations with individual landowners along the lines of our submission will release most of the realistic SNA areas for voluntary protection, especially if carried out in a non-threatening environment.	C & W Tozer	12	12.05	S (in part)	That the definitions of 'Significant' and 'Natural' need to be clear and not open to subjective interpretation.	We consider that the Rotorua Community Board has raised a valid point about possible landowner loss of property capital value following an SNA being imposed. Compensation paid to the landowner for this loss (in the interests of a 'public good' demanded by the District and Regional ratepayers), is not inappropriate – particularly if Council fails to provide impacted landowners with meaningful long-term SNA protection/restoration assistance. Such assistance should be by way of pest plant and pest animal control, rates remission, resource consent fee waivers, transferable development rights etc. Such assistance and support would strongly encourage landowner buy-in, voluntary protection and worthy biodiversity protection outcomes.	Reject
Site 558 - Akatārewa Stream	24	24.01	Te Kopia Forest Partnership	Remove or adjust areas identified as SNA 558.	The areas identified do not contain indigenous vegetation and significant habitats of indigenous fauna, as they are planted in pine forest.	Director General of Conservation	5	5.14	O	Disallow submission. Retain site as SNA as per Director-General's submission	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Accept in part
Site 590 - Waihunuhunu Arm Riparian Faces and Wetland	24	24.02	Te Kopia Forest Partnership	Remove or adjust areas identified as SNA 590.	The areas identified do not contain indigenous vegetation and significant habitats of indigenous fauna, as they are planted in pine forest.	Director General of Conservation	5	5.15	O	Disallow submission. Retain site as SNA as per Director-General's submission	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Accept in part
Site 592 - Orakeikorako Extension (Excludes Geothermal Areas)	24	24.03	Te Kopia Forest Partnership	Remove or adjust areas identified as SNA 592.	The areas identified do not contain indigenous vegetation and significant habitats of indigenous fauna, as they are planted in pine forest.	Director General of Conservation	5	5.16	O	Disallow submission. Retain site as SNA as per Director-General's submission	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Accept in part

Site 558 - Akatārewa Stream	24	24.01	Te Kopia Forest Partnership	Remove or adjust areas identified as SNA 558.	The areas identified do not contain indigenous vegetation and significant habitats of indigenous fauna, as they are planted in pine forest.	Waikato Regional Council	13	13.05	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as regionally significant without need for further field work. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity. Council's main concerns is the protection and sustainable management of the geothermal stream.	Reject
Site 154 - Te Miri Road	25	25.01	Te Rimu Trust	The SNA identified on their property [72 Te Manu Road] is removed on the grounds it is only covered by minor scrub not an area of "significant indigenous vegetation".	The landowners intend to continue to graze the pockets of indigenous vegetation and winter stock under them and the multiple access tracks through them will be continued to be required. We understand [a SNA map] was initially sent to the landowner and they comment about the pasture tracts being included. This was then revised (as a desktop GIS exercise by Wildlands) to the version that was sent with the invitation to submit on the plan change. It is unclear what (if any) fieldwork was done. Using visual inspection from the landowner's property and the public road and reviewing the latest aerial imagery in Geyser view - the stands of indigenous vegetation on 73, 89A, 89B, 101, 112B and 121 Te Manu Road are considerably different in scale and use to the pockets on 72 Te Manu Road. The revised map still includes areas of open pasture visible from aerial imagery. The significance justification is weaker than for other areas in the district and as identified above the pockets of indigenous vegetation on the landowner's property are less valuable than the larger areas on other properties that make up the majority of SNA 154. While there are other areas of SNA 154 that with reasonable stands are more likely to be considered significant, these are not located on the landowner's property. The limited amount of rates remission likely to be calculated could not be considered a meaningful incentive. They support the view of the Rotorua Rural community Board that top-down impositions by statutory authorities are less desirable than a bottom up volunteer approach. Council need to be actively obtaining permission from the landowners that they are willing to have the restrictions imposed. The landowners are happy to maintain the pockets of indigenous vegetation as they have for many years but do not want SNA controls imposed on areas that do not appear to meet the threshold of "significant" and will likely impose significant management/compliance burdens on them.	Director General of Conservation	5	5.17	O	Disallow submission. Retain site as SNA as per Director-General's submission	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Accept in part

Site 700 - Mangaharakeke Waterfall	26	26.01	Timberlands Ltd. (Timberlands)	This site [SNA 700] is not classified as a SNA.	<p>The area containing significant vegetation is overstated. Many sub-parts are dominated by weeds. Vegetation on at least one landform does not meet the Waikato RPS criteria.</p> <p>The intent of the Waikato RPS, objective 3.19, policy 11.2 and methods 11.2.1 – 3 can be met without an SNA. Most relevant is method 11.2.2. Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the Waikato RPS method (11.2.2.a), therefore the cascade of avoidance, mitigation and offset (11.2.2.b-d) is not required. The site contains no rare, at risk, threatened or irreplaceable indigenous biodiversity (11.2.2.f); and the activity of plantation forestry located next to the site (11.2.2.g) if anything performs a protective function, in that the biggest risk appears to be domestic animals, deduced from the regional council seeking to fence all wetlands in this catchment.</p> <p>Regulation under the National Environmental Standards for Plantation Forestry (NES-PF) already applies to riparian margins and wetlands. These require setbacks for planting, replanting, crossings, harvesting, mechanical land prep and earthworks near a stream or wetland. The protective status of an SNA does not address the predominant risk to this site – plant and animal pests. Council does not identify how an SNA gives greater protection. The section 32 report states “On private land the main causes of decline are habitat destruction or modification through the removal, fragmentation and degradation of ecosystems, wetland drainage and the effects of pests and weeds.” The risks either do not apply to this land in the context of FSC certified forest practice, or the SNA status does not address the risks identified (e.g. active pest control).</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer to the site.</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.2 which is to Support the integrity of Significant Natural Areas and habitat of indigenous fauna by provision of buffers around SNAs.</p> <p>The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association.</p> <p>The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.</p>	Director General of Conservation	5	5.21	0	Disallow submission. Retain site as SNA as per Director-General's submission	<p>Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Wetlands are National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and are significantly reduced in area in BOP.</p> <p>The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken</p>	Reject
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Site 701 - Mangaharakeke Wetland	26	26.02	Timberlands Ltd. (Timberlands)	That the boundary of the proposed SNA 701 site is revised to ensure that it is topographically accurate compared to the vegetation that could be regarded as genuinely significant, in a way that is practical for operational purposes.	Vegetation does not all meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Regulation under the National Environmental Standards for Plantation Forestry (NES-PF) already applies to riparian margins and wetlands. These require setbacks for planting, replanting, crossings, harvesting, mechanical land prep and earthworks near a stream or wetland (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3). Plantation forestry on adjacent land will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	Director General of Conservation	5	5.23	0	Disallow submission. Retain site as SNA as per Director-General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Wetlands are National Priority 2 in the Priorities for Protecting Rare and Threatened Biodiversity on Private Land (MfE 2007) and are significantly reduced in area in BOP. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Reject
Site 703 - Torepatutahi Stream Riparian	26	26.03	Timberlands Ltd. (Timberlands)	This site [SNA 703] is not classified as a SNA.	It is a dry gully system except in periods of heavy rain and not riparian. Thus it does not meet RMA s6(a). Nor is the vegetation significant thus it does not meet RMA s6(c). Forest activities will not have a significant effect in any case, so classifying it as SNA will not provide extra protection from what it already receives under the Forestry Management Plan, The Plantation Forestry NES and the requirements of the FSC Certification. SNA classification would introduce another layer of compliance assessment with no additional benefit. Vegetation does not meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Plantation forestry on land adjacent to this unstocked site will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest and fence around the forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	Director General of Conservation	5	5.25	0	Disallow submission. Retain site as SNA as per Director-General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject

Site 703 - Torepatutahi Stream Riparian	26	26.03	Timberlands Ltd. (Timberlands)	This site [SNA 703] is not classified as a SNA.	It is a dry gully system except in periods of heavy rain and not riparian. Thus it does not meet RMA s6(a). Nor is the vegetation significant thus it does not meet RMA s6(c). Forest activities will not have a significant effect in any case, so classifying it as SNA will not provide extra protection from what it already receives under the Forestry Management Plan, The Plantation Forestry NES and the requirements of the FSC Certification. SNA classification would introduce another layer of compliance assessment with no additional benefit. Vegetation does not meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Plantation forestry on land adjacent to this unstocked site will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest and fence around the forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	C & W Tozer	12	12.06	S	Allow Submission	That site #703 not be classified as an SNA for the reasons outlined by the submitter.	Reject
Site 701 - Mangaharakeke Wetland	26	26.02	Timberlands Ltd. (Timberlands)	That the boundary of the proposed SNA 701 site is revised to ensure that it is topographically accurate compared to the vegetation that could be regarded as genuinely significant, in a way that is practical for operational purposes.	Vegetation does not all meet the Waikato RPS criteria for significance. Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2). Regulation under the National Environmental Standards for Plantation Forestry (NES-PF) already applies to riparian margins and wetlands. These require setbacks for planting, replanting, crossings, harvesting, mechanical land prep and earthworks near a stream or wetland (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3). Plantation forestry on adjacent land will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer. The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.	Waikato Regional Council	13	13.07	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as locally significant based on aerial photographs and personal knowledge. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity. Mapping of the wetland will also assist landowners in identifying zones subject to inspection requirements under the proposed National Policy Statement for Freshwater Management (re. Proposed NPSFM 3.15(5)(a)(i-iii)).	Reject

Site 703 - Torepatutahi Stream Riparian	26	26.03	Timberlands Ltd. (Timberlands)	This site [SNA 703] is not classified as a SNA.	<p>It is a dry gully system except in periods of heavy rain and not riparian. Thus it does not meet RMA s6(a). Nor is the vegetation significant thus it does not meet RMA s6(c).</p> <p>Forest activities will not have a significant effect in any case, so classifying it as SNA will not provide extra protection from what it already receives under the Forestry Management Plan, The Plantation Forestry NES and the requirements of the FSC Certification. SNA classification would introduce another layer of compliance assessment with no additional benefit. Vegetation does not meet the Waikato RPS criteria for significance.</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2).</p> <p>Plantation forestry on land adjacent to this unstocked site will not lead to loss of protection of the site identified in District Plan policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest and fence around the forest provides a buffer.</p> <p>The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association.</p> <p>The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.</p>	Waikato Regional Council	13	13.08	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as locally significant and important based on field work. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity.	Reject
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Site 700 - Mangaharakeke Waterfall	26	26.01	Timberlands Ltd. (Timberlands)	This site [SNA 700] is not classified as a SNA.	<p>The area containing significant vegetation is overstated. Many sub-parts are dominated by weeds. Vegetation on at least one landform does not meet the Waikato RPS criteria.</p> <p>The intent of the Waikato RPS, objective 3.19, policy 11.2 and methods 11.2.1 – 3 can be met without an SNA. Most relevant is method 11.2.2. Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the Waikato RPS method (11.2.2.a), therefore the cascade of avoidance, mitigation and offset (11.2.2.b-d) is not required. The site contains no rare, at risk, threatened or irreplaceable indigenous biodiversity (11.2.2.f); and the activity of plantation forestry located next to the site (11.2.2.g) if anything performs a protective function, in that the biggest risk appears to be domestic animals, deduced from the regional council seeking to fence all wetlands in this catchment.</p> <p>Regulation under the National Environmental Standards for Plantation Forestry (NES-PF) already applies to riparian margins and wetlands. These require setbacks for planting, replanting, crossings, harvesting, mechanical land prep and earthworks near a stream or wetland. The protective status of an SNA does not address the predominant risk to this site – plant and animal pests. Council does not identify how an SNA gives greater protection. The section 32 report states “On private land the main causes of decline are habitat destruction or modification through the removal, fragmentation and degradation of ecosystems, wetland drainage and the effects of pests and weeds.” The risks either do not apply to this land in the context of FSC certified forest practice, or the SNA status does not address the risks identified (e.g. active pest control).</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.1 as the ecological sustainability or values are not at risk as a result of forest practice. There will be no net loss of biodiversity as a result of forest practice. There will be no building or development setbacks to affect the health and functioning of the site. The forest provides a buffer to the site.</p> <p>Plantation forestry on adjacent land will not lead to loss of protection of the site identified in the District Plan’s Policy 2.3.5.2 which is to Support the integrity of Significant Natural Areas and habitat of indigenous fauna by provision of buffers around SNAs.</p> <p>The land ownership, as a result of the 2008 CNI Settlement now reflects the Māori, historical and community association with the site. There is a view that an SNA status reduces that association.</p> <p>The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus its weight must be limited.</p>	Waikato Regional Council	13	13.06	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as locally significant based on aerial photographs and personal knowledge. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity.	Reject
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Site 703 - Torepatutahi Stream Riparian	27	27.01	Tozer, C and W	Do not schedule/do not include #703 "Short Road Gully" proposed SNA in the District Plan.	<p>1. Our property land cover and its management help protect the headwaters of the Torepatutahi Stream. We consider our Short Road Gully and its natural resources are adequately protected without an SNA</p> <p>2. During the past 25 years we have respected, cared for and encouraged the growth of indigenous vegetation. We are concerned that Council now want to schedule the majority of our property by way of an SNA with all of the restrictions, extra costs and loss of property rights that this would bring.</p> <p>3. Wildland Consultants in their 1998 ecological survey for Council did not identify our property as a site of ecological significance. Their 2018 assessment records "Wildling pines scattered throughout kanuka forest"; and that no threatened or at-risk species were observed. Risk assessment to site vegetation clearance was recorded as "low". Furthermore, change relative to the 1998 report is unknown, likely to be minor. This does not justify a large percentage of our property being proposed as a new SNA.</p> <p>4. We dispute assessment of risk of wildling pines and other pest plants in the Wildland 2018 report. Wildling pines are a definite risk in the locality and threaten biodiversity in parts of the property. The risk posed by blackberry is very high and by our observation and first-hand experience, is the greatest threat to indigenous vegetation establishment, recovery and succession in the Central North Island.</p> <p>5. To maintain and enhance the integrity of this indigenous vegetation and associated biodiversity requires very active and repeated pest plant and pest animal control. Just locking up an area as an SNA and hoping the indigenous flora and fauna will flourish in the Torepatutahi Catchment and beyond is wishful thinking at best.</p> <p>6. We believe we are unlikely to receive much needed financial and physical assistance to help protect, maintain and enhance the SNA areas. To place these areas in an SNA and biodiversity protected in-perpetuity, we need realistic meaningful rates relief and financial and physical contribution towards annual and on going plant and animal pest control. Without such assistance, we our land and many SNA's in the District will not be managed and plant and animal pests will overrun and degrade the areas to the point of loss.</p> <p>7. We contend a better approach would be for Rotorua Lakes Council and Waikato Regional Council to jointly partner with the landowner in providing an alternative to SNA's – namely a tailored Property Environmental Plan and agreement which embraces a balance of environmental protection, production and recreational uses and values for the land in question.</p>	Director General of Conservation	5	5.18	O	Disallow submission. Schedule the area as per Director-Generals submission.	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Reject
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Site 703 - Torepatutahi Stream Riparian	27	27.01	Tozer, C and W	Do not schedule/do not include #703 "Short Road Gully" proposed SNA in the District Plan.	<p>1. Our property land cover and its management help protect the headwaters of the Torepatutahi Stream. We consider our Short Road Gully and its natural resources are adequately protected without an SNA</p> <p>2. During the past 25 years we have respected, cared for and encouraged the growth of indigenous vegetation. We are concerned that Council now want to schedule the majority of our property by way of an SNA with all of the restrictions, extra costs and loss of property rights that this would bring.</p> <p>3. Wildland Consultants in their 1998 ecological survey for Council did not identify our property as a site of ecological significance. Their 2018 assessment records "Wildling pines scattered throughout kanuka forest"; and that no threatened or at-risk species were observed. Risk assessment to site vegetation clearance was recorded as "low". Furthermore, change relative to the 1998 report is unknown, likely to be minor. This does not justify a large percentage of our property being proposed as a new SNA.</p> <p>4. We dispute assessment of risk of wildling pines and other pest plants in the Wildland 2018 report. Wildling pines are a definite risk in the locality and threaten biodiversity in parts of the property. The risk posed by blackberry is very high and by our observation and first-hand experience, is the greatest threat to indigenous vegetation establishment, recovery and succession in the Central North Island.</p> <p>5. To maintain and enhance the integrity of this indigenous vegetation and associated biodiversity requires very active and repeated pest plant and pest animal control. Just locking up an area as an SNA and hoping the indigenous flora and fauna will flourish in the Torepatutahi Catchment and beyond is wishful thinking at best.</p> <p>6. We believe we are unlikely to receive much needed financial and physical assistance to help protect, maintain and enhance the SNA areas. To place these areas in an SNA and biodiversity protected in-perpetuity, we need realistic meaningful rates relief and financial and physical contribution towards annual and on going plant and animal pest control. Without such assistance, we our land and many SNA's in the District will not be managed and plant and animal pests will overrun and degrade the areas to the point of loss.</p> <p>7. We contend a better approach would be for Rotorua Lakes Council and Waikato Regional Council to jointly partner with the landowner in providing an alternative to SNA's – namely a tailored Property Environmental Plan and agreement which embraces a balance of environmental protection, production and recreational uses and values for the land in question.</p>	Waikato Regional Council	13	13.09	O	That the site be retained and mapped as SNA applying relevant WRPS criteria.	Wildlands background ecological report (2014) identifies the site as locally significant and important based on field work. The study undertaken as part of the background report represents an appropriate degree of site validation. The site meets one or more of the Waikato RPS criteria for determining significance of indigenous biodiversity.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	28	28.01	Uttinger, S	Reverse decision to make the proposed area [at 388 Maleme Road] a significant natural area.	<p>This farm was previously in Gum trees and this area as shown on map of the SNA has still got gum trees on it and has been fenced off for the last 10 years so stock don't get into it. We want access to this land to use the gum trees for firewood in the future. It is not used for stock but we would prefer to maintain this area ourselves. We are happy to plant flaxes on this land but would prefer to keep this area under our farming practice. It is 1.5ha.</p>	Director General of Conservation	5	5.19	S	Allow submission subject to groundtruthing. Remove area of gum trees on this property from SNA	Area appears to be dominated by gum trees. Groundtruthing is required to confirm this.	Accept in part

Site 585 - Lake Ohakuri Northwest Riparian Faces	28	28.01	Uttinger, S	Reverse decision to make the proposed area [at 388 Maleme Road] a significant natural area.	This farm was previously in Gum trees and this area as shown on map of the SNA has still got gum trees on it and has been fenced off for the last 10 years so stock don't get into it. We want access to this land to use the gum trees for firewood in the future. It is not used for stock but we would prefer to maintain this area ourselves. We are happy to plant flaxes on this land but would prefer to keep this area under our farming practice. It is 1.5ha.	Federated Farmers	6	6.22	S	Allow submission.	This is consistent with the relief sought in our submission.	Reject
Site 708 - Tokerau Wetland A	29	29.01	Vercoe, B	Support SNA 708 with amendment to allow for the Trust to increase the watercress growth and allow controlled access to harvest it.	The two wetlands are very old and have been kept in a protected state and will continue to be under the jurisdiction of the Tokerau A.11 Trust. This is nurtured as an important source of food (watercress growth). We are aware of the unique flora & native trees in both SNA areas.							Accept
Site 709 - Tokerau Wetland B	29	29.02	Vercoe, B	Support SNA 709 with amendment to allow for the Trust to increase the watercress growth and allow controlled access to harvest it.	The two wetlands are very old and have been kept in a protected state and will continue to be under the jurisdiction of the Tokerau A.11 Trust. This is nurtured as an important source of food (watercress growth). We are aware of the unique flora & native trees in both SNA areas.							Accept
Site 681 - Mangorewa Kaharoa	30	30.01	Waerenga East and West Incorporation (Committee of)	Request further information and time to consider the proposal and understand what the incorporations options are for alternative means of protecting the true SNAs moving forward.	Further consultation be held as the proposed area includes existing exotic tree plantations and a number of other issues. Also we received insufficient notice to receive the proposed changes, seek professional advice and formulate an informed response.							Accept in part
Site 585 - Lake Ohakuri Northwest Riparian Faces	31	31.01	van Maanen, C	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Director General of Conservation	5	5.33	O	Disallow submission point. Retain site as SNA as per Director General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	31	31.01	van Maanen, C	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Federated Farmers	6	6.23	S	Allow submission.	Support is extended for the request to have further assessment undertaken to determine the accuracy of the SNA identification and mapping process.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	32	32.01	van Maanen, G	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Director General of Conservation	5	5.34	O	Disallow submission point. Retain site as SNA as per Director General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject

Site 585 - Lake Ohakuri Northwest Riparian Faces	32	32.01	van Maanen, G	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Federated Farmers	6	6.24	S	Allow submission.	Support is extended for the request to have further assessment undertaken to determine the accuracy of the SNA identification and mapping process.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	33	33.01	van Maanen, M	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Director General of Conservation	5	5.35	O	Disallow submission point. Retain site as SNA as per Director General's submission	Site contains significant indigenous vegetation. The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken.	Reject
Site 585 - Lake Ohakuri Northwest Riparian Faces	33	33.01	van Maanen, M	Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.	The first notification of this proposed plan change came on 29/7/19. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management. There is little indigenous vegetation in the 10ha identified at 890 Poutakataka Road. Blackberry & wilding pines are rampant & destruction by pigs & possums is extensive. I am concerned that inadequate investigation has been completed to support the identification of the SNA as Wildlands have not visited the site.	Federated Farmers	6	6.25	S	Allow submission.	Support is extended for the request to have further assessment undertaken to determine the accuracy of the SNA identification and mapping process.	Reject
Site 559 - Ōrākeikōrako	34	34.15	Waikato Regional Council (WRC)	Retention of entire site for SNA 559.	(East side of Waikato river only). WRC notes Orakei Conservation Covenants, Section 77 Reserves Act 1977. Removing SNA status from sites due to alternative protection from covenants is inconsistent with the application of significance criteria in the RPS (refer to submission point on alternative legal protection and removal of SNAs).	Director General of Conservation	5	5.26	S	Allow the submission point subject to groundtruthing. Schedule the area including covenants, reserves, if significance criteria is met.	The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Groundtruthing is required to confirm this.	Reject
Site 566 - Red Hills Geothermal area	34	34.16	Waikato Regional Council (WRC)	Retention of entire site for SNA 566.	WRC notes Orakei Korako Conservation Covenants, Section 77 Reserves Act 1977. Removing SNA status from sites due to alternative protection from covenants is inconsistent with the application of significance criteria in the RPS (refer to submission point on alternative legal protection and removal of SNAs).	Director General of Conservation	5	5.27	S	Allow the submission point subject to groundtruthing. Schedule the area including covenants, reserves, if significance criteria is met.	The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Groundtruthing is required to confirm this.	Reject
Site 570 - Longview Road Thermal Area	34	34.17	Waikato Regional Council (WRC)	Retention of entire site for SNA 570.	WRC notes Molloy Conservation Covenant. Removing SNA status from sites due to alternative protection from covenants is inconsistent with the application of significance criteria in the RPS (refer to submission point on alternative legal protection and removal of SNAs).	Director General of Conservation	5	5.28	S	Allow the submission point subject to groundtruthing. Schedule the area including covenants, reserves, if significance criteria is met.	The Director-General agrees that all sites that meet the significance criteria in the WRPS and BOPRPS must be included as SNAs. Groundtruthing is required to confirm this.	Reject

f) Sites with alternative legal protection (general points)	34	34.01	Waikato Regional Council (WRC)	That scheduling and subsequent control on activities relies on assessment based on WRPs criteria in Table 11-2	Removing SNA status from sites due to alternative protection from covenants is inconsistent with the application of significance criteria in the RPS. Covenanting agreements only go so far in meeting the obligations of protection contained in section 6(c) of the RMA. Criteria for determining significance are outlined in Table 11-1 of the WRPS. Criterion 1 identifies indigenous vegetation or habitat of indigenous fauna that is currently or recommended to be set aside by statute or covenant as an SNA as long as it also meets at least one of criteria 3-11. In the case of geothermal vegetation or habitat in all cases it will also meet criterion 5 (as a minimum). Removing SNA status means sites are not subject to policies or rules of the District Plan. Removing SNA status can also remove potential for landowners to access funding to improve management of those sites. Protection via covenant does not preclude the possibility of people to apply for resource consent for activities that would adversely affect the SNA. Furthermore, the flexibility of the terms of a covenant means these might not always meet what Council considers important for biodiversity. In some cases certain activities provided for in a covenant might meet the threshold for more stringent controls under the resource management framework, e.g. a covenant allowing an activity that might otherwise be classed as non-compliant.	Federated Farmers	6	6.26	O	Disallow submission.	FFNZ does not accept that sites with existing legal protection, in particular, QE11 covenants, are at risk of losing that protection. A QE11 covenant protects the land in perpetuity. It cannot be removed for any reason. The sites with legal protection can still form part of a district biodiversity dataset, they do not need to be identified as an SNA to achieve completeness of data or improved biodiversity outcomes. The relief sought in FFNZ submission can address the issues raised concerning access to funding.	Accept in part
c) New and amended geothermal sites (general points)	34	34.03	Waikato Regional Council (WRC)	That all areas of geothermal vegetation that fall within the Council's boundary for RLC be mapped as SNAs. That specific sites be included and scheduling be amended (refer to other submission points).	WRC's previous submission on matters related to SNAs in the RLC plan sought the inclusion of many geothermal areas in the SNA maps. Several of these were excluded or only partially included. The proposed scheduling and mapping of SNAs excludes areas that have other protection such as reserve status.	Federated Farmers	6	6.27	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process.	Accept in part
e) Sites reassessed at request of landowner (general points)	34	34.04	Waikato Regional Council (WRC)	That specific sites be included and scheduling be amended (refer to other submission points).	Appropriate application of WRPS criteria is necessary. Council supports the inclusion of all areas identified in the report and seeks boundary readjustments and further inclusions.	Federated Farmers	6	6.28	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process.	Accept in part
Site 555 - Waiōtapu South	34	34.06	Waikato Regional Council (WRC)	Addition of the entire site for SNA 555.	All areas of geothermal vegetation that fall within the Council's boundary for RLC be mapped as SNA.	Federated Farmers	6	6.29	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process.	Reject
Site 558 - Akatārewa Stream	34	34.07	Waikato Regional Council (WRC)	Addition of entire site including the stream length for SNA 558.	All areas of geothermal vegetation that fall within the Council's boundary for RLC be mapped as SNA. The notified plan change added the area at the mouth but does not include the stream length.	Federated Farmers	6	6.30	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process.	Reject
Site 712 - Te Kopia	34	34.19	Waikato Regional Council (WRC)	Add the entire site for SNA 712.	The mapping covers only a very small part of the SNA. The remainder is reserve and is not mapped as an SNA by RLC. All areas of geothermal vegetation that fall within the Council's boundary for RLC be mapped as SNA.	Federated Farmers	6	6.31	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process.	Reject

Site 715 - Ohaaki Steamfield East	34	34.22	Waikato Regional Council (WRC)	Add the entire site for SNA 715.	The mapping covers only a very small part of the SNA. The remainder is in a QEII covenant and is not mapped as an SNA by RLC. All areas of geothermal vegetation that fall within the Council's boundary for RLC be mapped as SNA.	Federated Farmers	6	6.32	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process. FPNZ does not accept that sites with existing legal protection, in particular, QE11 covenants, are at risk of losing that protection. A QE11 covenant protects the land in perpetuity. It cannot be removed for any reason. The sites with legal protection can still form part of a district biodiversity dataset, they do not need to be identified as an SNA to achieve completeness of data or improved biodiversity outcomes.	Reject
Site 800 - Northern Paeroa Range	34	34.25	Waikato Regional Council (WRC)	Add the entire site for SNA 800.	The mapping covers only apart of the SNA. The remainder is reserve and is not mapped as an SNA by RLC. All areas of geothermal vegetation that fall within the Council's boundary for RLC be mapped as SNA.	Federated Farmers	6	6.33	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process	Reject
h) Other sites not in scope of notified plan change	34	34.27	Waikato Regional Council (WRC)	Add the following sites covered by scenic reserves and conservation areas: (including non-geothermal land) noted in Wildlands 2014 report: Te Kopia, Waikite, Maungaongaonga, Waiotapu North, Maungakakamea (Rainbow Mountain) and Waiotapu South (refer to full submission for maps).	The proposed scheduling and mapping of SNAs should not exclude areas that have other protection such as reserve status.	Federated Farmers	6	6.34	O	Disallow submission.	Sites should only be brought into the district plan and subject to controls relating to SNAs and SGFs after a robust identification and landowner consultation process. FPNZ does not accept that sites with existing legal protection, in particular, QE11 covenants, are at risk of losing that protection. A QE11 covenant protects the land in perpetuity. It cannot be removed for any reason. The sites with legal protection can still form part of a district biodiversity dataset, they do not need to be identified as an SNA to achieve completeness of data or improved biodiversity outcomes	Reject
Various	34	34.01 - 34.28	Waikato Regional Council (WRC)	Refer to points mentioned above in submission points #34.01 - #34.28	Refer to points mentioned above in submission points #34.01 - #34.28	Forest and Bird	8	8.88-8.115	S	Allow submission.	We support the recommendation RLC includes in its schedule of SNAs all areas within Department of Conservation Estate that meet the criteria in table 11-1 of the WRPS.	Refer to points mentioned above in submission points #34.01 - #34.28
Site 552 - Horohoro Geothermal area	34	34.05	Waikato Regional Council (WRC)	Adopt proposed amendments to SNA 552.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs							Accept

Site 567 - Golden Springs	34	34.08	Waikato Regional Council (WRC)	Adopt proposed amendments for SNA 567.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 568 - Waikato River Springs	34	34.09	Waikato Regional Council (WRC)	Adopt proposed amendments for SNA 568.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 571 - Wharepapa Road	34	34.10	Waikato Regional Council (WRC)	Adopt proposed amendments for SNA 571.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 572 - Ngāpouri	34	34.11	Waikato Regional Council (WRC)	Adopt proposed amendments for SNA 572.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 573 - Waiōtapū North	34	34.12	Waikato Regional Council (WRC)	Adopt proposed amendments for SNA 573.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept in part
Site 574 - Waikite Valley	34	34.13	Waikato Regional Council (WRC)	Adopt proposed amendments for SNA 574.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept in part
Site 716 - Maungakakamea (Rainbow Mountain)	34	34.14	Waikato Regional Council (WRC)	Addition of entire site for SNA 716.	The area in the southwest should be included as part of the wider geothermal area. The area identified in the northeast is actually in the Bay of Plenty region, not the Waikato region as stated.							Reject
Site 710 - Akatarewa East	34	34.18	Waikato Regional Council (WRC)	Adopt the proposed amendments for SNA 710.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 713 - Mangamingi Station	34	34.20	Waikato Regional Council (WRC)	Adopt the proposed amendments for SNA 713.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 714 - Matapan Road	34	34.21	Waikato Regional Council (WRC)	Adopt the proposed amendments for SNA 714.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 717 - Upper Atiamuri West	34	34.23	Waikato Regional Council (WRC)	Adopt the proposed amendments for SNA 717.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 718 - Western Te Kopia	34	34.24	Waikato Regional Council (WRC)	Adopt the proposed amendments for SNA 718.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept
Site 801 - Murphy's Springs	34	34.26	Waikato Regional Council (WRC)	Adopt the proposed amendments for SNA 801.	WRC supports RLC's effort to update the District Plan and ensure the appropriate level of management of activities within SNAs.							Accept

h) Other sites not in scope of notified plan change	34	34.28	Waikato Regional Council (WRC)	WRC recommends that RLC includes in its schedule of SNAS all areas within Department of Conservation Estate that meet the criteria in table 11-1 of the WRPS. Such inclusion creates an appropriate contingency in the event of treaty settlement land transfers. Having SNAs on transferred land will ensure that activities are appropriately managed under the RMA, after the land ceases to have a protected status under the Conservation Act. This also makes it easier for landowners to access funding to improve management of those sites.								Reject
Site 679 - Te Waerenga Road 2	35	35.01	Walshe, B	Do not designate any further land on this property [304A Kaharoa Road] as SNA. RLC must revisit this policy and reconsider how it proposes to fund and manage SNAs rather than placing financial impositions on rural landowners. It must also review the process that has been undertaken by RLC Officers and look at all concerns raised.	RLC & BOPRC are not offering any assistance or incentives to landowners for SNAs and have proven that they cannot fund or manage existing SNAs. Existing covenanted areas on our property account for 18% (3.98ha) of our total land area. We have observed the rules relating to the covenants and have applied the same to uncovenanted areas. There has been no financial assistance or rate remittance from RLC/BOPRC. Ceding control of a further 2ha of our property would make farming operations difficult by adding time to stock movements and force us to relocate a water supply for our stock. RLC want more of our land because of our efforts to protect the native plants.	Federated Farmers	6	6.35	S	Allow submission.	It is FFNZ's understanding the sentiment expressed in the submission is widely shared by other affected landowners.	Accept in part
a) General	35	35.02	Walshe, B	Do not designate any further land in the Rotorua District as SNA. RLC must revisit this policy and reconsider how it proposes to fund and manage SNAs rather than placing financial impositions on rural landowners. It must also review the process that has been undertaken by RLC Officers and look at all concerns raised.	RLC & BOPRC are not offering any assistance or incentives to landowners for SNAs and have proven that they cannot fund or manage existing SNAs.	Federated Farmers	6	6.36	S	Allow submission.	It is FFNZ's understanding the sentiment expressed in the submission is widely shared by other affected landowners.	Accept in part
Site 679 - Te Waerenga Road 2	35	35.01	Walshe, B	Do not designate any further land on this property [304A Kaharoa Road] as SNA. RLC must revisit this policy and reconsider how it proposes to fund and manage SNAs rather than placing financial impositions on rural landowners. It must also review the process that has been undertaken by RLC Officers and look at all concerns raised.		Director General of Conservation	5	5.29	O	Disallow the submission point. Schedule the entire area of site 679 as per Director-General's submission	Area contains significant indigenous vegetation. The Director-General also considers that assurance that the site meets SNA criteria could be increased if groundtruthing is undertaken	Accept in part

APPENDIX 2 – CHANGES TO THE ROTORUA LAKES DISTRICT PLAN

Update and correct paragraph A2.1.2 in Appendix 2 of the District Plan as shown:

Significant natural areas (SNA) were identified, assessed and mapped in reports commissioned from ecological consultancies, which are available on the Council's website the report 'Natural Heritage and Biodiversity Review 2009'. This report was a desk top review of the report 'Natural Heritage of the Rotorua District' completed in 1998. The scope of these reports was to identify significant natural areas on private land and without formal protection.

Update SNA Schedule as follows:

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
1	354, 514, 515, 518, 519, 520, 521, 532, 536	Mamakū	Yes
2	536	Ōhinenui Stream	No
3	536	South Road	No
4	536	Ōhinenui Side stream	No
5	532	Waitētahi Stream	No
6	515, 516, 517, 519	Mt Ngōngōtahā Scenic Reserve Extension	No
7	319, 323	Mountain Road	No
8	317, 318	Waiowhiro Flat Wetland	No
9	315, 316, 317	Ngōngōtahā Railway Kahikatea	No
11	532	Tapapakurua Stream	Yes
12	513, 532	Kōmutumutu Steam A	Yes
13	532	State Highway 5	No
14	532	Kōmutumutu Stream B	No
15	511, 513, 532	Waiteti Stream	No
16	532	Ōturoa Road Junction	No
18	532	Upper Waiteti Stream	No
20	310	Hamurana Road Wetland	No

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
21	508	Te Waerenga Gorge Scenic Reserve Extension	No
22	306, 307	Mission Bay Bush	No
23	307, 357, 522	Hamurana Road	No
24	358, 522	Ohau Channel Wetland	No
26	374	Te Weta Bay	No
27	372, 375	Te Ti Bay	No
29	372, 534	Te Ārero Bay	No
31	534	Lake Te Hapua	No
<u>32</u>	<u>376</u>	<u>Tumoana Point</u>	<u>No</u>
33	377, 534	Motuōha Point	Yes
34	359, 362	Te Ngae Junction Wetland	No
35	361, 523	Hell's Gate	Yes
36	361	Tikitere Northwest	Yes
37	376, 523	Maraeroa	Yes
38	534	Ruahine Springs	Yes
39	534	Titoki Farm Forest	No
42	523, 524, 534	Lake Rotokawau	Yes
43	362, 365	Te Ngae Kahikatea Stand	No
44	363, 366	Te Ngae Bush	No
45	524, 525, 538	Cookson Road	No
46	305, 306, 307	Hamurana Cliffs	No
47	525	Rotokawa Road	No
49	368, 369, 537	Lake Rotokawa	Yes
58	377, 524, 525, 534, 538	Lake Okataina Scenic Reserve Extension	No
61	537	Waikururu Stream Wetlands	No

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
73	539, 543	Mt Tarawera	No
78	379, 534, 538, 539	Okataina Scenic Reserve Extension (Eastern)	No
79	377, 378, 379, 380, 534	Lake Ōkataina Scenic Reserve Extension (Northern)	No
80	535, 538, 539	Horohoro	No
81	381, 382, 383, 391, 392, 393, 534, 535, 539	Maungawhakarua-Hinehopu Scenic Reserve Extension	Yes
82	535	Hinehopu Mire	No
83	384, 385, 386, 388, 535	Matawhāura	No
84	385, 386, 387, 388, 535	Lake Rotoehu Margins	No
85	535, 538	Rotoiti Forest Wetlands	No
87	388, 389, 390, 393, 397, 535	Lake Rotomā Scenic Reserve Extension	No
89	386, 388	Rotoma Recreation Reserve Extension	No
98	539	Edwards Road	Yes
100	506, 511, 512, 532	Awahou Stream	No
104	538, 539	Ridgetop Road	No
106	345, 537	Whakarewarewa	Yes
108	336, 337	Ngāpuna	Yes
109	325	Ōhinemutu	Yes
110	336, 337	Cemetery Reserve	Yes
111	336, 337	Pūarenga Park	Yes
112	344, 345	Arikikapakapa (Golf Course)	Yes
113	344	Tangatarua (Old Taupo Road Reserve)	Yes

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
114	325	Kuirau Park	Yes
115	357, 358, 370, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 522, 523, 534	Lake Rotoiti	No
116	301, 302, 303, 304, 305, 306, 307, 309, 310, 312, 315, 317, 318, 321, 325, 326, 327, 328, 336, 337, 357, 359, 362, 364, 365, 367, 368, 522, 533, 537	Lake Rotorua	No
117	384, 385, 386, 387, 535	Lake Rotoehu	No
118	389, 390, 391, 392, 393, 397, 535	Lake Rotomā	No
119	394, 543	Lake Rerewhakaaitu	No
120	346	Redwood Grove Pool	Yes
121	376	Pārengarenga Springs	Yes
122	523	Te Rei Bay	Yes
123	523, 534	Wharetata Bay	Yes
124	534, 523	Ōtutatara Springs	Yes
125	534	Papakioire Springs	Yes
<u>127</u>	<u>361, 523</u>	<u>Ōtutatara Road Lake</u>	<u>No</u>
129	336	Arawa Park Racecourse	Yes
130	336	Marguerita Street (Wonderland; Leisureland)	Yes
133	355, 537	Five Mile Gate Swamp	No
134	352	Waipa Wetland	No

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
136	537	Ōhineuia Stream B	No
<u>139</u>	<u>327, 337</u>	<u>Ngapuna Wetlands</u>	<u>No</u>
142	356	Poplar Avenue Wetlands	No
144	388, 535	Waitangi Soda Springs Hot Springs	Yes
145	388, 535	Waitangi Soda Springs Mire	Yes
<u>147</u>	<u>363</u>	<u>Tikitere Kahikatea</u>	<u>No</u>
<u>154</u>	<u>518, 519</u>	<u>Te Miri Road</u>	<u>No</u>
<u>155</u>	<u>518, 536</u>	<u>Horohoro Forest East</u>	<u>No</u>
<u>156</u>	<u>515, 532, 536</u>	<u>Horohoro Forest Extension</u>	<u>No</u>
<u>157</u>	<u>532</u>	<u>Anderson Road</u>	<u>No</u>
<u>158</u>	<u>506, 532</u>	<u>Hauraki Stream</u>	<u>No</u>
162	326	Government Gardens (including Rachel Springs)	Yes
163	326, 327	Old Government Gardens	Yes
<u>167</u>	<u>534</u>	<u>Tikitere Hill Forest</u>	<u>No</u>
<u>172</u>	<u>376, 523</u>	<u>Upper Wairau Bay</u>	<u>No</u>
176	374	Te Weta Bay Geothermal Area	Yes
177	345, 352	Pohaturua	Yes
178	326, 327, 336	Sulphur Point	Yes
179	533	Mokoia Island	Yes
302	538, 539	Makatiti Dome Extension	No
304	539	Waterfall Road Wetland	No
305	539	Maungawhakamana	No
313	539	Mt Tarawera Northeast	No
315	539, 543	Purutai Road Forest Blocks	No
411	536	Mamakū South Road Bush	No
412	531, 536	Mangakōtaha Stream	No

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
413	531, 536	Takapūhūhū Stream	No
414	531, 536	Ōraka Stream Riparian	No
<u>415</u>	<u>531</u>	<u>Barker Road</u>	<u>No</u>
416	531	Off-Road New Zealand	No
<u>417</u>	<u>531</u>	<u>Arahiwi</u>	<u>No</u>
550	521, 536, 537	Turēpo Bush	No
551	536, 540	Horohoro Bluff	No
552	536	Horohoro Geothermal area	Yes
553	541, 542	Tumunui Bush	No
555	542	Waiōtapu South	Yes
556	545	Mangamingi Stream Bush	No
557	544, 545	Te Kōpia Road Swamp	No
558	544	Akatārewa Stream	Yes
559	544	Ōrākeikōrako	Yes
560	545	Whangairorohea Hot Pool	No
561	546	Will's Swamp	No
562	546	Torepatutahi Stream	No
563	546	Hardcastle Lagoon	No
564	545	Rāwhiti Lagoon	No
565	544	Waihunuhunu Geothermal area	Yes
566	544	Red Hills Geothermal area	Yes
567	545, 546	Golden Springs	Yes
568	545	Waikato River Springs	Yes
571	546	Wharepapa Road	Yes
572	542	Ngāpouri	Yes
573	542	Waiōtapū North	Yes

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
574	541, 542	Waikite Valley	Yes
575	537, 541	Hamill's Wetland	No
<u>577</u>	<u>540</u>	<u>Rahopakapaka Stream</u>	<u>No</u>
<u>579</u>	<u>540</u>	<u>Tahunaatara Stream Gorge</u>	<u>No</u>
581	540	Lake Ātiamuri	No
<u>582</u>	<u>540</u>	<u>Lake Atiamuri North Faces</u>	<u>No</u>
<u>583</u>	<u>540</u>	<u>Lake Atiamuri South Faces</u>	<u>No</u>
584	526, 540, 541, 544, 545, 546	Lake Ōhakuri	No
<u>585</u>	<u>540</u>	<u>Lake Ohakuri Northwest Riparian Faces</u>	<u>No</u>
<u>589</u>	<u>540, 544</u>	<u>Lake Ohakuri Northeast Riparian Faces</u>	<u>No</u>
<u>590</u>	<u>544</u>	<u>Waihunuhunu Arm Riparian Faces and Wetland</u>	<u>No</u>
<u>592</u>	<u>544, 545</u>	<u>Orakeikorako Extension (Excludes Geothermal Areas)</u>	<u>No</u>
595	541	Te Kōpia Scenic Reserve Extension	No
<u>596</u>	<u>545</u>	<u>Pukemoremore</u>	<u>No</u>
599	542	Lake Ngāhewa	No
650	531, 532	Capella Road Wetland	No
652	532	Galaxy Road North Forest Remnant	No
653	532	Upper Mangorewa River	No
654	532	Mamakū Lagoon	No
655	532	Mangorewa Extension	No
656	532	Lagoon Road	No
657	532	Upper Mangapouri Gorge	No
658	501, 502	Upper Pipikārihi Road	No
659	501	Mervyn Street	No

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
660	532, 533, 501-503	Mid Mangorewa Gorge	No
661	508	Te Waerenga Road	No
662	504	Kapukapu Road	No
663	504	Lake Rotongata	No
664	504, 505, 533	Onaia Stream	No
665	533	Hururu Stream	No
666	533	Maungarangi Road A	No
667	533, 534	Kaituna River	No
668	534	Paretero	No
669	371, 534	Tāheke Geothermal Area	Yes
670	534	Tāheke Forest	No
671	534	Pokopoko Stream	No
672	534	Lichtenstein Road	No
673	534	Maniatutu Road B	No
674	534	Roydon Downs Scenic Reserve Extension	No
675	534	Tokerau	No
676	372, 534	Maniatutu Road A	No
677	533, 534	Te Iringa	No
678	370, 533, 534	Upper Kaituna	No
<u>679</u>	<u>507, 508, 509</u>	<u>Te Waerenga Road 2</u>	<u>No</u>
<u>680</u>	<u>506, 507</u>	<u>Jackson Road</u>	<u>No</u>
<u>681</u>	<u>509, 510, 522</u>	<u>Mangorewa Kaharoa</u>	<u>No</u>
<u>700</u>	<u>542</u>	<u>Mangaharakeke Waterfall</u>	<u>No</u>
<u>701</u>	<u>543</u>	<u>Mangaharakeke Wetland</u>	<u>No</u>
<u>703</u>	<u>546, 547</u>	<u>Torepatutahi Stream Riparian</u>	<u>No</u>

Site number	Planning map(s).	Item/ Site name	Geothermal Vegetation
706	541	Handcock Bush	No
707	309, 310	Te Pōhue - Te Māhorehore Wetlands	No
<u>708</u>	<u>534</u>	<u>Tokerau Wetland A</u>	<u>No</u>
<u>709</u>	<u>534</u>	<u>Tokerau Wetland B</u>	<u>No</u>
<u>710</u>	<u>544</u>	<u>Akatārewa East</u>	<u>Yes</u>
<u>712</u>	<u>545</u>	<u>Te Kopia</u>	<u>Yes</u>
<u>713</u>	<u>545</u>	<u>Mangamingi Station</u>	<u>Yes</u>
<u>714</u>	<u>540</u>	<u>Matapan Road</u>	<u>Yes</u>
<u>717</u>	<u>540</u>	<u>Upper Atiamuri West</u>	<u>Yes</u>
<u>718</u>	<u>541</u>	<u>Western Te Kopia</u>	<u>Yes</u>
<u>800</u>	<u>542</u>	<u>Northern Paeroa Range</u>	<u>Yes</u>
<u>801</u>	<u>541</u>	<u>Murphy's Springs</u>	<u>Yes</u>