

Plan Change 3 Significant Natural Areas – Full Submissions

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Hello Kim,

We have read the s32 evaluation and agree with the recommendations provided in table #659 Melvyn Street on page 62. We have previously protected the main pockets of bush on our property and believe that further protection is not necessary. 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. We would prefer that this doesn't occur to keep things clear and simple. We would not like to be penalised in any way for doing the right thing and already protecting the bush that we have on our property, (we have chosen to protect this previously by covenant.)

We would like to add, that we do not wish to be heard, or heard jointly at a hearing (if others submit on similar grounds to us.) We would not gain an advantage in trade competition by making this submission.

Yours sincerely

Brian and Veronica Aislabie

52 Dudley Road

Kaharoa

Your Ref:
Our Ref: 7.00174



30 August 2019

Rotorua Lakes Council
Via email: policy.planning@rotorualc.nz; kim.smith@rlc.govt.nz

Dear Kim,

Proposed Plan Change 3 – Significant Natural Areas to the Rotorua District Plan

Bay of Plenty Regional Council Toi Moana (BOPRC) submission on Proposed Plan Change 3 – Significant Natural Areas (PC3) is appended.

We acknowledge the working relationship and appreciate the opportunity to be involved from the outset. Early consultation has enabled BOPRC to better understand the process for preparing PC3 and issues encountered during the identification and assessment process.

BOPRC recognises the importance of PC3 in seeking to ensure the District Plan identifies and protects SNAs. The protection of SNAs is a matter of national importance under section 6(c) of the Resource Management Act 1991 and is strongly supported by BOPRC. Furthermore district plans are required to give effect to relevant provisions of the Bay of Plenty Regional Policy Statement (RPS) namely:

Objective 20: The protection of significant indigenous habitats and ecosystems, having particular regard to their maintenance, restoration, rehabilitation and intrinsic values;

Policy MN 1B: Recognise and provide for Matters of National Importance;

Policy MN 2B: Giving particular consideration to protecting significant indigenous habitats and ecosystems;

Policy MN 3B: Using criteria to assess values and relationships in regard to section 6 of the Act; and

Policy MN 4B: Providing for promoting ecological restoration.

BOPRC's submission seeks to ensure PC3 gives effect to the above mentioned RPS policies.

BOPRC's submission is consistent with earlier comments provided on the 18 June 2019. Whilst generally supportive of PC3, 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. Furthermore we consider areas covenanted, or protected by other mechanisms, should still be added where these sites meet the 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.

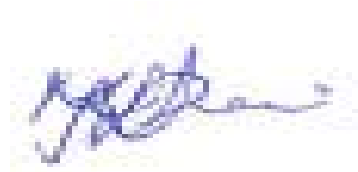
Objective ID: A3351448

BOPRC submission on Proposed Plan Change 3 - Significant Natural Areas

We acknowledge the assessment of Geothermal SNA sites within the Bay of Plenty Region is underway but not progressed sufficiently to be captured by PC3. BOPRC's current programme to identify and assess Significant Geothermal Features (SGFs) will likely be completed in 2020. We acknowledge any consideration involving their inclusion in the Rotorua District Plan will likely coincide with the next plan review.

BOPRC does wish to be heard in support of its submission.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Namouta Poutasi', is positioned above the printed name.

Namouta Poutasi
Group Manager Strategy and Science

1 Specific provision that submission relates to: (Chapter and Section Reference)		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Outline the amendments you seek or clearly state if you support or oppose based on information in the middle columns)
		What are the issues you are concerned about eg. is it inconsistent with a Regional Plan or Policy?	Support/Oppose or Seek Amendments and Provide Reason (This should include a reference to policy/objective/method or rule in a regional plan)	
1.2	1.2.1. New and expanded SNAs	The exclusion of sites as SNA due to there being other legal protection over the land.	<p>Oppose – 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).</p> <p>A number of sites were assessed as meeting the significance criteria but recommended NOT for inclusion, because they are protected via other means. BOPRC acknowledge there are a number of protection mechanisms being;</p> <ul style="list-style-type: none"> • Ngā Whenua Rāhui Kawenata (covenants) protection for Māori landowners through the use of 25 year renewable covenants. • QEII covenants, as a private land protection • Forestry Covenants • BOPRC Environmental Programmes <p>BOPRC considers that areas subject to covenants or some other level of protection that meet the significance criteria 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. Further, occasionally covenants are removed to enable development inconsistent with the purpose of 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.</p> <p>BOPRC seeks to avoid a piecemeal approach to the District Plan SNA layer. Our preference is to ensure that the full extent of the SNA's 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.</p>	Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.

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		What are the issues you are concerned about eg. is it inconsistent with a Regional Plan or Policy?	Support/Oppose or Seek Amendments and Provide Reason (This should include a reference to policy/objective/method or rule in a regional plan)	
1	1.2.1 New and expanded SNAs	Exclusions of sites due to insufficient information.	<p>Oppose - 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 work carried out by Landcare Research.</p> <p>Site #578 is outside the BOP region however the same information applies here.</p> <p>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).</p>	Sites #153 and #578 unless identified as not meeting the significance criteria should be included as SNAs. Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.
1	1.2.1 New and expanded SNAs	Exclusion of significant site due to ownership (#132 Whakarewarewa South)	Oppose – 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).	Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.

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1.2	1.2.4 Removed SNAs	Removal of sites that have alternative legal protection.	<p>Oppose – 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).</p> <p>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 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.</p> <p>BOPRC seeks to avoid a piecemeal approach to the District Plan SNA layer. Our preference is to ensure that the full extent of the SNA's 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.</p>	Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.
1.3	1.3 Potential Future Work	Section 1.3 acknowledges a <i>'number of additional amendments to existing SNAs and new SNAs have also been identified in a recent draft report (Wildland Consultants, 2018c). These sites have been excluded from the scope of this plan change due to the need to progress the sites already under consideration.'</i>	Oppose – 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).	Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.

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		What are the issues you are concerned about eg. is it inconsistent with a Regional Plan or Policy?	Support/Oppose or Seek Amendments and Provide Reason (This should include a reference to policy/objective/method or rule in a regional plan)	
5.2.1 Pg 48	#141 Pohaturoa Wetlands	Recommendation not to include wetland areas in District Plan SNA layer, district plan schedule and maps.	<p>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.</p> <p>BOPRC have particular interest in ensuring the protection of the wetlands identified as #141 Puhatua Wetland, #143 Reservoir Road Wetland and #148 Te Ngae Lake Edge Wetland.</p> <p>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.</p> <p>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.</p>	Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.

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5.2.1 Pg 50	#143 Reservoir Road Wetland	Recommendation not to include wetland area in District Plan SNA layer, district plan schedule and maps.	<p>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.</p> <p>BOPRC have particular interest in ensuring the protection of the wetlands identified as #141 Puhatua Wetland, #143 Reservoir Road Wetland and #148 Te Ngae Lake Edge Wetland.</p> <p>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.</p> <p>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.</p>	Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.

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		What are the issues you are concerned about eg. is it inconsistent with a Regional Plan or Policy?	Support/Oppose or Seek Amendments and Provide Reason (This should include a reference to policy/objective/method or rule in a regional plan)	
5.2.1 Pg 52	#148 Te Ngae Lake Edge Wetland	Recommendation not to include wetland area in District Plan SNA layer, district plan schedule and maps.	<p>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.</p> <p>BOPRC have particular interest in ensuring the protection of the wetlands identified as #141 Puhatua Wetland, #143 Reservoir Road Wetland and #148 Te Ngae Lake Edge Wetland.</p> <p>From a water quality perspective, Site No. 148 - Te Ngae Lake Edge Wetland should be included in the SNA schedule as a priority.</p> <p>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 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.</p> <p>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.</p>	Include all sites that meet the significance criteria. Ensuring completeness of the SNA layer, district plan schedule and maps.

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Ross Campbell

Email Address: rosspcampbell@gmail.com

Do you wish to speak to your submission at a hearing?: No

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: SNA located on 39 Waikuta Road

Support / Oppose: Oppose

Submission: My wife and I have owned the associated properties of 33 and 39 Waikuta Road for the last 17 years. Number 33 is a residential abode located on its own section. Number 39 is a vacant 2 acre paddock (zoned residential) with its own separate access off Waikuta Road and located to the rear of number 33, 35 and 37 Waikuta Road. The Waikuta Stream flows within the Southern Boundary of number 39. At present an area of this paddock close to the stream is designated as a SNA. During our time here the paddock has always been mown right up to the stream bank. It is a grass paddock. It has hay taken from it every season. Prior to our arrival it was a horse paddock. There is no significant vegetation on the paddock side of the stream other than what I have planted as support against erosion of the stream bank. The other side of the stream up to the boundary has been a long term project to rid this area of blackberry and ivy. The trees that exist in this area of my property are old macrocarpa trees (some of which are standing dead) willows and some natives I have planted. Gum trees have also been planted here. My understanding is that the land between this boundary fence South towards Kawaha Point is Maori land. The vegetation here is unkempt and is riddled with Ivy and nuisance vegetation. Can we please give some consideration to reassessing the current SNA, 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.

Attachment with Submission: No

Decision sought from Council: I would like the council to review the current SNA classification and remove it from the paddock side of the Waikuta Stream

Submission form
PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email policy.planning@rotorualc.nz with 'Proposed Plan Change 3 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON FRIDAY 30th AUGUST 2019

Full Name Of Submitter:	RICHARD ALLEN CAMPION		Address For Service: [Agent if applicable]	
Full Postal Address:				
Telephone No:	N/A	Email:	mscampion@xtra.co.nz	
Mobile Phone:		Mobile Phone:		

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I wish/~~do not wish~~ [delete one] to be heard in support of my submission.

If others make a similar submission, I ~~will~~/~~will not~~ [delete one] consider presenting a joint case with them at a hearing.

I ~~could~~/~~could not~~ [delete one] gain an advantage in trade competition through this submission.

I am/~~am not~~ directly affected by an effect of the subject matter of the submission that –

- (a) Adversely affects the environment, and
- (b) Does not relate to trade competition or the effects of trade competition.

~~(delete entire paragraph if you could not gain an advantage in trade competition through this submission)~~



Signature of submitter

13-8-19

Date

(NOTE: A signature is not required if you make an electronic submission)

For any enquiries please call Kim Smith, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8289

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Please refer to the SNA number or heading reference	Clearly indicate whether you support , oppose or support with amendment the provision	Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.	State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
SNA 154	SUPPORT WITH AMEND AMENDMENT	WHILE WE ARE HAPPY WITH REVISED SNA BOUNDARIES ON OUR PROPERTY, WE ARE STILL LOSING THE USE OF A LARGE AREA OF OUR LAND. WE WOULD LIKE TO SEE A PERMANENT REDUCTION OF OUR RATES MAYBE BASED ON A PER HECTARE SAVED INTO SNA.	REDUCED RATES.

Submission form

PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN

Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

Full Name of Submitter:

CNI Iwi Land Management Limited (CNIILML) on behalf
of CNI Iwi Holdings Limited (CNIHL)

Address For Service:

Bridget Robson

Telephone No:

[REDACTED]

Email: bridget@eland.co.nz

Disclaimer: Please note your submission will be available on Council's website.
CNIILML does not want their details to be made public.

CNI Iwi Land Management Limited (CNIILML) wishes to be heard in support of this submission.
If others make a similar submission, CNIILML **will** consider presenting a joint case with them at a hearing.
CNIILML **could not** gain an advantage in trade competition through this submission.

Signature of submitter ***emailed***

Date Friday 30 August 2019

CNIILML SUBMISSION ON PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN

Site: #142 Poplar Avenue Wetlands pg 49 s32. Rotorua Lakes Ecological District

CNIILML Position: oppose classifying additional area of this site as a Significant Natural Area i.e. option 2 of the options considered in the section 32 report.

CNIILML Submission:

CNIILML considers that the commentary and reasons given in the Plan Change and associated section 32 report do not support describing more of this site as a Significant Natural Area (SNA).

The reasons CNIILML reaches this view are that:

1. The area that can realistically be described as containing significant vegetation is overstated. The additional areas are identified as meeting criteria for significance set out in the Bay of Plenty Regional Policy Statement (RPS) at Appendix F sets 2 and 3, yet these are dominated by weed species.
2. The intent of the Bay of Plenty RPS, objectives 19, 20, and 21, policies MN 1-4B can be given effect to without applying an SNA status to this land. The inclusion of this site in the district plan is intended to give effect to the RPS.
3. The protective status of an SNA does not address the actual risk to this site, which is predominantly of plant and animal pests. Council considers that including this land in the District Plan Appendix 2 as an SNA gives it greater protection than the protection it presently receives but does not identify how this is so. 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." CNIILML's position is that 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).

CNIILML's submission is that:

1. The vegetation does not meet the criteria of significant as set out in the Bay of Plenty RPS.
2. The activity of plantation forestry on land adjacent to this site will not lead to loss of protection of the site.
3. Regulation under the National Environmental Standards 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 (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3.
4. CNIILML notes that Appendix 9 .2.3.3.b of the District Plan identifies that the clearance of indigenous vegetation *within Significant Natural Areas* shall be: vegetation that is in an area subject to management by entities that have certification under Forest Stewardship Council Certification, which CNIILML holds. However as the NES-PF is more stringent than the District Plan in this regard, the NES-PF provisions prevail.
5. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus the weight ascribed to it must be limited.
6. The activity of plantation forestry on land adjacent to this site 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. 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.

7. The activity of plantation forestry on land adjacent to this site 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 Significant Natural Areas.

Decision Sought from the Council:

That this additional area proposed to be included is not classified as a Significant Natural Area.

Site: #700 Mangaharakeke Waterfall pg 84 s32. Kāingaroa Ecological District

CNIILML Position: oppose classifying this site as a Significant Natural Area.

CNIILML Submission:

CNIILML considers that the commentary and reasons given in the Plan Change and associated section 32 report do not support describing this site as a Significant Natural Area (SNA).

The reasons CNIILML reaches this view are that:

1. The area that can realistically be described as containing significant vegetation is overstated. The entire site is identified as meeting criteria for significance set out in the Waikato Regional Policy Statement (RPS) at Table 11-1: Criteria for determining significance of indigenous biodiversity yet many sub-parts of the site are dominated by weed species.
2. The intent of the Waikato RPS, objective 3.19, policy 11.2 and methods 11.2.1 – 3 can be met without applying an SNA status to this land, and the inclusion of this site in the district plan is intended to give effect to the RPS. The most relevant RPS provision is method 11.2.2¹.
3. The protective status of an SNA does not address the actual risk to this site, which is predominantly due to plant and animal pests. Council considers that including this land in the District Plan Appendix 2 as an SNA gives it greater protection than the protection it presently receives but does not identify how this is so. 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." CNIILML's position is that 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).

¹ **11.2.2 Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna**

Regional and district plans shall:

- a) *protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) *require that activities avoid the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation;*
- c) *require that any unavoidable adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are remedied or mitigated;*
- d) *where any adverse effects are unable to be avoided, remedied or mitigated in accordance with (b) and (c), more than minor residual adverse effects shall be offset to achieve no net loss; and*
- e) *ensure that remediation, mitigation or offsetting as a first priority relates to the indigenous biodiversity that has been lost or degraded (whether by on-site or offsite methods). Methods may include the following...[i-iv not relevant to this situation]:*
- f) *recognise that remediation, mitigation and offsetting may not be appropriate where the indigenous biodiversity is rare, at risk, threatened or irreplaceable; and*
- g) *have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists.*

Site description and potential effects considered in the s32 report

The Section 32 report describes this site as being in the Waikato River Authority Priority Project 29: Water quality improvement and riparian protection and enhancement in the Wai-O-Tapu catchment (“very high” priority): Project seeks fencing of all wetlands in this catchment.

It is described as being of **Local** significance with **moderately representative** gully wetlands on the margins of Mangaharakeke Waterfall and Stream tributary. It is surrounded by plantation forestry. The source of information for the site is “based on aerial photos and personal knowledge”.

It is described as meeting two elements of the Waikato Regional Policy Statement criteria for determining significance of indigenous biodiversity, these being:

(6). It is wetland habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities), and

(9) It is an area of indigenous vegetation or habitat that is a healthy and representative example of its type because:

- its structure, composition, and ecological processes are largely intact; and
- if protected from the adverse effects of plant and animal pests and of adjacent land and water use, can maintain its ecological sustainability over time

The vegetation assemblages in the four landforms assessed are described as:

Toetoe-blackberry tussockland

Toetoe tussockland with abundant blackberry, locally common patches of bracken and scattered Himalayan honeysuckle, radiata pine, Japanese honeysuckle, broom (*Cytisus scoparius*), Scotch thistle (*Cirsium vulgare*) and whekī.

(Radiata pine)/whekī-swamp kiokio-toetoe fernland

Whauwhaupaku, patē, rangiora, bracken, broom and karamū are also present. Rangiora is present on the bluffs.

Toetoe-swamp kiokio-bracken tussockland

With whekī, *Carex geminata* and tī kōuka.

***Juncus acuminatus* rushland**

With broom, toetoe, radiata pine, and scattered grey willow and crack willow on pond margins.

The site is considered to have some vulnerability during adjacent plantation forestry operations. The section 32 report considers that recognition as an SNA will impose stricter requirements on vegetation disturbance during harvest.

The SNA is considered an effective and efficient means to achieve the objectives relating to biodiversity in this land environment that has very little indigenous vegetation. While there are general wetland rules in the regional plan and NES the SNA would formally map the area, which may help increase awareness of the values.

The surrounding forestry presents a risk in terms of damage during harvest, fertiliser and herbicide applications. Formal recognition as an SNA may help protect the integrity.

CNIILML’s submission is that:

1. The vegetation on at least one of the landforms does not meet the criteria of significant as set out in the Waikato RPS.

2. The activity of plantation forestry on land adjacent to this site 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.
3. Regulation under the National Environmental Standards 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 (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3).
4. CNIILML notes that Appendix 9 .2.3.3.b of the District Plan identifies that the clearance of indigenous vegetation *within Significant Natural Areas* shall be: vegetation that is in an area subject to management by entities that have certification under Forest Stewardship Council Certification, which CNIILML holds. However as the NES-PF is more stringent than the District Plan in this regard, the NES-PF provisions prevail.
5. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus the weight ascribed to it must be limited.
6. The activity of plantation forestry on land adjacent to this site 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. 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.
7. The activity of plantation forestry on land adjacent to this site 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 Significant Natural Areas.

Decision Sought from the Council:

That this site is not classified as a Significant Natural Area.

#701 Mangaharakeke Wetland pg 85 s32 Kāingaroa Ecological District

This site is described as a relatively small wetland is of Local significance and comprises a representative example of typical wetland vegetation of the Kāingaroa Ecological District. It is on the margins of a tributary of the Mangaharakeke Stream.

CNIILML Position: oppose classifying this site as a Significant Natural Area.

CNIILML Submission:

CNIILML considers that the commentary and reasons given in the Plan Change and associated section 32 report do not support describing this site as a Significant Natural Area (SNA).

The reasons CNIILML reaches this view are as above, for site #700 the Mangaharakeke Waterfall, namely:

1. The vegetation does not meet the criteria of significant as set out in the Waikato RPS.
2. The activity of plantation forestry on land adjacent to this site will not lead to loss of protection of the site identified in the Waikato RPS method 11.2.2.
3. Regulation under the National Environmental Standards 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 (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3).

4. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus the weight ascribed to it must be limited.
5. The activity of plantation forestry on land adjacent to this site 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. 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.
6. The activity of plantation forestry on land adjacent to this site 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 Significant Natural Areas.

Decision Sought from the Council:

That this site is not classified as a Significant Natural Area.

#703 Torepatutahi Stream Riparian pg 86 s32 Kāingaroa Ecological District

Introduction

This gully system is a priority soil conservation project for the Waikato Regional Council and was retired from grazing in order to manage active gully erosion that was occurring at times of heavy rainfall when it was used for pastoral agriculture. A soil conservation covenant applies to this Torepatutahi Catchment Control Scheme land and it has a forest management plan to ensure that forest operations do not reactivate this erosion.

This site is described as comprising a representative example of indigenous forest and scrub. It is also described as *providing a buffer* to several tributaries of the Torepatutahi Stream. This could lead to impression that a perennial stream, or at least an intermittently flowing one is a part of this site. However it is a dry gully system, except in periods of very heavy rain.

The vegetation is described as being:

1. **Kānuka-whauwhaupaku forest** Kōhūhū, māhoe wao, rangiora, karamū, *Coprosma dumosa*, ponga, kotukutuku and *Coprosma lucida* are all present. Margins also include patches of blackberry and *Muehlenbeckia complexa* vinelands. Wilding pines are scattered throughout.
2. **Kānuka-whauwhaupaku-whēkī forest and scrub** Includes kānuka, whauwhaupaku, and kōhūhū, māhoe wao, rangiora, karamū, *Coprosma dumosa*, ponga, kotukutuku and *Coprosma lucida* in areas of forest and scrub.
3. **Radiata pine/ kōhūhū- whēkī-rangiora-karamū forest and scrub** Radiata pine dominates canopy in places, overtop of kōhūhū, whēkī, rangiora and karamū. Tall kamahi are locally common.

Position: CNIILML oppose the classification of this area as a significant natural area.

The gully system is not riparian, thus it does not meet the requirements of RMA section 6(a), nor is the vegetation significant thus it does not meet the criteria for RMA 6(c). The forest activities will not have a significant effect on the vegetation 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 that Timberlands – the forest lessee – holds.

Submission: CNIILML do not support describing this site as an SNA and considers that the commentary and reasons given in the Plan Change and associated section 32 report are not persuasive in this regard. CNIILML consider that the site will not receive any further protection from what it already has as a result of the comprehensive certification and management already in place. An SNA classification would introduce another layer of compliance assessment with no additional benefit.

The reasons CNIILML reaches this view are:

1. The vegetation does not meet the criteria of significant as set out in the Waikato RPS.
2. The activity of plantation forestry on land adjacent to this site will not lead to loss of protection of the site identified in the Waikato RPS method 11.2.2.
3. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus the weight ascribed to it must be limited.
4. The activity of plantation forestry on land adjacent to this unstocked area site 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 and the fence around the forest provides a buffer to the site. 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.

Decision Sought from the Council:

That this site is not classified as a Significant Natural Area.

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Contact Energy Ltd

Email Address: daniel.forbes@contactenergy.co.nz

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: #715 Ohaaki Steamfield East

Support / Oppose: Support with amendment

Submission: Contact Energy Limited has an interest in the proposed plan change 3 of the Rotorua District Plan Contact owns and operates the Ohaaki Geothermal Power Station and steamfield.

Proposed SNA number 715 is within resource consent boundary 126153 of the Ohaaki Power Station. Contact Energy supports the identification of significant natural areas and recognition of their importance where they meet accepted ecological criteria.

The Ohaaki East Steamfield is classified as Development Geothermal System by the Waikato Regional Council and the operation was subject to a full assessment of effects and resource consent process in 2013, including in relation to actual and potential effects on significant natural areas and geothermally tolerant vegetation.

Contact holds resource consents to continue the operation of the Ohaaki Power Station until 2048, subject to conditions and extensive requirements to avoid, remedy and mitigate effects on natural areas such as Torepatutahi Wetland.

While Contact supports the identification, reasonable protection, maintenance, enhancement, restoration and remediation of significant natural areas, we are also conscious that such areas have the potential to be unavoidably affected by our geothermal operations, including through the effects of subsidence, temperature changes, or changes to local hydrology induced by the taking and reinjection of geothermal fluid.

The continued generation of renewable electricity from resources such as the Ohaaki Geothermal Field is a matter of regional and national importance, and key to the government's goal of 100% renewable electricity by 2035. Maximising the efficient use and development of NZ's renewable electricity resources is also key to decarbonising the New Zealand economy by in particular lowering process heat and transport emissions.

While we support the identification of significant natural areas in the Rotorua District Plan, our interest is in the rules that apply in relation to them. Strict 'avoidance' policies and rules in relation to such areas on development geothermal fields could be inconsistent with the continued operation and development of renewable geothermal energy.

Contact would like to bring attention what would seem this area is already controlled / managed under the SGF provisions of the District Plan (via classification under Regional policy).

Landuse/development in SGF is controlled through “rules throughout the District Plan also apply to Significant Geothermal Features as set out in A2.1.3. For avoidance of doubt this includes Significant Geothermal Features identified via the relevant Regional Policy Statement methodology”.

The District Plan (at Appendix 2) identifies Significant Geothermal Features (within the Waikato Region) as:

To identify a Significant Geothermal Features within the Waikato region, Significant Geothermal Features are assessed in accordance with Section 9B of the Waikato Regional Policy Statement, except that within Development or Limited Development Geothermal Systems, Significant Geothermal Features are those identified, listed and mapped in the Waikato Regional Plan in accordance with Method 9.2.2 of the Waikato Regional Policy Statement.

In turn ‘method 9.2.2’ of the Waikato Regional Policy Statement reads:

9.2.2 Significant Geothermal Features within Development and Limited Development Geothermal Systems

Regional plans shall list and map those features within Development and Limited Development Geothermal Systems that are Significant Geothermal Features.

A SGF is defined (definitions) under the District Plan as:

Significant Geothermal Features

Geothermal features assessed as being significant in accordance with the method, descriptions and criteria of the Bay of Plenty Regional Policy Statement; or within the Waikato Region: Significant Geothermal Features that are assessed in accordance with section 9B of the Waikato Regional Policy Statement, except that within Development or Limited Development geothermal systems, Significant Geothermal Features shall be those identified and mapped in the Waikato Regional Plan in accordance with method 9.2.2 of the Regional Policy Statement.

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.

Attachment with Submission: No

Decision sought from Council: Provided the area meets consistent and accepted ecological criteria, Contact supports with amendment the proposal to schedule the area identified in the District Plan as SNA 715 within a Geothermal Development System. As, it is concerned to ensure that under current Objectives, Policies and Rules associated with SNAs under the operative (and potentially any future) district plan, that sufficient flexibility is provided to allow the continued operation and development of renewable generation activities on the Ohaaki field and ‘development geothermal fields’ generally.

Submission on Proposed Plan Change 3 Significant Natural Areas to the Rotorua Lakes District Plan

Resource Management Act 1991

To: Rotorua Lakes Council

Pursuant to clause 6 of Schedule 1 of the Resource Management Act 1991 (RMA), I, Jeff Milham, Operations Manager, Tauranga, acting upon delegation from the Director-General of Conservation ('the Director-General'), make the following Submission in respect of the Proposed Plan Change 3 Significant Natural Areas to the Rotorua Lakes District Plan.

1. This is a Submission on the Proposed Plan Change 3 Significant Natural Areas to the Rotorua Lakes District Plan.
2. I could not gain an advantage in trade competition through this Submission.
3. The specific provisions of the proposal that my Submission relates to are set out in the Table in Attachment A to this Submission ('the Submissions Table').
4. My Submission seeks amendments and/or supports recommended changes to the proposed schedule of significant natural areas and mapping
5. Additionally, I seek amendments to the specific provisions as set out in the Submission Table.

Director-General's Interest in the Proposed Plan Change 3

6. The Director-General is the administrative head of the Department of Conservation.¹ He has all powers as are reasonably necessary and expedient to enable the Department to perform its functions set out in s 6 of the Conservation Act 1987. Under s 6, the Department's functions include to manage public conservation land and to advocate for the conservation² of natural and historic resources generally.

¹ Refer s 52 Conservation Act 1987 (CA)

² Conservation means the preservation and protection of natural and historic resources for the purpose of maintaining intrinsic values, providing for their appreciation and recreational enjoyment by the public and safeguarding the options for future generations. Refer s 2 CA

I seek the following decision from the consent authority:

11. I seek the following:

- a) That the consent authority amends Proposed Plan Change 3 Significant Natural Areas as detailed in Appendix A.
- b) Such other relief as may be necessary and appropriate to address my concerns.

12. I wish to be heard in support of my submission.

13. If others make a similar submission, I will consider presenting a joint case with them at a hearing



Jeff Milham
Operations Manager
Rotorua/Tauranga
Acting pursuant to delegated authority

Date: 28th August 2019

Address for service:

mburns@doc.govt.nz
RMA Shared Services
Department of Conservation
Private Bag 3072
Hamilton 3240
Attn: Maggie Burns, RMA Planner
0276322961

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Attachment A – Submission Table on Proposed Plan Change 3 Significant Natural Areas to the Rotorua Lakes District Plan

The following table sets out further details of the Director-General's submission (with reasons) and the decisions sought with respect to Plan Change 3 Significant Natural Areas to the Rotorua Lakes District Plan.

Submission Point	Comment		Relief Sought
	Support/ Oppose/Amend	Reasons:	
General – Whole of Plan Change			
Review of the Lakes A zone	Oppose	The Director-General notes that 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.	Commence review of the Lakes A zone mapping and provisions.
Removal of SNAs in areas that are legally protected by other means	Oppose	<p>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.</p> <p>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 when it meets</p>	Retain SNA mapping on legally covenanted areas or areas under other forms of formal protection.

		<p>the criteria in Appendix F Set 3. Scheduling should therefore occur if the site meets criteria, regardless of</p> <p>Covenants are also able to be removed which poses a risk to Significant Natural Areas.</p> <p>RMA enforcement issues may arise in relation to covenanted areas that meet RPS criteria but are not identified as SNAs under the plan.</p>	
DOC public conservation land GIS layer	Amend	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.	Update district plan maps by using the updated DOC public conservation land layer.
Additional SNAs to be considered	Amend	Appendix One identifies and describes a number of additional SNAs that are not currently identified within the district. The Director-General considers that these areas should be considered and included in the SNA schedule.	Consider and include additional SNAs listed in Appendix One of this submission.
6.2 Other	Support	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.	Council investigate an incentive fund for restoration and protection of SNAs.
SNA 592 immediately south of Tutukau Road bridge	Clarify	Rotorua Lakes Council have sent the Department a map of this SNA commenting that it protrudes into public conservation land. Neither the SNA or the adjoining block are administered by the Department of Conservation.	No change required to the SNA layer.

Specific Submission points			
SNA 32 Tumoana Pt	Support	<p>The Director-General considers that scheduling of this area is required due to its significance and is at a high risk of disturbance.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 34 Te Ngae Junction Wetlands	Support	<p>The Director-General considers that scheduling of this area is required as a significant wetland site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 37 Maraeroa	Support	<p>The Director-General considers that scheduling of this area is required as a significant geothermal site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 111 Puarenga Park	Amend	<p>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.</p>	Amend the scheduled identified area to extend to the north and east to include manuka shrubland and geothermal areas.
SNA 123 Wharetata Bay	Support	<p>The Director-General considers that scheduling of this area is required as a significant geothermal and wetland site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 124 Wairau Bay and Otutara Springs	Support	<p>The Director-General considers that scheduling of this area is required as a significant geothermal and wetland site and significant fauna habitat.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 127 Otutara Rd Lake	Support	<p>The Director-General considers that scheduling of this area is required as a significant lake and wetland.</p>	Schedule the identified area as recommended.

		Inclusion of this site is also consistent with the RPS.	
SNA 139 – Ngapuna Wetlands	Amend	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.	Amend the scheduled identified area to extend to the south and east.
SNA 141 – Pohaturoa Wetlands	Oppose	The Director-General considers that all significant unprotected wetlands should be identified as SNAs regardless of tenure.	Schedule the identified area.
SNA 142 Poplar Ave Wetlands	Oppose	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.	Retain existing SNA 142 without amendment.
SNA 143 Reservoir RD wetland	Oppose	The Director-General considers that all significant unprotected wetlands should be identified as SNAs regardless of tenure.	Schedule the identified area.
SNA 147 Tikitere Kahikatea	Support	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.	Schedule the identified area as recommended.
SNA 148 Te Ngae lake edge wetland	Oppose/Amend	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.	Schedule the identified area subject to amendments to ensure the appropriate area is included.
SNA 151 Tawa Rd	Oppose	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.	Schedule the identified area.
SNA 154 Te Miri Road	Oppose	The Director-General considers that scheduling of this area is required as a significant forest site. A lack of	Schedule the whole identified area.

		landowner consultation should not be considered as the main criteria for exclusion of an SNA.	
SNA 155 Horohoro Forest East	Support	<p>The Director-General considers that scheduling of this area is required as a significant forest site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 156 Horohoro Forest Extension	Support	<p>The Director-General considers that scheduling of this area is required as a significant forest site adjoining public conservation land.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended. It is noted that this option refers to SNA155 rather than 156 as stated in the 32A report)
SNA 157 Anderson Rd	Support	<p>The Director-General considers that scheduling of this area is required as a significant forest site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 158 Hauraki Stream	Support	<p>The Director-General considers that scheduling of this area is required as a significant forest site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 167 Tikitere Hill forest	Support	<p>The Director-General considers that scheduling of this area is required as a significant forest site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 172 Upper Wairau Bay	Support	<p>The Director-General considers that scheduling of this area is required as a significant wetland site.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 177 Pohaturoa	Amend	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.	Amend as per the Landcare Research report for Bay of Plenty Regional Council: <i>An updated assessment of geothermal vegetation in the BOP region based on aerial photography</i> (p231).

		The area of significant geothermal vegetation is larger than currently mapped.	
SNA 658 Upper Pipikarihi Rd	Support	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.	Schedule the identified area as recommended.
SNA 659 Mervyn St	Support	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.	Schedule the identified area as recommended.
SNA 660 Mid Mangorewa Gorge	Oppose	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.	Schedule the two additional sites.
SNA 679 Te Waerenga Rd 2	Oppose	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.	Schedule the entire identified area
SNA 680 Jackson Rd	Support	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.	Schedule the identified area as recommended.
SNA 681 Mangorewa Kaharoa	Oppose	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.	Schedule the identified area subsequent to a field check of site to further ascertain if smaller areas identified are significant.

SNA 708 Tokerau Wetland A	Amend	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.	Schedule the identified area as recommended but with amendments to extend SNA further South East to include the remainder of the wetland and forested area.
SNA 709 Tokerau Wetland B	Support	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.	Schedule the identified area as recommended.
SNA 415 Barker Rd	Support	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.	Schedule the identified area as recommended
SNA 417 Arahiwi Rd	Support	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.	Schedule the identified area as recommended
SNA 577 Rahopakapaka Stream	Support	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.	Schedule the identified area as recommended
SNA 579 Tahunaatara Stream Gorge	Oppose	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.	Schedule the identified area.
SNA 582 Lake Atiamuri Northern Faces	Support	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.	Schedule the identified area as recommended

SNA 583 Lake Atiamuri South Faces	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended
SNA 585 Lake Ohakuri NW Faces	Amend	<p>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.</p> <p>Some of the SNA is pasture and there is significant secondary vegetation outside of the SNA.</p>	Amend the scheduled identified area to the West side of Southern most section of the SNA.
SNA 589 Lake Ohakuri NE Riparian Faces	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 590 Waihunuhunu Arm Riparian	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 592 Orakeikorako Extension	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 596 Pukemoremore	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.

SNA 597 Wharekaunga Stream Margin	Oppose	<p>The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation.</p> <p>All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.</p>	Schedule the identified area
SNA 598 Tokiaminga Stream Riparian	Oppose	<p>The Director-General considers that scheduling of this area is required as it contains significant wetland vegetation.</p> <p>All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.</p>	Schedule the identified area
SNA 700 Mangaharakeke Waterfall	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant wetland vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 701 Mangaharakeke Waterfall	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant wetland vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 703 Torepatutahi Stream Riparian	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant secondary vegetation.</p> <p>It is also noted that a Land Improvement Agreement does not prevent vegetation clearance and is therefore not considered adequate protection.</p>	Schedule the identified area as recommended.
SNA 710 Akatarewa East	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p>	Schedule the identified area as recommended.

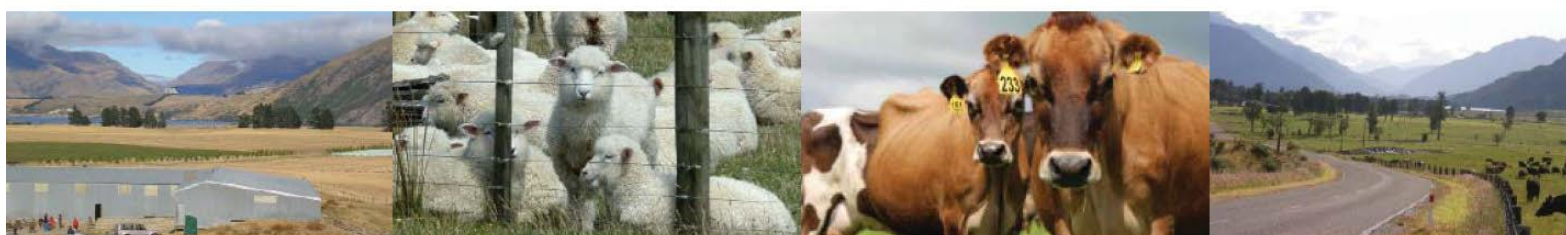
		Inclusion of this site is also consistent with the RPS.	
SNA 712 Te Kopia	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 713 Mangamingi Station	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 714 Matapan Rd	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 715 Ohaaki Steamfield East	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 716 Maungakakamea	Oppose	<p>The Director-General considers that scheduling of this area is required as a significant geothermal site.</p> <p>All significant unprotected sites that meet the RPS criteria must be scheduled as SNAs regardless of tenure.</p>	Schedule the identified area
SNA 717 Upper Atiamuri	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.

SNA 718 Western Te Kopia	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 800 Nth Paeroa Range	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
SNA 801 Murphys Spring	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
Amendments to SNA 552, 555, 558, 567, 568, 571, 572, 573, 574,	Support	<p>The Director-General considers that scheduling of this area is required as it contains significant geothermal vegetation.</p> <p>Inclusion of this site is also consistent with the RPS.</p>	Schedule the identified area as recommended.
Amendments to SNA 1, 2, 411, 5, 15, 45, 660, 664 Kapukapu Rd)	Support	The Director-General considers that the removal of these areas provides clarification for landowners that they are not significant.	Removed SNAs as recommended.
SNA 664 Onaia Stream (1019 Kaharoa Rd)	Oppose	The Director-General considers that scheduling of the entire area with amendments suggested by council is required as it contains significant indigenous vegetation with a significant kokako population.	Schedule the identified area with amendments.
Lake Tutaeinanga Wildlife Management Reserve (WMR) off Ngapouri RD	Amend	The reserve which surrounds the lake should be shown as a PNA. Currently, the mapping only shows the lake as an SNA on the GIS layer.	Show Wildlife Management Reserve on GIS layer planning maps surrounding the SNA as a PNA.

Appendix One: Additional SNAs not identified

Location	Description/Reasoning	Requested amendment
8 Mile gate wetland	This site in Whakarewarewa forest is one of several wetlands potentially not identified as SNAs in this area.	Consider as additional SNAs.
SNA 657	This site has indigenous vegetation at the eastern end of this SNA which has similar vegetation to that within SNA.	Consider adding part of this to SNA 657
Rautawiri Stream upstream of Torepatutahi stream, Broadlands	This site has extensive oxbow wetland vegetation adjoining public conservation land. The area is also a stronghold for nationally threatened species <i>Urtica linearifolia</i> .	Consider as additional SNA.
Rotoma No. 2 and 3 blocks at Lake Rotoma	GIS layers shows these protected by Nga Whenua Rahui Kawenata. There is no NWR kawenata over these blocks. They are both indigenous forest between a NWR kawenata and public conservation land.	List both blocks as SNAs
Near Pohaturua Whaka forest	Newly discovered geothermal gully at NZTM E1885274 N5770289.	Add as a new SNA or part of #177.
Te Kopia Geothermal West	Geothermal fumerole in paddock not identified as a SNA at NZTM 1880669 N5744668.	Add as a new SNA or part of SNA #712.
Wetlands – E side of SH 5 adjoining Lake Ngahewa wetland	Wetlands arms of Ngahewa Wetland which is public conservation land are not identified as an SNA at NZTM 1895179E, 5754662N and 1895314E, 5754445N	Add as a new SNA
Wetland – E side of SH 5 adjoining Earthquake flat road realignment	This site is a significant wetland area not identified as an SNA at NZTM 1893478E, 5756440N	Add as a new SNA
Wetland corner of Springs Rd and SH 5 near Mihi.	This site is a significant wetland area not identified as an SNA at NZTM 1888262E, 5736527N	Add as a new SNA

Wetland adjoining Hinehopu wetland SH 30	Significant wetland area not identified as an SNA at NZTM 1906246E, 5784112N	Add to Hinehopu SNA
Corner Curtis Rd SH30	Significant Indigenous Vegetation kahikatea-swamp maire forest– area not identified as an SNA at NZTM 1898348E, 5783270N	Add as a new SNA
Wetland – Roy Rd Kaharoa	Significant wetland area not identified as an SNA at NZTM 1878536E, 5789837N	Add as a new SNA
W side of SH 5 south of Lake Ngahewa wetland	Significant wetland area not identified as an SNA at NZTM 1878536E, 5789837N	Add to SNA 572
SNA 89 boundaries	This site is a significant kahikatea forest. The SNA 89 boundaries need expanding as Rotoma Recreation Reserve no longer exists so old reserve area needs incorporating into expanded SNA.	Add to SNA 89
Rotoma No 1 geothermal feature (Tikorangi Central)	Geothermal feature heated raw soilfield is not a Nga Whenua Rahui Kawenata.	Add as a new SNA Amend as per the Landcare Research report for Bay of Plenty Regional Council: <i>An updated assessment of geothermal vegetation in the BOP region based on aerial photography</i> (p154).
Waitangi Soda Springs Mire	Very significant wetland. Identified as a Nga Whenua Rahui kawenata on RLC GIS layer but don't believe this is correct. No kawenata in place	Add to SNA 145
Lake Ohakuri Margins – All areas shown as DOC fixed marginal strip (PNA)	Large areas of significant indigenous vegetation adjoining Lake Ohakuri which are shown as PNA (DOC public conservation land) on Rotorua Lakes Council GIS layer are in fact now managed by Mercury and Contact Energy including areas parcel IDs 43 and 65. As they are no longer protected they need to be shown as SNAs.	Add to relevant SNA eg 585 or 589. The non DOC areas would be shown if using the updated DOC public conservation land layer.



Federated Farmers of New Zealand

Submission on Proposed Plan Change 3 (Significant Natural Areas) to the Rotorua District Plan

30 August 2019

SUBMISSION TO ROTORUA LAKES COUNCIL ON PROPOSED PLAN CHANGE 3 (SIGNIFICANT NATURAL AREAS) TO THE ROTORUA DISTRICT PLAN

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: The Chief Executive
Rotorua Lakes Council
Private Bag 3029
Rotorua Mail Centre
ROTORUA 3046

Email: policy.planning@rotorualc.nz

Name of submitter: Federated Farmers of New Zealand

Contacts: Colin Guyton
Rotorua-Taupo Provincial President
guytonfarms@xtra.co.nz

Hilary Walker
Senior Policy Advisor
hwalker@fedfarm.org.nz

Address for service: PO Box 447
Hamilton 3240

This is a submission on Proposed Plan Change 3 to the Rotorua District Plan ('PC3').

Federated Farmers could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that Federated Farmers' submission relates to and the decisions it seeks from Council are as detailed on the following pages.

Federated Farmers also seeks any consequential changes necessary to give effect to the relief sought.

Federated Farmers wishes to be heard in support of its submission.

1. INTRODUCTION

- 1.1 Federated Farmers welcomes the opportunity to submit on PC3.
- 1.2 Federated Farmers is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses.
- 1.3 Federated Farmers aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
- Our members may operate their business in a fair and flexible commercial environment;
 - Our members' families and their staff have access to services essential to the needs of the rural community; and
 - Our members adopt responsible management and environmental practices
- 1.4 Federated Farmers represents a variety of dairy, dry stock and horticulture land users in the Rotorua district. We acknowledge submissions from individual members on PC3.

2. GENERAL COMMENTS

- 2.1 Federated Farmers generally supports PC3 and seeks subsequent changes to support the proposed amendments and improve equitable outcomes for newly affected landowners.
- 2.2 PC3 proposes changes to the maps of significant natural areas ('SNAs') and the associated schedule of SNAs in Appendix 2 'Natural Heritage Inventory' of the District Plan. The proposed plan change maps new SNAs to which the rules framework of the District Plan will apply. The plan change also amends the boundaries and removes some existing SNAs already mapped in the District Plan.
- 2.3 Our understanding is that PC3 was required to meet commitments made to various parties, including Federated Farmers, during the proposed District Plan submission process. Federated Farmers sought for site visits to be undertaken, upon request, from members who were dissatisfied with the consultation process and had concerns with the accuracy of the mapping.
- 2.4 We are pleased that commitment has been met; largely support the process used and strongly support the subsequent re-assessment of some SNA boundaries. Taking the opportunity to remove unnecessary, duplicated controls over SNAs subject to other legal protection is also supported.
- 2.5 Federated Farmers recognise that the Council has obligations to protect significant indigenous vegetation and significant indigenous fauna under Section 6 of the Resource Management Act 1991 ('RMA'). We believe that farmers want the same outcomes as RLC and the Waikato and Bay of Plenty Regional Councils do, in that significant areas are protected in a way that is practical and affordable, for both landowners and for Councils.

- 2.6 Sustaining biodiversity on private land requires goodwill, co-operation and individual commitment of landowners and land managers. It needs to be recognised that the reason areas of indigenous vegetation are still located on private land within the district is the protection afforded them by previous and current landowners.
- 2.7 We are encouraged by the recommendations made in section 3.5 of the Section 32 Report. Those useful initiatives will help provide the recognition that is currently missing. However, we are disappointed the decision was taken to exclude those recommendations from the notified plan change. In our view, this has created potential for momentum to be lost and for inefficiencies to be introduced.
- 2.8 A further issue relates to the focus of the section 3.5 recommendations on the Long Term and Annual Plan instruments only. Whilst we understand the relevance and importance of those documents with regards to providing funding policies and revenue sources, we consider that a strong link between the RMA and LGA documents is required to better enable public investment in a range of incentives such as:
- Rates remissions or rebates for land retired for biodiversity purposes;
 - Reimbursements or discounts for products and fencing material for stock exclusion;
 - Resource consent fee discounts and waivers;
 - Providing native plants seedlings;
 - Pest animal and weed control assistance;
 - Contestable fund for biodiversity projects;
 - Transferable development rights;
 - Education and information on types of vegetation and why they are important

Including a policy and/or implementations methods into the district plan is how other councils have made this important link. This will require amendments to the Operative District Plan and should have been included in this relative Plan Change 3.

- 2.9 Maintaining a diversity of species, ecosystems and gene pool is an integral part of achieving sustainable management of resources. Sustainable management is fundamental to the philosophy of the New Zealand farmer – their business and way of life requires that natural resources be sustained for current and future generations. Federated Farmers acknowledges that maintaining and enhancing our biodiversity resource is necessary not only environmentally, but also economically and socially.

Landowner Consultation

- 2.10 In Federated Farmers' experience, the best outcomes are achieved when Councils have a good understanding of the issues facing landowners, and acknowledge the public good aspect that is currently provided at the expense of landowners. This includes utilising public money to provide meaningful incentives such as provision of information and advice, assistance with pest control, funding for fencing and other non-regulatory tools to foster the partnership approach that is required to achieve biodiversity gains.
- 2.11 The PC3 pre-notification process looks to have achieved some useful outcomes. With the opportunity being created for feedback and information sharing, which looking at the section 32 report, provided RLC with useful insight into some of the issues faced by landowners whose sites contain indigenous biodiversity.

- 2.12 It is accepted the consultation process has provided the opportunity for some constructive engagement between the parties and has resulted in some positive proposed changes to the maps, schedule and other Section 32 report recommendations. However, feedback from some Federated Farmers members indicates that the process wasn't as robust or engaging as it could have been in some cases.
- 2.13 We seek the opportunity for further discussion and want to ensure there is an opportunity provided to affected landowners for ground-truthing sites if they wish to have that assessment done.
- 2.14 A further point must be made about the timing of the notification. Approximately 70% of the landowners affected by this plan change are pastoral farmers. The notification period and opportunity to lodge a submission has been provided over July and August, that coincides with the busiest and most stressful time on farm as calving and lambing occurs during this time. Farmers are working round the clock over these months with the priority focus being on animal welfare and the weather, not letters from the council relating to matters that may or may not have triggered concern at the time.
- 2.15 Federated Farmers suggests if there is a low of number submissions received from farmers, it will be because of the notification period timing rather than a lack of interest in this issue.

3. SPECIFIC COMMENTS

- 3.1 The amendments we seek, and the reasons for them, are set out below. In addition, we seek any consequential changes necessary to give effect to the relief we seek and to address the concerns we raise.
- 3.2 Whilst we understand, the plan change addresses the mapping of the significant natural areas, not the associated rules and policies for significant natural areas in the Operative District Plan. Our submission will seek relief which is consistent with recommendations made in the Section 32 report and does require additional policies and implementation methods. In our view, the relief is consistent with the intent of the plan change, Part 2 Section 6 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.

3.3 Subject matter and provision in the Plan:

Adding new significant natural areas to the planning maps and Appendix 2 'Natural Heritage Inventory' of the District Plan.

Summary of reasons for this submission:

Federated Farmers understands the purpose of this first part of PC3 is to meet commitments made to the Waikato and Bay of Plenty Regional Councils during the proposed District Plan submission process. It is also understood that most of the sites were first identified in 2009 as potentially significant but were not included in the proposed district plan as more work was required to determine whether they did sufficiently meet a significance threshold.

There are 48 sites, proposed to be added to the planning maps and Appendix 2 on the basis that their significance status has been confirmed.

We accept that this may be the case for a large number of the sites, however, we have been informed by members that 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.

We understand that these 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 that they should not be included in the PC3 process at this time.

This is important as not all landowners with proposed SNAs provided feedback during the pre notification stage. There will be some areas that could still require refining or upon review may be found not to meet the significance threshold. Where Council is made aware of proposed SNAs that could require re-assessment they can be ground-truthed, and, if required, amended via the Plan Change process.

Relief Sought:

- 3.3.1 Remove specific SNAs from the 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.

3.4 Subject matter and provision in the Plan:

Re-assessed significant natural areas – changes to the planning maps

Summary of reasons for this submission:

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.

This part of the process provided an important opportunity for RLC to develop a partnership approach and build relationships with the landowners who are in a very strong position to help improve biodiversity outcomes for the district.

We understand some of the boundary amendments have been made for practical reasons as well as ecological ones. This shows that RLC is focused on the bigger picture and longer term gains. We fully support RLC in this collaborative approach, it will provide landowners with some confidence that their issues are being understood and addressed where possible. It will help to foster the sense of good will required to achieve optimum protection for the remaining areas.

Relief Sought:

3.4.1 Retain the amendments proposed for re-assessed SNAs, including the removal or part removal of SNAs as recommended in the Section 32 report.

3.5 Subject matter and provision in the Plan:

Removal of significant natural areas or parts of significant natural areas from the District Plan due to alternative legal protection for these sites.

Summary of reasons for this submission:

Federated Farmers supports the intention of the proposal to remove significant natural areas and parts of significant natural areas from the District Plan due to alternative legal protection in place for those sites. Federated Farmers is always keen to ensure district plans do not duplicate controls or introduce unnecessary overlapping functions for no 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 via district planning rules. The RMA Section 6(c) goals in relation to these sites will be better achieved via these alternative mechanisms.

The covenanting process is very robust, with engaged landowner involvement, accurate surveying and ongoing monitoring undertaken.

There are no negatives for biodiversity values, only mutually beneficial advantages in undertaking the proposed changes. These include reduced monitoring and potential enforcement action required by Council, meaning limited resources can be utilised elsewhere; affected landowners will only have to deal with the agency that they voluntarily entered into a protection partnership with; parties will not have to deal with any inconsistencies between their covenants and District Plan rules.

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 it will be inefficient to have to periodically undertake a plan change to remove sites from the planning maps going forward and consider there is a better way to do this.

In order to provide some equity and ensure that landowners remain supported and incentivised into entering into protection covenants, the District Plan needs a new policy and implementation method that ensures the site will not be subject to the planning regime even if it remains on the planning maps and appendix. This is the way other councils address this issue.

It will also 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 often have different funding priorities.

Relief Sought

3.5.1 Remove SNA sites subject to alternative legal protection from the planning maps and associated schedule of SNAs in Appendix 2 'Natural Heritage Inventory' the District Plan 2016.

AND

3.5.2 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 similar to the following;

- (1) Add a new policy into Part 2 Section 6 Matters of national importance: Sites that are protected by a registered covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; already achieve the protection of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance under Section 6 of the Resource Management Act 1991.

And

- (2) Add new permitted activity rule into Part 9 Rural Activity table across all zones as follows; Activities that are carried out in accordance with the terms of a QEII National Trust or other covenant (or words to that effect).

AND

3.5.3 Ensure 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 - Subdivision in Rural Zones Rule 17, along the lines of;

Subdivision of an additional lifestyle lot entitlement where a Significant Natural Area identified in Appendix 2 – Natural Heritage Inventory is proposed to be legally protected or has been removed from Appendix 2 as the site is legally protected and the additional subdivision entitlement has not previously been granted.

3.6 Subject matter and provision in the Plan:

Section 32 Report, Incentives and Support - key recommendations

- Investigate during the preparation of the next Long Term Plan a contestable incentive fund for the restoration and protection of SNAs (section 3.5.1)
- Consider amending rates remission policy for the next Annual Plan (section 3.5.2)
- Council's policy on fees and charges should be amended to provide no charge for applications for consents related to conservation, restoration and protection of SNAs (section 3.5.3)

Summary of reasons for this submission:

Federated Farmers submits that strong links between the District Plan, and Long Term/Annual Plans are required.

Federated Farmers strongly supports the recommendations made within the Section 32 report, Incentives and Support at section 3.5 and summarised at section 6.2. However, a strong link between the planning and funding documents is required to inform LGA funding decisions. We have serious concerns that 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 advise that 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.

Other Councils use the two-pronged approach we are asking for as part of the tool kit used to meet RMA responsibilities. They use the LTP process to allocate funding for grants or waive consent fees and charges and the District plan to include non- regulatory methods in the range of options being used to meet biodiversity responsibilities.

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.

Relief Sought

- 3.6.1 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 to support the recommendations made within the Section 32 Report, Incentives and Support, along the lines of:

To ensure adequate protection is provided to those natural areas identified as having significance, a combination of voluntary techniques and regulatory measures within the District Plan is considered by Council to offer the best solution. This includes utilising Council ratepayers' money to provide meaningful incentives to enable good biodiversity management, such as provision of information and advice, contestable grants, waiver of consent fees and other non-regulatory tools that reflect the partnership approach required to achieve the best biodiversity gains.

AND

- 3.6.2 Introduce a new bullet point under Part 2 Section 6 Matters 2.3 Objectives and Policies, Policy 2.3.5.1 with wording similar to:

- Provide incentives (eg funding assistance may be specified from time to time in the Council's Long Term Plan) to assist landowners with active restoration and protection of their Significant Natural Area (or words to that effect).

3.7 Subject matter and provision in the Plan:

Appendix 9 Section 6 Matters – Performance Standard A9.2.3(3)(a)(viii)

Summary of reasons for this submission:

Federated Farmers submits that A9.2.3(3)(a)(viii) is 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.

Relief Sought

3.7.1 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.

Submission ends.

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Reuben Hawtree

Email Address: rhawtree@hnrg.com

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: Yes

SNA Number: 37,123,124,127,157,167,172,708,709,577

Support / Oppose: Support

Submission: Hancock Forest Management New Zealand (HFM NZ) supports the proposed changes to the district plan for the sites listed above 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.

Attachment with Submission: No

Decision sought from Council: We support the council's recommendations to include or amend the SNA's listed above. We also support the relevant rules and Appendix 9 in the district plan remaining unchanged.

PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN

Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

(Instructions: Email policy.planning@rotorualc.nz with 'Proposed Plan Change 3 to the Rotorua District Plan Submission' in the subject line
OR Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON FRIDAY 30th AUGUST 2019

Full Name Of Submitter:	CLY HARTLEY.	Address For Service: [Agent if applicable]	
Full Postal Address:			
Telephone No:		Email: gdelhartley@gmail.com	
Mobile Phone:		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I wish/do not wish [delete one] to be heard in support of my submission.

If others make a similar submission, I will/will not [delete one] consider presenting a joint case with them at a hearing.

I could/could not [delete one] gain an advantage in trade competition through this submission.

I am/am not directly affected by an effect of the subject matter of the submission that –

- (a) Adversely affects the environment, and
- (b) Does not relate to trade competition or the effects of trade competition.

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)

Signature of submitter

Date

(NOTE: A signature is not required if you make an electronic submission)

For any enquiries please call Kim Smith, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8289

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Please refer to the SNA number or heading reference	Clearly indicate whether you support , oppose or support with amendment the provision	Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.	State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
664	OPPOSE	<p>CHANGES FROM LIS TO SNA.</p> <p>WILDLANDS ASSOCIATION OF BOUNDARIES WITH RECOMMENDATIONS TO COUNCIL WE CHANGING THESE.</p> <p>CONCERNS: SCALE OF PLANS MAPS PROVIDED, NOT EQUAL.</p> <p>GRAZED AREAS HISTORICALLY NOT BEEN CONSIDERED.</p> <p>NO ROBBIES TO RATES.</p>	<p>REMOVE OFFER BOUNDARIES OF SNAs, FOR PROVISION OF NEW EXOTIC PLANTING OF SCRUBLAND.</p> <p>COUNCIL TO PROVIDE WATER SUPPLY TO 664 BOUNDARY.</p> <p>RECONSIDER BOUNDARY OF 664. SNAs</p> <p>CONSIDERATION OF SUBDIVISION? OF LAND OUTSIDE OF YOUR PROPOSED BOUNDARIES.</p>

Submission form
PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email policy.planning@rotorualc.nz with 'Proposed Plan Change 3 to the Rotorua District Plan Submission' in the subject line
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CLOSING DATE FOR SUBMISSIONS: 5:00PM ON FRIDAY 30th AUGUST 2019

Full Name Of Submitter:	Kaharoa Community Assn	Address For Service: [Agent if applicable]	
Full Postal Address:			
Telephone No: [REDACTED]	Email: chrisjam@xtra.co.nz	Telephone No:	Email:
Mobile Phone: [REDACTED]		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~ **do not wish** [delete one] to be heard in support of my submission.

If others make a similar submission, I **will/will not** [delete one] consider presenting a joint case with them at a hearing.

I ~~could~~ **could not** [delete one] gain an advantage in trade competition through this submission.

I ~~am~~ **am not** directly affected by an effect of the subject matter of the submission that –

- (a) Adversely affects the environment, and
- (b) Does not relate to trade competition or the effects of trade competition.

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)

C E Paterson (Chairman)

30.8.2019

Signature of submitter

Date

(NOTE: A signature is not required if you make an electronic submission)

For any enquiries please call Kim Smith, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8289

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the SNA number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
3.5.1	Support	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.	Adopt the recommendation
3.5.2	Support	KCA supports Council adopting a uniform rates remission policy for SNA's calculated on the capital value of the land designated as an SNA.	Adopt the recommendation

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Philipp Loest

Email Address: philipp.loest@tll.co.nz

Do you wish to speak to your submission at a hearing?: No

If others make a similar submission, we will consider presenting a joint case with them at a hearing: No

We could gain an advantage in trade competition through this submission: No

SNA Number: SNA 679

Support / Oppose: Support

Submission: I am in support of the proposed plan change.

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 plan change allows us to look into the future with optimism. It empowers us and our neighbors to continue taking care of the properties we love and are proud to call home.

Attachment with Submission: No

Decision sought from Council: I want the Council to approve the proposed Plan Change 3

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Submitter 14

Email Address:

Do you wish to speak to your submission at a hearing?: No

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: SNA567

Support / Oppose: Oppose

Submission: The property boundaries and the SNA boundaries on the aerial photo are incorrect. We have notified Kim Smith of this. I see no reason with today's technology why all boundaries can not be shown correctly. We are not wanting to make a submission to change boundaries we are making a submission to have correct boundaries shown in the first instance. When we purchased the property in 2014 the only council claim I recall on our property was the stormwater easement off Taylor Place. I do not recall any SNA. We are not convinced that the intended SNA is even on our property. We can not be expected to make decisions based on guesswork. Due diligence has not been done by Council. Communication on this proposed change has been ineffective. The initial letter gave plenty of words but no information on what it actually means. We were given notice of change but no idea of what the change actually means in real terms for us and our property. When I tried to call the number on the first letter I received, I was not given any information about what it means to have a Significant Natural Area. The person whose name was on the letter was unavailable to speak to and the other person was able to give me no information at all. I felt "helpless" and angry. I actively sought information and no one from the council was prepared to give it. It felt like some authority was just taking what was ours. We have one letter in triplicate dated 29 July 2019 to inform us that submissions are open but were not sent any information to say what having a Significant Natural Area means, let alone what the changes mean. "A plea to halt the installation of a cellphone tower in a residential Rotorua area has been ignored and the three-storey tower is up. But the Rotorua Lakes Council has said its hands were tied in stopping the installation as it was on privately owned land." Rotorua Daily Post, 24 July 2019. The Council will not stop the erection of a cell phone tower because it is on private land yet seeks to encroach on to our private land to tell us what we can and can not do on it. Some helpful communication in which the impact of a SNA on our property was explained could be helpful. There is no need for the council to have any control over this private land. It is more important and significant to us than it is to the Council. This seems to be an expensive exercise to keep people in jobs

Attachment with Submission: No

Decision sought from Council: The council provide clear information that is easy to understand for what a Significant Natural Area actually means in real terms for us as landowners. What are our rights? What are our obligations? What are our benefits? what are our losses? What is the purpose?

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: A McPherson

Email Address:

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: Lake Ohakuri Northwest Riparian Faces/585

Support / Oppose: Oppose

Submission: No prior knowledge. The first notification of this proposed plan change 3 came from Kim Smith at Rotorua Lakes Council on 29/7/19 giving the farm owners insufficient time for investigation & consultation. 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.

Attachment with Submission: No

Decision sought from Council: Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: D McPherson

Email Address:

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: Lake Ohakuri Northwest Riparian Faces/585

Support / Oppose: Oppose

Submission: No prior knowledge. The first notification of this proposed plan change 3 came from Kim Smith at Rotorua Lakes Council on 29/7/19 giving the farm owners insufficient time for investigation & consultation. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management.

There is little understory of value 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.

Attachment with Submission: No

Decision sought from Council: Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: K McPherson

Email Address:

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: Lake Ohakuri Northwest Riparian Faces/585

Support / Oppose: Oppose

Submission: No prior knowledge. The first notification of this proposed plan change 3 came from Kim Smith at Rotorua Lakes Council on 29/7/19 giving the farm owners insufficient time for investigation & consultation. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management.

There is little understory of value 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 had been completed to support the identification of the SNA as Wildlands haven't visited the site.

Attachment with Submission: No

Decision sought from Council: Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces

SUBMISSION ON A PROPOSED DISTRICT PLAN

Clause 6 of First Schedule, Resource Management Act 1991

To: **The Chief Executive**
Rotorua Lakes Council
1061 Haupapa Street
Rotorua 3046
Email: policy.planning@rotorualc.nz

Submitter Details

Full name of submitter: ***Mercury NZ Limited ("Mercury")***
Contact name: *Fraser Graafhuis*
Address for service: *PO Box 445*
HAMILTON 3240
Contact phone number: *(07) 858 8406 or 027 4910867*
Email: *fraser.graafhuis@mercury.co.nz*

Submission

This is a submission on Proposed Plan Change 3 to the Rotorua District Plan.

This submission is prepared in general accordance with Form 5 in Schedule 1 of the Resource Management (Forms, Fees and Procedure) Regulations 2003. Sections 1 to 2 of this submission provide context for the submission points (specific provisions; submission; decision sought) as set out in section 3 of this submission.

Mercury could **not** gain an advantage in trade competition through this submission.

Mercury wishes to be heard in support of its submission.

If others make a similar submission, Mercury will **not** consider presenting a joint case with them at the hearing.

A handwritten signature in cursive script, reading "Colson".

Stephen Colson
Manager Planning & Policy
for Mercury NZ Limited

Date: 30th August 2019

1 Introduction

This document contains the submission by Mercury NZ Limited ('Mercury' or 'the Company') on Plan Change 3 Significant Natural Areas to the Rotorua District Plan ('the Proposed Plan Change' or 'PC 3').

This submission is structured as follows:

- Section 2 provides a brief introduction to Mercury and its activities within the Rotorua District;
- Section 3 sets out submissions relating to Significant Natural Area (SNA) areas #583 and #585, which are located within the Ohakuri electricity generation core site.

2 Overview

Mercury is one of New Zealand's largest electricity generators and retailers providing energy services to homes, businesses and industrial consumers throughout the country. We have a long heritage in renewable energy in New Zealand serving about 1-in-5 homes and businesses under the Mercury brand and other speciality brands. We also have proven capability and technical expertise in solar. Our goal is to be the leading energy brand in New Zealand, inspiring our customers, owners and partners by delivering value, innovation and outstanding experiences.

Mercury has a diverse and expanding portfolio of generation assets throughout the North Island, which over the last 5 years has generated an average of over 7100 gigawatt hours of electricity per year. 100% of the Company's generation comes from renewable resources, which includes the Waikato Hydro Scheme ('the Scheme') on the Waikato River and geothermal power stations in the Waikato and Bay of Plenty regions.

2.1 Assets, Operations and Interests in the Rotorua Lakes District, which relate to PC3

On the Waikato River, Mercury harnesses the power of water by gravity through nine hydro power stations which have a total net capacity of approximately 1,052 MW. Together these hydro power stations produce about 10% of New Zealand's electricity. Hydro generation can be increased or decreased quickly to meet peak demand for electricity in the upper North Island. The Waikato Hydro Scheme was developed in stages from the 1920's to 1971. The Scheme is now an important part of the Waikato River catchment environment, with the majority of the generation assets being in continual operation for over 50 years.

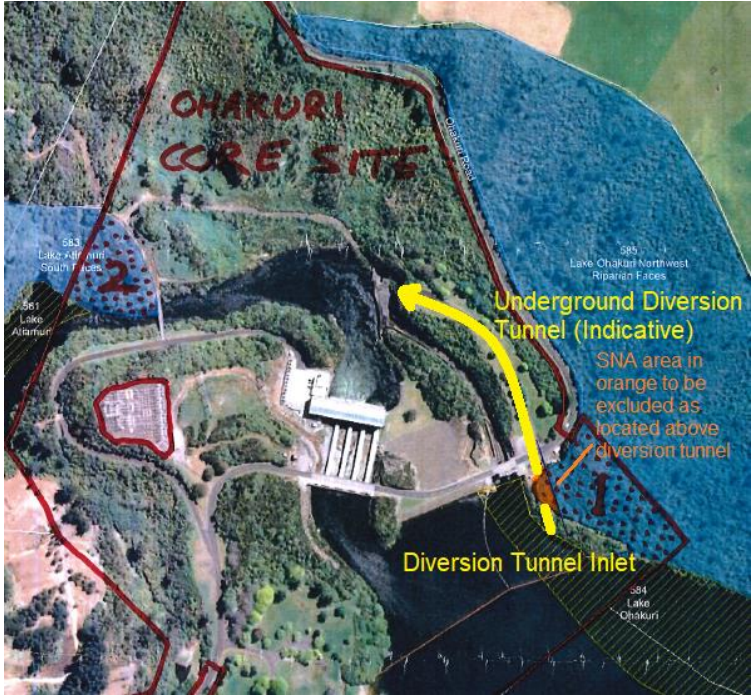
The eastern side of Ohakuri hydro dam and Ohakuri electricity generation core site is located within the Rotorua Lakes District. Electricity infrastructure assets within the Rotorua Lakes District include the spill way and underground diversion tunnel structures.

Mercury has an interest in PC3 to ensure the introduction of a new SNA within the Ohakuri electricity generation core site (Ohakuri site) does not compromise the continued operation, upgrading and maintenance of electricity generation infrastructure located within the Ohakuri site in accordance with existing resource consents and the permitted rules in Operative Rotorua District Plan and Operative Waikato Regional Plan that authorise hydro power activities undertaken in the Ohakuri site.



3 Specific Submissions

The section sets out the submissions by Mercury in relation to the Proposed Plan Change.

Specific Provision	Support / Oppose	The Submission is:	Relief Sought (additions <u>underlined</u> , deletions struck through)::
SNA #583, Lake Atiamuri South Faces (p75 s32 Report)	Support.	<p>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.</p> <p>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.</p>	Retain SNA provided Rule 15.5.6 continues to apply.
SNA #585, Lake Ohakuri Northwest Riparian Faces (p77 s32 Report)	Support, subject to removal of SNA over Ohakuri diversion tunnel (Shown in orange)	<p>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.</p> <p>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.</p>	



District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Warwick David Moyle and Catherine Elizabeth Lane

Email Address: warwick5369@gmail.com

Do you wish to speak to your submission at a hearing?: No

If others make a similar submission, we will consider presenting a joint case with them at a hearing: No

We could gain an advantage in trade competition through this submission: No

SNA Number: SNA:679

Support / Oppose: Support with amendment

Submission: We would like to only support the recommendations as applied to 89, 119 and 119A Kaharoa Road a shared a forest remnant that also extends on the road reserve, total c2.3ha. We argue 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 at 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 are 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.

We only support the recommendations as applied to 89, 119 and 119A Kaharoa Road because Lakes Council has deliberately chosen to consult with individual landowners within SNA679 and not as a group. This has meant we do not have a clear understanding of what the ecological intents and actions are of the other landowners and we can only assume they also have the same positive intent as us.

Attachment with Submission: Yes

Decision sought from Council: Do not include the area 89, 119 and 119A Kaharoa Road a shared a forest remnant that also extends on the road reserve, total c2.3ha in the District Plan.

Memorandum of Understanding
for the protection of the adjoining significant indigenous
vegetation and habitats of indigenous fauna on the property titles
of 89, 119 and 119A Kaharoa Road, RD6 Rotorua 3096

This MoU is an agreement made between the following property owners:

Party A

Name	Warwick David Moyle and Catherine Elizabeth Lane
Address	89 Kaharoa Road, RD6, Rotorua, 3096
Telephone	

Party B

Name	Phillip Loest and Tabea Loest
Address	119A Kaharoa Road, RD6, Rotorua, 3096
Telephone	

Party C

Name	David Godfrey
Address	119 Kaharoa Road, RD6, Rotorua, 3096
Telephone	

1. SUBJECT

This memorandum of understanding is about

- 1.1 protecting and retaining the significant indigenous vegetation and habitats of indigenous fauna which adds aesthetic and lifestyle value to our properties.
- 1.2 ensuring protection of the described significant indigenous vegetation is managed and agreed to by all parties too this agreement.
- 1.3 The area this memorandum covers is shown on the attached map

2. COMMITMENTS

All parties commit to protecting the above mentioned area by ensuring:

- 2.1 all owners have free access to their own properties to enjoy the significant indigenous vegetation and habitats of indigenous fauna, to carry out maintenance and protection work and pest control.
- 2.2 the significant indigenous vegetation and habitats of indigenous fauna are fenced to prevent access to domestic grazing animals.
- 2.3 that should any grazing stock gain access that they are removed immediately and all parties to this agreement are advised of the incursion.
- 2.4 removal of trees that endanger human life, structures or utilities or obstruct existing access to utilities. Parties to this MOU will be notified and agree to said removal of tree or trees.
- 2.5 the trimming or pruning of vegetation is permitted if the vegetation affects the structural integrity of an existing building or driveway.
- 2.6 non-indigenous trees and weeds may be removed if it is deemed an enhancement to the indigenous vegetation and habitats of indigenous fauna.
- 2.7 only naturally fallen trees, trees felled as per 2.4 and 2.5 and non-indigenous trees can be removed.
- 2.8 fences are checked at least once a year.
- 2.9 indigenous vegetation that interferes with existing waterlines or water tanks can be removed with the agreement of all parties to this agreement.

3. POLICIES

- 3.1 Parties will meet, at least, once a year in December to review this agreement, to make any amendments and discuss plans for the coming year to enhance each owners section of significant indigenous vegetation and habitats of indigenous fauna.

4. AMENDMENTS

- 4.1 It is agreed by the parties that this Memorandum can only be modified in writing. That each party agrees to inform the others of those proposed changes at the earliest possible time and agrees to renegotiate, if necessary, any aspect of this Memorandum.
- 4.2 Amendments must be agreed to by at least one representative from each property.
- 4.3 In the event of any of change of land owner or occupier through sale, lease or otherwise, the departing Land Owner will introduce the new owner/occupier to the existence of this memorandum of understanding and encourage their continued compliance with the terms set out and on a best endeavor basis.

5. DISPUTES

- 5.1 Any disputes arising between the parties that cannot be resolved by a representative of each party in the first instance, then should be referred to a forum (such as a formal mediation) as is agreed between the parties. This memorandum is entered into between the parties to record the mutual good faith and understanding between the parties.

6. BREACHES

- 6.1 Should any party breach the terms of this arrangement then the other party may immediately terminate the arrangement by notice in writing.

The parties affirm to know, understand and agree to all articles of this MoU as negotiated together.

PARTY A REPRESENTATIVES Warwick David Moyle Catherine Elizabeth Lane	Signatures: Names: Address: Date:
PARTY B REPRESENTATIVES Phillip Loest Tabea Loest	Signatures: Names: Address: Date:
PARTY C REPRESENTATIVE David Godfrey	Signature: Name Address: Date:

1 of 3

Submission Papers to Rotorua Lakes District Council

Submission on SNA's Plan Change 3

From Northdale Holdings Ltd.

& R.W Martin

437 Paradise Valley Road

Rotorua

30 August 2019

Received
30 AUG 2019 *ER*
Rotorua District Council
Customer Centre



RRD002ESQT

Document Number: RDC-950118

Date Registered: 2/9/2019

Submission on proposed Plan Change 3 (Significant Natural Areas)
Rotorua Lakes Council District Plan

Submission from Northdale Holdings Ltd.

Valuation No: 07050 317 03

Robert William Martin

Valuation No: 07040 083 00

The above properties have been identified with significant land areas. I am submitting on behalf of the property owners and we want to be represented at the Hearing and to have Speaking Rights to the Commissioners.

I **oppose** the decision of Council whom have identified the three SNA's on our properties. The two SNA's on the Northdale Property and one on the R.W. Martin Property at 437 Paradise Valley Road, Rotorua.

The History of the Ownership of this area known as; Okoheriki Block belonging to the Ngati Tura people, a sub tribe of Te Arawa approximately 1870 these people had their land confiscated from them by the Government because they were seen as sympathisers with Te Kooti and the Hauhau's. This was due to Ngati Tura Tribe being unable to defend themselves. The choice was "feed us or we kill you." What would you have done Pakeha?

I Bob Martin and my family are descendents of Ngati Tura.

When my father bought the land in Ngongotaha Valley (these SNA Areas) from the Government in approximately late 1940's early 1950's he paid 1 Pound 10 shillings per acre, to **buy his wife's confiscated land back from the Government**, she also being a direct descendent of Ngati Tura.

I am angry and feel betrayed that this council is virtually committing itself to a 'land grab' over the same area of land, like the Government did to our early family. The only difference is we will be required to retain title, pay the rates but not allowed to set foot on it.

I will take a case to the Race Relations Tribunal if this land is identified as a Significant Natural Area and we lose occupancy of it.

The first Significant Area that I need to discuss is **SNA 155 Horohoro Forest East**.

I purchased this property in 1972 from a Mr G. Lang and to my knowledge there had been two previous owners, a Mr L. Ormsby purchased the block from the then Crown and the forest was known at that time as the Mamaku Native Reserve. The SNA 155 did not have any fencing around it, but had a natural geographic barrier that prevented stock from entering 80% of the area.

The lower eastern unprotected area was significant for pastoral farming as it was used as a winter protection area for sheep that had been newly shorn. This was one of the reasons that we purchased this neighbouring farm, because of its unique shelter belt. With the change of the climatic conditions and very hot summer days our sheep have become sunburnt after shearing so the shade of the trees is a huge significant asset to our stock husbandry. (How things do change)

We personally have not desecrated the area and have kept the road boundary fence in good state of repair. At all times we have protected the flora from the general public; who saw it as an easy access to acquire Mamaku Pongas and any other small native plants.

Our own personal safety was put at risk by ordering people out of the bush and many an argument was quelled, by good common sense and a bit of humour.

In the mid 1980's 1990's it was found to be used as a Cannabis planting area and again, we quelled that operation at great risk to our own safety. Over the years we have shot and killed Deer, Goats and Possums and have set traps to catch the smaller vermin in this area.

When we first took over this property it was very much depleted of its natural habitat and with all of our hard work and control over the years we have transformed it into 'our Significant Area'; perhaps we should have left it to go to 'Rack and Ruin' and Wild Lands today would not have considered it a significant site to 'Grab'.

One would have thought that Wild Lands Officers/Employees would have atleast had the respect, consideration and professional nouse to have consulted with us, prior to making a Report to Council.

With the change of this whenua's classification, you're not just taking a piece of common land out of our control, but you are desecrating our Urupa where the ashes of my Mother and Father and a very special Maori resident are resting. I too will have my ashes spread there as we consider this a special site as its below the cliffs of the most prominent part of the Mamaku Range it is called **O Te Raho, O Te Rangipiere**

I was an Elected District Councillor from 2000-2010 with the Rotorua District Council and **Significant Natural Areas** to my knowledge was never, ever brought to a full Council Meeting during that time. (Backstabbers, or 'Judas' as our past Mayor, John Keaney would have said)

Lands and Surveys and DOC never helped or resourced our efforts and the Rotorua Council never helped with road improvements and we graded the road with our own vehicles, during this transformation.

I also make the statement that 'rally cars were using Endeans Road for practise and we and other property owners, had to put a locked gate at the lower access to prevent damage to the area.

I find this rather perverse, that as the Owner and Custodian including my family is potentially now having this area taken out of their control.

I point out to you that the word '**family**' in our case, now consists of **six generations** of Farming in this area.

I need to address the second area, identified as **Site 1 Mamaku** as identified on, Doc No: RDC-623081 Dated 18th May 2016. It relates to SNA & District Plan Rules and Refers to Grazing Rights.

The back boundaries of Northdale Holdings property which was then owned by W.D Martin and Mr G. Lang in 1970's did not have a boundary fence to the west of those properties, which could have allowed stock to 'free roam' the Mamaku Reserve area.

I as the Director of Northdale Holdings Ltd. made contact with the Office of Lands & Surveys and asked for the appropriate person to help in identifying the Registered Boundary Area to the West of our property.

About 1982-1984 a senior member of Lands & Surveys, and I estimated where the survey line would approximately be. When viewed this suggested survey line was well below the bush line, and did cut through some of the bush area that was owned by Northdale Holdings Ltd.

To physically fence such a steep area was impossible due to its terrain & contours, would substantially increase the costs and a bulldozer would be required to break a line. This would have left a 'bad earth scar' across the horizon area and possible erosion, which could have been viewed from the Ngongotaha Valley Road (A road frequented by Tourists)

Lands & Surveys did not wish to be involved because they never had a budget to meet this requirement; even at sharing the cost.

The senior gentleman and I came to a 'hand shake agreement' that I would look after the grassed area that was outside of the Northdale Boundary by way of eradication of Noxious Weeds especially Wing & Nodding Thistles, which were prevalent in those days.

It was agreed that the fence could go to the 'bush edge'.

The Agreement also included that the bush areas which were legally owned by Northdale were not to be desecrated, but could be used for stock shelter. Hence that is why these areas still exist today with an abundant Native Flora in them; now today beautiful, mature trees. Stock still have access to the area, but are strictly controlled for the purpose required ie shading. In his opinion it saved the Government money and also kept the landscape in a 'natural rural look' rather than a bland 'straight ugly fenced' line.

I have kept my word and I have maintained the fence, kept noxious weeds and vermin under control, and this has been a 'win, win' for both parties spanning almost forty years (40 years)

Not like the new owners who desecrated the native bush on Mt Ngongotaha to plant a Pine Forest, or the Electricity Department when placing pylons had no respect for Native Trees and Maori Sacred Diggings; a typical Government Department in those days.

I also bring to your attention that the RMA under **National Priority 3.1.2 the NZ Biodiversity Strategy 2000-2020 Action Plan page 9 (in verbatim)**

New Zealand expresses to a commitment to stem the loss of biodiversity worldwide. (Bio diversity is the habitat of plants and animals) Correct ?

So why under Rule 3.2.9.4 The Rotorua District Plan, Rural Zones page 27 states the following "a permitted activity rule 9.5.72 allows disturbance only for certain purposes, namely the eight bullet points No: one bullet point

- Pedestrian or cycling use and other purposes like walking tracks, gathering plants in accordance with Maori Customs and Maimai's and walking access to these. [to name just a few].

I find this a conflict of purpose, when I'm not supposed to squash a snail or frog, but it's okay if a pedestrian or cyclist run them over.

Why does the Council's Policy differ with the NZ Biodiversity Strategy?

3.5 Incentives and Support Proposed Plan Change 3

3.5.2 Rating

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 a clumsy way of administration.

Refer to pg 32 of the Document

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 it does not involve the Council with Administration costs.

Should the Council or DOC offer to buy SNA 155 the removal of 15 Hectares off of my total land area will drastically affect any future sub division development. It may prevent maximum use of the land for sub division under the present District Plan e.g 15 Hectares being a minimum size unless a Consent Process is undertaken.

Therefore I would only consider selling xyz at the value of a Heritage Site. Government puts more value per Hectare on a Heritage Site than a grassed farm property and as SNA 155 is adjacent to the **Mamaku Forest Reserve** it will have an increased value.

At the top left side of Endeans Road and opposite to the identified **SNA 155**, is a block of Conservation Land; at a guess I would say approximately 20 Hectares.

This was originally in pasture in the 1970's /80's as leased to a farmer, Mr G Lang.

The new Lessees planted this block into pine trees and it was milled approximately four years ago.

The signage on this property today states, **DOC Conservation Land**.

The Land has not been replanted with either exotic or native species, but is presently growing a scrub type covering. In my opinion if this is such a sacred area to claim an SNA why hasn't DOC planted the appropriate Native Trees? Furthermore the area is a disgrace to DOC and all New Zealanders (Kiwi's) as it is seen as the easy 'dumping area' of rotting carcasses, furniture, waste products and garden vegetation; a complete contrast to our property that you identified as SNA 155, which is directly across the road from it. Two of us witnessed this bloody disgrace on the 28th August 2019, at 12.40 pm.

Rotorua Lakes Council, you say that *I'm contravening your rules on my property, if I use it for grazing, and need to show existing rights*. I suggest that you turn your attention to the pollution that is taking place on this DOC area. On September 16th 2013 I completed a submission as an affected party **NOT** to allow this area to be opened up to the Public. My Health & Safety concerns were expressed then and are **now realised**. I enclose my submission of that time, that was directed to Peter Dine, Works Manager, Rotorua District Council. **(Appendix 1)**

The request of the submissions to Council was to have the removal of gates and other obstructions taken off some Rural Roads, including Endeans Road to **which I strongly opposed. What can I say? I told you this would happen.**

Rotorua Lakes Council your consultants Wildlands who credit themselves as "a progressive ecological consultancy, committed to providing high quality ecological information, advice and technical services to a wide range of clients, including government departments, regional councils, district councils, large corporations, other consultancy firms, private landowners and businesses and whom has a very strong focus on the planning and implementation of ecological restoration..Nationwide, would have driven past this DOC land on Endeans Road on many occasions and probably have failed to report what they have witnessed and have also failed to comply with their own statements. by **NOT** reporting it to the Rotorua Lakes Council especially as this land is owned by DOC. **Shame on you all !!!!**

Rotorua District Council & Officers I also inform you, that an 800 Acre Block of Native Trees was cut down in the 1970's and planted into Pines. This block is about half a kilometre West of **SNA 155**. It was owned privately and then on sold to the NZ Superannuation Fund which is Government owned. The Overseas Investment Office then approved the sale of this block to the Chinese Government in 2013. **(Appendix 2)**

This 326 Hectare Property has been replanted in Pine Trees for the second time. The Eastern side of the property is largely covered in Blackberry Plants which have encroached into the Mamaku Native Forest.

The top end of Endeans Road, which has a rhyolite (soft rock) surface carriageway, erodes and floods into our water tables, polluting the Ngongotaha Stream via a tributary stream.

This is a classic case of blatant abuse of Government's not considering a local area, and neighbouring property owners.

Paramount Consultation should have taken place with Te Arawa because this land was a part of the confiscated land from Ngati Tura Sub Tribe. This block of land should have been returned back to Maori Ownership and not sold to the Chinese Government.

Council, why don't you insist that this be classified as a Significant Area? This area should be reinstated back into Native Flora, all of the 326 Hectares of it, instead of trying to dictate and take my minute (15 Hectares) area in comparison.

The NZ First Primary Industries Spokesman said "the sale was an appalling example of everything that is wrong." This was quoted in **Local News Thursday May 2, 2013**.

Suggested Solution from the Martin Family

The Treasured area of our family land, that you have identified as a potential **SNA 155** we are going to retain our land and not be open for Public Access under any circumstances, but be the Crown in our Jewel of the Mamaku Scenic Reserve. People can stand back and observe and enjoy its beauty but cannot touch it or enter onto it. These are the conditions that the Crown Jewels of London are viewed under, they can be viewed but **You cannot touch. 'Look**

but don't touch', this is one of Rotorua District's Jewels. Thanks to the Martin Family (Whanau), looking after it and treating it as our Taonga over many generations.

We as a family 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.

Should the property be sold these covenants are registered to the Land Title that new owners can see and read before any transactions take place similar to a protected Heritage Structure.

Personally I do not trust Governments or Councils because their Policies change over a period of time and also the Politicians influence decisions for their own cause e.g selling to the Chinese Government as we have stated or don't have sufficient resources to sustain our Kiwi Taonga.

Yours sincerely
The Martin Whanau

R.W.Martin

A handwritten signature in blue ink, appearing to be 'R.W. Martin', with a long horizontal flourish extending to the right.

Appendix One

3 of 3

R.W.Martin
437 Paradise Valley Road
ROTORUA

16th September 2013

Peter Dine
Works Manager
Rotorua District Council
ROTORUA

Dear Peter

Request for submissions of affected parties of petition to remove gates and other obstructions on Great West, Endean and Kaharoa Roads.
My submission is against the removal of such.

While I am not directly affected with two of the roads, but as a ratepayer and with costs incurred by the Council to rectify or control the requests of the petition I cannot support and I object to any change.

What these three roads have in common from never being formed and having a paper road status was to protect the environment from people and allow nature to be unimpeded at minimal cost to the ratepayer.

Endean Road, I am directly effected by approximately 800m of my farm borders on to the road boundary and then the road cuts a passage through the Mamaku Scenic reserve which is controlled by the Conservation Department. Their road frontage would be about 1200m long when combining both sides.

The terrain of this land is steep and rugged known as dirty bush, not suitable for walking in. There are no scenic attractions or sites in this area.

The Conservation Department may consider that people should have a right to enter but this area is not safe to those who lack experience in bush craft.

I will bullet point some of my major concerns and elaborate on my last point.

1. Identified as an area for planting cannabis
2. Hunting of native pigeons
3. Hunting of deer and pigs
4. People don't know the road boundaries. The dirt part of the road is not entirely within the paper road boundary.
5. Fire risk to native bush and pine forestry
6. People discharging firearms for shooting practise.
7. More access for people increases the possibility of more stock poaching (I have had a gun pointed at me when asking a person to remove himself off my property, not a good feeling)
8. Dumping of household rubbish - less common now, people are more blatant and they dump it at the start of the road.

9. Dust created by vehicles on road, damages native plant flowers, and kills bees.
10. The taking of native ferns and ponga.
11. A portion of the road is now tarsealed, to accommodate the six residents. However any further traffic will create a danger due to its narrow carriageway.
12. Health and Safety to water.

Health and Safety is my major concern. The Otamaroa Stream and it's tributaries run parallel or away from Endean Road, these collector streams then flow into the Ngongotaha Stream which is the major and only water supply for the residents of Ngongotaha Valley area.

Should a water carried bacteria, like Giardia become established it will cause a major health and safety problem for the people and naturally the Rotorua District Council will be asked to control or provide potable water for the people of this catchment.

This is why the people of Paradise Valley Road region have been very protective of this road, and its surrounding area, because we do not have a public water supply.

The Local Government Act 2002 Under Section 228 it states the following:

- Item H: Directly or indirectly pollutes or causes to be polluted the water in
 A water race or water course used for supply water race in a
 manner that:
- I. Is offensive or
 - II. Makes the water a danger to Human Health.

I consider that this act should be paramount to keeping these roads closed to the general public.

History of Endean Road

The name Endean came from a timber company that logged native timber from a block of 350ha (800 acres) about 1890 to the start of the First World War.

Early 1900 local Ngongotaha Valley dairy farmers considered building a Dairy factory on land close to the Otamaroa Stream. The buffer to be produced was to be transported via the South Road to Mamaku to be loaded onto the train for Auckland.

When pointed out to the farmers that the water would be returning to the stream and polluting the down stream water supplies and the local Ngongotaha Valley School's potable water, the grand idea was abandoned.

History almost repeated its self in the mid 1980's where by a new land owner of the same dairy factory land wanted to build a deer killing and processing freezing works. Again the locals said, wrong place "pollutes water". The Japanese

owner did not take to much persuading and being a honourable man he withdrew.

My Grandparents, parents and I have protected this water for our families of the Valley and my children and grandchildren will do like wise.

Council 'PLEASE' protect our Ngongotaha Valley water and Endean Road.

I am available to speak to this submission on the 18th September meeting.

Robert William Martin

China set to snap up forest

By Abigail Hartevelt
abbey.hartevelt@dailypost.co.nz

A Rotorua forest is set for foreign ownership.

The Overseas Investment Office has just approved the sale of more than 14,000ha of prime forestry land to the Chinese Government.

The office approved the sale of 10 blocks of land including a 326ha property in Rotorua known as the Edean Forest on Edean Rd off Paradise Valley Rd.

Forestry is worth \$3 billion to the economy. It's New Zealand's third biggest export earner. Now the Chinese Government is set to take a foothold.

The biggest block of land which has been approved for sale is in the Kaipara district. There are also six blocks in Coromandel and Waikato, a block each in Rotorua and Gisborne and Wairarapa covering more than 14,000ha.

The land was owned by the New Zealand Superannuation Fund — an investment to help pay for Kiwis' retirements.

Reporea's Allan Crafar, whose farms were sold to a Chinese company after Government ministers ignored public disapproval and gave the sale the green light, said he was against the sale.

Prime Minister John Key "seems to want to sell the country out" he said.

"It's looking like a banker



FOREIGN OWNERSHIP: The Overseas Investment Office has approved the sale of this 326ha property off Edean Rd.

PHOTO/GOOGLE MAPS

thing to me. That's Mr Key's background."

Mr Crafar couldn't understand why the New Zealand Government didn't hold on to its assets and sell the products.

"It's hard to fathom."

New Zealand First primary industries spokesman Richard Prosser said the sale was an appalling example of everything that is wrong with National's approach to the economy.

He said the sale would not create one single job in New Zealand, and would perpetuate the unsustainable practice of this country being an exporter of unprocessed bulk commodities.

"The purchase of New Zealand forests by the Chinese Government is not foreign investment; it's a transfer of wealth.

"They won't build any new sawmills, they won't build any

new particle board mills, they will simply continue to export bulk logs for processing in China.

"The export of raw logs has increased under this Government by 10 per cent since 2009," he said.

"These are logs that should be processed in New Zealand, by New Zealand workers so that the wealth generated is kept in this country.

ROTORUA Breakfast briefing

Tour on hold

The Brad & Marty Party School Holidays Tour visit to Rotorua has been postponed. The tour, featuring boy band Titanium, was due to visit the Civic Theatre on Saturday.

Youth games

Western Heights High School hosts the Vegas Games on Sunday as part of Youth Week celebrations. The Vegas Games are from 1pm to 4pm and offer a variety of sports for those aged between 13 and 18. Team registrations can be made on the day.

Badminton night

Social badminton has kicked off in Rotorua with the Rotorua Social Badminton Club meeting every Thursday at the Badminton Hall on Tarewa Rd. Play is from 7.30pm to 9.30pm, or call Russell on (07) 348 5321 for details.

Climbing challenge

Multicultural Rotorua and Rotorua Newcomers Network is hosting an Indoor Wall-Climb Challenge on Saturday from 10am to noon at The Wall, Hinemoa St. To register text wall climb plus your full name to 027 357 5353.

Bill hearing

Submissions to the Resource Management Amendment Bill will be heard in Whakatane today. Green Party MP Catherine Delahunty said the aim of the bill was to protect rivers from consents to discharge pollution for more than five years. The hearing is being held at Reap House on Pyne St in Whakatane from 10am to 12.30pm.

Instant winners

You could be in to win \$10,000. All Rotorua Daily Post subscribers go in to win Instant Kiwi tickets. Today's winners are Paula Rongo (54750561) and Mrs Leonie Haggart (54598061). Prizes must be collected from the Rotorua Daily Post.
■ Supplied by the Lucky Lotto Shop.

Lotteries

Keno draw 9170: 4, 6, 8, 10, 16, 25, 31, 34, 39, 43, 46, 48, 49, 51, 52, 64, 67, 73, 77, 79.
Draw 9171: 5, 8, 9, 14, 22, 24, 29, 34, 40, 42, 45, 54, 55, 56, 57, 72, 75, 78, 79, 80.
Bullseye: 177922.
Big Wednesday: xxxxxx
Coin toss: xxxxxx

'Disappointing' response to draft plan

Just 53 submissions have been received by the Rotorua District Council for its draft Annual Plan for the 2013/14 financial year. The council's corporate and customer services group manager Jean-Paul Gaston is reminding residents they only have until Friday to make their submissions.

The draft Annual Plan proposes an overall increase in rates to be collected of less than one per cent.

Mr Gaston said while submissions usually came in towards the end of the consultation period, he was disappointed in the amount received so far.

"It's important local residents take the chance to make submissions on changes they want to the draft Annual Plan and the elements in the plan they support. The council needs to know which of its proposals are backed by residents."

The full 120-page draft Annual Plan and online submission forms are available on the council's website — www.rdc.govt.nz — or summaries and submission forms can be picked up from the council's Customer Centre, City Focus and Library. Submissions close at 4pm on Friday.

Funnyman bringing convoy of comedy 'back home'

By Matthew Martin
matthew.martin@dailypost.co.nz

Comedian Ewen Gilmour knows the way to Rotorua better than most, after all, he was born here.

Gilmour is bringing a mix of top Kiwi and international comedy acts to Rotorua as part of the 2Degrees Comedy Convoy in his role as MC and host.

"When I say I'm in charge, I'm only in charge of the microphone, but it's a great line up, I'm looking forward to seeing them myself," he told the *Rotorua Daily Post*.

Accompanying him on his whirlwind 12-show tour is American globe-trotter Tom Rhodes, a travel writer for the *Huffington Post* and an acclaimed stand-up comedian.

Sitting in the passenger seat is Nelson-born Guy Williams, last year's Billy T Award winner and regular on TV3's *Jono & Ben* at Ten.

They are joined by the 2010 winner of the Fred Award, 7 Days regular and star of TV3's

comedy series *Golden*, Jesse Griffin and British comedian Chris Martin — who is not Gwyneth Paltrow's husband or — even more famously — the former Black Caps fast bowler.

"When there's a whole bunch of dudes sitting in a van together the comedy tends to write itself," Gilmour said. "Comedians all get on reasonably well, we all have do-nothing jobs really."

Gilmour said he was born in Rotorua Hospital in the same

ward as Temuera Morrison and his mother.

"But Tem tells me it was his brother.

"The funny thing is, up until I was five or six, I thought I was part Maori, being born in the homeland of Maori culture.

"I always thought I was a Maori being raised by a pakeha family and I was a little disappointed to figure out I wasn't," he said.

The Comedy Convoy heads to Rotorua's Civic Theatre on Tuesday May 14. Tickets are available from the venue or at

www.ticketmaster.co.nz. For details visit www.comedyfestival.co.nz.



FUNNY FULLA: Ewen Gilmour is bringing the 2Degrees Comedy Convoy to Rotorua on Tuesday May 14.
PHOTO/FILE

Childcare centre staff stood down over claims of mistreatment

Two childcare centre staff have been stood down while claims of mistreatment of children are being investigated.

The investigation into Tokoroa-based Te Rau Oriwa Early Learning Centre was launched after allegations of child safety breaches.

Up to 50 children from three months to 6-years-old attend the childcare centre.

It has been reported that allegations involve one child having their mouth washed out with soap, another being force fed and one child being locked in a cupboard for a few seconds.

The staff members at the centre of the allegations have been stood down on full pay while Te Wananga o Aotearoa, the governing body, continues its own investigation.

It was reported police were first made aware of concerns on February 14, which resulted in a

number of people being spoken to and statements taken.

Child Youth and Family and the Ministry of Education are now leading the investigation.

The Education Review Office visited the centre last year and a report, which was released in November, said while self

review within the centre was well organised and managed, the management team agreed that it was timely to consider more in-depth, longer-term reviews that identified important issues that affected the centre as a whole, including its community.

GeyserView IV Parcel Report

Legal desc: Section 13 Block II Horohoro SD

Oz Parcel Id	PFile	Full Address	Parcel Name
2540/9	P19243	ENDEAN ROAD, NGONGOTAHA, R D 2	SECTION 13 BLK II HOROHORO SD (SO 12945)
Title(s) SA209/283			

Valuation	Address	Legal Description
07050*312*00*	ENDEAN ROAD	SEC 13 BLK II HOROHORO SD -INT IN ROW DPS 77113
Capital Value	\$660,000.00	Connections:
Land Value	\$560,000.00	Sewer 0
Improvements	FG OI	Water 0
Area (ha)	326.9860	Refuse Charges: 0

Rates struck on: 07050*312*00*

1250	Farming Rate	660000.0000	0.002623150	\$1731.28
2500	Uniform Annual General Charge	1.0000	603.750000000	\$603.75
3480	Business & Econ Dev - Farming - Uniform	1.0000	51.106000000	\$51.11
3485	Business & Econ Dev - Farming - Variable	660000.0000	0.000172500	\$113.85
3620	Lakes Enhancement Rate	1.0000	18.975000000	\$18.98
9100	B O P REGIONAL COUNCIL GEN RATE	560000.0000	0.000296610	\$166.11
9210	BOP UNIFORM ANNUAL GEN CHARGE	1.0000	74.876500000	\$74.88
9450	LAKES RESTORATION RATE 10+HA	1.0000	453.146000000	\$453.15
9655	KAITUNA CATCHMENT SCHEME C6 ST	0.1000	157.090000000	\$15.71
9685	KAITUNA CATCHMENT SCHEME C6 AR	326.8860	1.380000000	\$451.10

0



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Submission form
PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email policy.planning@rotorualc.nz with 'Proposed Plan Change 3 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON FRIDAY 30th AUGUST 2019

Full Name Of Submitter:	<i>Pukohukini Kaitiaki Inc.</i>	Address For Service:	
		[Agent if applicable]	
Full Postal Address:			
Telephone No:		Email:	<i>shula@delibitto.co.nz</i>
Mobile Phone:		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ☐ **wish** *[delete one]* to be heard in support of my submission.

If others make a similar submission, I ☐ **will** *[delete one]* consider presenting a joint case with them at a hearing.

I **could/could not** *[delete one]* gain an advantage in trade competition through this submission.

I **am/am not** directly affected by an effect of the subject matter of the submission that –

(a) Adversely affects the environment, and

(b) Does not relate to trade competition or the effects of trade competition.

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)

[Signature] _____ *30/08/2019* _____
Signature of submitter Date

(NOTE: A signature is not required if you make an electronic submission)

For any enquiries please call Kim Smith, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8289



Rotorua Lakes Council
Civic Centre
1061 Haupapa Street
Rotorua
Via email: policy.planning@rotorualc.nz

30th August 2019

To whom it may concern,

RE: DISTRICT PLAN CHANGE 3 (SIGNIFICANT NATURAL AREAS) – SNA 681
Location: State Highway 33

The Committee of Management of Pukahukiwi Kaokaoroa Incorporation strongly oppose the proposed District Plan Change 3 for Significant Natural Areas (in particular to page 67 of the plan change evaluation report).

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 your attempts to make contact with the Committee and apologise for the delayed response. Since reviewing the most recent letter dated 29 July 2019, we would like to explore other options 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.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Laurance Tamati', is written over a faint, light blue rectangular stamp.

Laurance Tamati
Chairman

30 August 2019

Rotorua District Council
Private Bag 3029
Rotorua Mail Centre

By email: policy.planning@rotorualc.nz

Tēnā koutou,

SUBMISSION ON PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN – SIGNIFICANT NATURAL AREAS

1. INTRODUCTION

- 1.1 The Raukawa Charitable Trust (the Trust) has received notification of Proposed Plan Change 3 to the Rotorua District Plan – Significant Natural Areas. The assessment and conclusions below are the Trust's submission on the Plan Change.
- 1.2 The Trust's submission is based on the implications of the proposed plan change as it relates to the Raukawa takiwā, the health and wellbeing of the Waikato River, the environmental, social, and cultural interests and aspirations described in relevant statutory documentation. The Raukawa Charitable Trust has an interest in the Plan Change that is greater than the interest that the general public has and seeks to have its views recognised and taken into account as part of the decision making process. The Trust could not gain an advantage in trade competition through this submission

2. RAUKAWA

- 2.1 Raukawa is a large iwi associated within a significant area of the central north island that is rich in natural and cultural heritage. The Raukawa takiwā is represented by four traditional rohe: Te Pae O Raukawa, Wharepūhanga, Maungatautari and Te Kaokaoroa O Pātetere. These four areas include Mōkai, Atiamuri, Whakamaru, Mangakino, Tokoroa, Putāruru, Tīrau, Tapapa, Matamata, Kēmureti, Kihikihi and Te Awamutu.
- 2.2 The Raukawa Settlement Trust (RST) represents 16 marae and was formed in 2009, as the Post Settlement Governance Entity, to receive and manage settlement assets. The Trust represents Raukawa as the iwi authority for resource management purposes. RST has delegated responsibility for the management of environmental and resource management activities to the Raukawa Charitable Trust.
- 2.3 The Crown has acknowledged the relationship between Raukawa and the Waikato River through the signing in December 2009, of the Deed in Relation to a Co-Management Framework for the Waikato River. This was followed with the enactment of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, the signing of the Raukawa Deed of Settlement of Historic Claims in June 2012 and the enactment of the Raukawa Claims Settlement Act in 2014.

3. CO-MANAGEMENT DEED FOR THE WAIKATO RIVER

- 3.1 The Raukawa Co-Management Deed between the Raukawa Settlement Trust and the Crown establishes a framework for co-governance of the Waikato Awa. This framework is implemented through the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (**the Act**) and the Joint Management Agreement (**the JMA**) between the Raukawa Settlement Trust and Rotorua Lakes Council (Council). The overarching purpose of the Act is to restore and protect the health and wellbeing of the Waikato River for present and future generations.
- 3.2 The Act recognises and establishes 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. The proposed plan change impacts on Te Ture Whaimana and therefore has been commenced and notified in accordance with the provisions of the Act and the JMA.

4. RAUKAWA POSITION

- 4.1 The Trust approved the content of the plan change for notification so the plan change could progress to the next stage of the RMA First Schedule One process

The Trust supports aspects of the proposed plan change. Those aspects are:

- The protection of areas of indigenous riparian vegetation, wetlands and significant terrestrial indigenous habitat and vegetation;
- The continued provision for cultural harvest in accordance with māori customs and values.

- 4.2 The Trust considers that these aspects of 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.

5. STATUTORY CONSIDERATIONS

RESOURCE MANAGEMENT ACT 1991

- 5.1 In achieving the sustainable management purpose of the Resource Management Act 1991 (**the RMA**) Council must recognise and provide for:
- the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna: and
 - The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

TE TURE WHAIMANA O TE AWA O WAIKATO – VISION AND STRATEGY FOR THE WAIKATO RIVER

5.2 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. In recognition of its legislative status, Te Ture Whaimana prevails over any inconsistent provision in any national policy statement, national environmental standard, or water conservation order developed under the RMA. Any regional and district plans must give effect to Te Ture Whaimana. Additionally consent authorities must have particular regard to Te Ture Whaimana when considering resource consent applications.

5.3 Te Ture Whaimana sets out a suite of objectives and strategies for the restoration and protection of the health and wellbeing of the Waikato River of current and future generations. Of particular relevance are the following objectives;

Objective A - The restoration and protection of the health and wellbeing of the Waikato River.

Objective C - The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.

Objective I - The protection and enhancement of significant sites, fisheries, flora and fauna.

Objective K - The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.

Objective M - The application to the above of both mātauranga māori and latest available scientific methods.

4.5 The protection and restoration of the Waikato River and its catchment is of paramount concern for Raukawa. It is fundamental to the relationship of Raukawa to the river catchment, as is the ability to continue to harvest plants and materials in accordance with tikanga and kawa.

4.10 The Trust seeks that the plan change provisions giving effect to the objectives of Te Ture Whaimana be retained and approved.

TE RAUTAKI TAIAO A RAUKAWA – RAUKAWA ENVIRONMENTAL MANAGEMENT PLAN

4.11 Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan (**Te Rautaki**) is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. It has been prepared by the Trust on behalf of ngā uri o Raukawa.

4.14 The sections of the Te Rautaki considered to be most relevant to the application are:

Section 2.1 Water - Wai

Objectives

- The mana and mauri of water is safeguarded for present and future generations.
- The Raukawa kaitiaki relationship with our waters is respected, enhanced, and supported.
- The health and wellbeing of the Waikato, Te Waihou, and the Upper Waipā Rivers and their catchments are restored and protected.

Section 2.6 Indigenous Plants and Animals– Ngā Tamariki a Tāne Whakapiripiri

Objectives

- The intrinsic values of indigenous plants and animals, and their habitats are recognised, valued, and balanced within productive and working landscapes.
- Raukawa traditional and customary associations with indigenous plants, animals, and habitats are provided for and enhanced.
- There are a range of opportunities for natural world experiences for tamariki and mokopuna.
- There is an active and co-ordinated programme of creation, restoration, enhancement, and protection of indigenous plants, animals, and their habitats across the Raukawa takiwā that are accessible for the entire community.

- 4.17 The Trust seeks that the and the specific provisions above be considered and taken into account by Council as part of 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.

5. CONCLUSIONS

- 5.1 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
- 5.2 The Trust therefore considers that the Plan Change assists in achieving the purpose and principles of the RMA, the objectives of Te Ture Whaimana, and the objectives of Te Rautaki.

6. RELIEF SOUGHT

- 6.1 The Plan Change is supported and the Trust seeks that it be approved by the Council.
- 6.2 The Raukawa Charitable Trust wishes to be heard in support of this submission at any hearing.
- 6.3 If other parties make similar submissions, the Raukawa Charitable Trust may be prepared to present a joint case at any hearing.

If you have any questions or queries regarding this submission, please contact Laise Harris, Programme Lead – Policy and Strategy at laise.harris@raukawa.org.nz or call 07 886 0260.

Nāku noa, nā



Grant Kettle

Group Manager, Pūtake Taiao (Environment)

Raukawa Charitable Trust

Address for Service:

Email: environment@raukawa.org.nz

Postal: C/- Pūtake Taiao, Raukawa Charitable Trust, Private Bag 8, Tokoroa 3444

Phone: 07 885 0260

**Submission on proposed Plan Change 3 (Significant Natural Areas) Rotorua
Lakes Council District Plan.**

Submission from the Rotorua Rural Community Board (RCB)

Dated 28th August 2019

The Rural Community Board (RCB) is elected to represent the views of the rural community residing within the Rotorua Lakes Council District.

The Rotorua Rural Community Board contributed to the Section 32 report, the following resolution:

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

In respect to the proposed Plan change 3, the Rural Community Board also submits:

- 1. The RCB is supportive of the concept and broad objectives of protecting and preserving of genuine Significant Natural Areas (SNA) especially where a risk of extinction can be demonstrated.**
- 2. However, our support for this concept is conditional and subject to the specific following conditions:**
 - 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**

Commentary: Both words “Significant” and “Natural” are broad, non-prescriptive and open to individual interpretation. The word “Significant” in particular, has no clear interpretation in the RMA s2.

As an example of potential misinterpretation, the word “Natural” could be interpreted to mean indigenous forests, whether they be naturally occurring, or planted and thus, manmade. Without total clarity on definitions, indigenous plantings will be actively discouraged (for fear of creating new SNA’s).

We submit that we cannot leave open the prospect of successive generations of council employees, representatives and agents, re-interpreting the meaning of SNA’s if we are to provide certainty with land ownership, usage and SNA recognition.

Landowners must have 100% certainty of what they own and farm to carry out their farming business.

- 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.**

Commentary: The landowner has paid full capital price for the total area of land owned. If any of the land is lost for its intended purpose, the land value will be reduced proportionately. In addition, any encumbrance on the established usage, equates proportionately to a loss of operating income from the land. BOTH costs must be fully recompensed by the public to the private landowner, if any land is to be removed from its established use to create a public good, SNA.

Rate relief is not material in this equation, but it should be an automatic additional payment by the public to the private landowner in any scenario.

- d. **Any and all SNA's should only apply under a voluntary individual landowner agreement basis.**

Commentary: It is the RCB's position that landowners are reasonable people who, overall, deeply share conservation and healthy environmental values. Most landowners live close to nature, the elements, the environment and have natural empathy with the environment. They recognise and enjoy aesthetic and biodiversity values that indigenous forest can add to a property.

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.

We urge this approach and are more than willing to help promote the SNA proposal under these conditions.

We wish to speak to this submission.

Rotorua Rural Community Board



Mrs Shirley Trumper

Chair

28August 2019

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Te Kopia Forest Partnership

Email Address: brett@rfh.co.nz

Do you wish to speak to your submission at a hearing?: No

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: SNA 558,590,592

Support / Oppose: Oppose

Submission: We believe the areas identified in for 558,590,592 do not contain indigenous vegetation and significant habitats of indigenous fauna , as they are planted in plantation pine forest

Attachment with Submission: No

Decision sought from Council: To remove or adjust the are's identified in SNA 558,590,592

STAMM SURVEYS LTD.

PO Box 707, ROTORUA, NEW ZEALAND
Phone: (07) 348 3279, Fax: (07) 348 3234
Mobile: 0274 777 878, office@nzsurveys.co.nz
Premises at 10 Railway Rd, ROTORUA



Ref: 07608

15 August 2019

Rotorua Lakes Council
Private Bag 3029
ROTORUA

Attn: Policy Planning

Submission on Plan Change 3 – 72 Te Manu Road, Te Rimu Trust

Our clients', the Te Rimu Trust, are the landowners of 72 Te Manu Road (Lot 2-3 DPS 33601, SA31C/28). They were informed by Rotorua Lakes Council via letter (dated 29/7/19) that proposed plan change is open for submissions. We understand this plan change only involves amending the maps for the Significant Natural Areas (SNA) in the district.

The landowners wish to make a submission opposing the changes. They do wish to be heard in support of their submission and would consider (but will not be bound to) making a joint case at a hearing with others making similar submission. They could not gain an advantage in trade competition through this submission.

1. Background

The landowners have lived on the property for many years and have developed it into a grazing block with pockets of indigenous vegetation remaining. These pockets of indigenous vegetation are not fenced off and there is no intention to do so. They are used for grazing year-round and provide shelter for feeding out supplementary feed in the winter. There are multiple access tracks through the pockets that are used for access. The property where the potential SNA's have been identified is steep to rolling and the access tracks are essential for farm maintenance and animal husbandry.

The landowners have no intentions of clear-felling the vegetation but intend to continue to remove fallen/wind blown trees that are a health and safety risk on the property. The pockets of indigenous vegetation also are used for recreational activities including motorbike riding and possum hunting etc. The landowners also do not want to be encumbered with compliance costs

to prove their existing use rights (as required by the existing SNA rules in the Rural zone) in relation to any proposed SNA on their property.

2. Section 32 Report

The Section 32 report states that several SNA's were identified and included as part of the Operative District Plan with comments that further work was considered desirable at that time. The Wildlands report (3417f – Updated September 2018) appears to be the basis for identifying the new SNA's proposed under Plan Change 3. The Wildlands report shows our clients land being partly covered by SNA154. The map on page 76 of the Wildlands report covers areas of pasture and access track as well as the pockets of indigenous vegetation. From talking to Kim Smith at Rotorua Lakes Council, we understand this map (or a version of it) was initially sent to the landowner and they commented about the pasture tracks being included. This was then revised (as a desktop GIS exercise by Wildlands) to the version that was sent with the recent letter providing an invitation to submit on the plan change.

It is unclear from the Wildlands report (p77-78) what fieldwork (if any) was done specifically on the landowner's property to determine the area to be mapped. Using visual inspection from the landowner's property and the public road, and reviewing the latest aerial imagery in Geyserview 5, 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. They are much larger contiguous units and do not appear to be actively grazed.

The recommended areas for to be included under the proposed plan change are covered on page 54 of the Section 32 report. This (revised) map still includes areas of open pasture visible from aerial imagery based on the version received 29/7/19. The significance justification for SNA154 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 make up the majority of the proposed area of SNA154.

The Section 32 report identifies Section 6(c) of the Resource Management Act 1991 as highly relevant matter to the plan change. This section seeks to protect "areas of significant indigenous vegetation". The Bay of Plenty Regional Policy Statement also uses the word significant when identifying areas worthy of protection. While there are other areas in SNA154 that with reasonable stands that are more likely to be considered significant, these are not located on the landowner's property.

The Section 32 report also raises the possibility of incentives in the form of rates remission and reduced consent fees. This is something that needed to be confirmed prior to preparing the

plan change if it is to be taken seriously as mitigation for the management burden an SNA will impose on a landowner. Given the limited amount of rates remission likely to be calculated neither proposed option could be considered a meaningful incentive.

The landowner values the pockets of indigenous vegetation as they provide visual amenity, recreation opportunity and shelter for livestock. 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.

3. Submission

SNA154 does not appear one of the more important areas identified by Wildlands for SNA protection within the district. Within SNA154 the pockets on the landowner's property do not appear "significant" when compared others identified elsewhere in the district. 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. 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.

The Te Rimu Trust submit that:

- a. They oppose the plan change to show any further SNA's on their property.
- b. They request the existing SNA identified on their property is removed on the grounds it is only covered by minor scrub not an area of "significant indigenous vegetation" as in Section 6 of the Resource Management Act 1991.

Yours faithfully

STAMM SURVEYS LTD

Luke Nelson

Surveyor / Planner

luke@nzsurveys.co.nz

Submission form

PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN

Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

Full Name of Submitter:

Timberlands Limited (Timberlands)

Address For Service:

Bridget Robson

Telephone No:

[REDACTED]

Email: bridget@eland.co.nz

Timberlands wishes to be heard in support of this submission.

If others make a similar submission, Timberlands **will** consider presenting a joint case with them at a hearing.

Timberlands **could not** gain an advantage in trade competition through this submission.

Signature of submitter ***emailed***

Date Friday 30 August 2019

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN:

Introduction

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 District Plan. The plan change seeks to:

- Add new significant natural areas to the planning maps and District Plan's list of significant natural areas
- Extend some existing significant natural areas
- Remove several significant natural areas or parts of significant natural areas from the District Plan due to alternative legal protection for these sites
- Reconsider the boundaries of some existing significant natural areas.

The submitter

Timberlands Limited manages the Kāingaroa Timberlands forest estate, which is on land leased from CNI Iwi Holdings Limited. Timberlands Limited is mindful of the position of its landlord regarding changing the status of parts of their land and makes this submission accordingly. Timberlands Limited holds Forest Stewardship certification which means that plantation forestry activities on the estate must meet high environmental performance requirements including on areas that are not part of the planted estate. Forest practices are regularly audited by independent auditors. Should any discussions subsequent to this submission lead to a change in stance by the landowner on any sites, Timberlands has a preference that any changes to boundaries are made with some thought to operational considerations.

Comment on the intent of the Plan Change

Timberlands absolutely supports the intent of section 6(a) and (c) of the RMA regarding the protection of natural character of rivers and wetlands and their margins, and of significant indigenous vegetation and fauna. We note that plantation forest management practice means there is often useful amounts of proactive animal pest management and some plant pest management on these sites. Forestry practice surrounding pockets of indigenous vegetation and wetlands is, in the main, very benign. The effect is that the quality of the vegetation is maintained or enhanced, making it ecologically more valuable and thus subject to more controls on use surrounding it. This unfortunately appears to set up a perverse incentive situation.

Perhaps Council could consider an alternative approach that recognised efforts made to actively and appropriately protect these areas from the main risks they face, in a way that is more collaborative rather than creating impositions that are not always well targeted.

The sites that Timberlands is submitting on are identified below.

Site: #700 Mangaharakeke Waterfall pg 84 s32. Kāingaroa Ecological District

Timberlands position is to oppose classifying this site as a Significant Natural Area.

Timberlands considers that the commentary and reasons given in the Plan Change and associated section 32 report do not support describing this site as a Significant Natural Area (SNA).

The reasons Timberlands reaches this view are that:

1. The area that can realistically be described as containing significant vegetation is overstated. The entire site is identified as meeting criteria for significance set out in the Waikato Regional Policy Statement (RPS) at Table 11-1: Criteria for determining significance of indigenous biodiversity yet many sub-parts of the site are dominated by weed species.

2. The intent of the Waikato RPS, objective 3.19, policy 11.2 and methods 11.2.1 – 3 can be met without applying an SNA status to this land, and the inclusion of this site in the district plan is intended to give effect to the RPS. The most relevant RPS provision is method 11.2.2¹.
3. The protective status of an SNA does not address the actual risk to this site, which is predominantly due to plant and animal pests. Council considers that including this land in the District Plan Appendix 2 as an SNA gives it greater protection than the protection it presently receives but does not identify how this is so. 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.” Timberlands position is that 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)

Site description and potential effects considered in the s32 report

The Section 32 report describes this site as being in the Waikato River Authority Priority Project 29: Water quality improvement and riparian protection and enhancement in the Wai-O-Tapu catchment (“very high” priority): Project seeks fencing of all wetlands in this catchment.

It is described as being of **Local** significance with **moderately representative** gully wetlands on the margins of Mangaharakeke Waterfall and Stream tributary. It is surrounded by plantation forestry. The source of information for the site is “based on aerial photos and personal knowledge”.

It is described as meeting two elements of the Waikato Regional Policy Statement criteria for determining significance of indigenous biodiversity, these being:

(6) It is wetland habitat for indigenous plant communities and/or indigenous fauna communities (excluding exotic rush/pasture communities), and

(9) It is an area of indigenous vegetation or habitat that is a healthy and representative example of its type because:

- its structure, composition, and ecological processes are largely intact; and
- if protected from the adverse effects of plant and animal pests and of adjacent land and water use, can maintain its ecological sustainability over time

¹ ***11.2.2 Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna***

Regional and district plans shall:

- a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) require that activities avoid the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation;*
- c) require that any unavoidable adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are remedied or mitigated;*
- d) where any adverse effects are unable to be avoided, remedied or mitigated in accordance with (b) and (c), more than minor residual adverse effects shall be offset to achieve no net loss; and*
- e) ensure that remediation, mitigation or offsetting as a first priority relates to the indigenous biodiversity that has been lost or degraded (whether by on-site or offsite methods). Methods may include the following...[i-iv not relevant to this situation]:*
- f) recognise that remediation, mitigation and offsetting may not be appropriate where the indigenous biodiversity is rare, at risk, threatened or irreplaceable; and*
- g) have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists.*

The vegetation assemblages in the four landforms assessed are described as:

Toetoe-blackberry tussockland

Toetoe tussockland with abundant blackberry, locally common patches of bracken and scattered Himalayan honeysuckle, radiata pine, Japanese honeysuckle, broom (*Cytisus scoparius*), Scotch thistle (*Cirsium vulgare*) and whekī.

(Radiata pine)/whekī-swamp kiokio-toetoe fernland

Whauwhaupaku, patē, rangiora, bracken, broom and karamū are also present. Rangiora is present on the bluffs.

Toetoe-swamp kiokio-bracken tussockland

With whekī, *Carex geminata* and tī kōuka.

***Juncus acuminatus* rushland**

With broom, toetoe, radiata pine, and scattered grey willow and crack willow on pond margins.

The site is considered by Wildlands to have some vulnerability during adjacent plantation forestry operations. The section 32 report considers that recognition as an SNA will impose stricter requirements on vegetation disturbance during harvest.

The SNA is considered an effective and efficient means to achieve the objectives relating to biodiversity in this land environment that has very little indigenous vegetation. While there are general wetland rules in the regional plan and NES the SNA would formally map the area, which may help increase awareness of the values. *Is that really sufficient reason?*

The surrounding forestry presents a risk in terms of damage during harvest, fertiliser and herbicide applications. Formal recognition as an SNA may help protect the integrity.

Timberland's submission is that:

1. The vegetation on at least one of the landforms does not meet the criteria of significant, as set out in the Waikato RPS.
2. The activity of plantation forestry on land adjacent to this site 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.
3. Regulation under the National Environmental Standards 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 (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3.
4. Timberlands notes that Appendix 9 .2.3.3.b of the District Plan identifies that the clearance of indigenous vegetation *within Significant Natural Areas* shall be: vegetation that is in an area subject to management by entities that have certification under Forest Stewardship Council Certification, which Timberlands holds. However as the NES-PF is more stringent than the District Plan in this regard, the NES-PF provisions prevail.
5. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus the weight ascribed to it must be limited.
6. The activity of plantation forestry on land adjacent to this site 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. 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.

7. The activity of plantation forestry on land adjacent to this site 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 Significant Natural Areas.

Decision Sought from the Council:

That this site is not classified as a Significant Natural Area.

#701 Mangaharakeke Wetland pg 85 s32 Kāingaroa Ecological District

This site is described as a relatively small wetland of Local significance and comprises a representative example of typical wetland vegetation of the Kāingaroa Ecological District. It is on the margins of a tributary of the Mangaharakeke Stream.

Timberlands Position: oppose classifying this site as a Significant Natural Area.

Timberlands Submission:

Timberlands considers that the commentary and reasons given in the Plan Change and associated section 32 report do not support describing this site as a Significant Natural Area (SNA).

The reasons Timberlands reaches this view are as above, for site #700 the Mangaharakeke Waterfall, namely:

1. The vegetation does not all meet the criteria of significant as set out in the Waikato RPS.
2. The activity of plantation forestry on land adjacent to this site will not lead to loss of protection of the site (identified in the Waikato RPS method 11.2.2).
3. Regulation under the National Environmental Standards 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 (see NES-PF regulations 14, 20, 29, 36-49, 54, 68, 74, 78, 93-94, and Schedule 3).
4. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus the weight ascribed to it must be limited.
5. The activity of plantation forestry on land adjacent to this site 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. 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.
6. The activity of plantation forestry on land adjacent to this site 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.

Decision Sought from the Council:

That the boundary of the proposed SNA 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.

#703 Torepatutahi Stream Riparian pg 86 s32 Kāingaroa Ecological District

Introduction

This gully system is a priority project for the Waikato Regional Council for soil conservation and was retired from pastoral farming in order to manage active gully erosion that was occurring at times of heavy rainfall when it was used for pastoral agriculture. A soil conservation covenant applies to this Torepatutahi Catchment Control Scheme land and it has a forest management plan to ensure that forest operations do not reactivate this erosion.

This site is described as comprising a representative example of indigenous forest and scrub. It is also described as *providing a buffer* to several tributaries of the Torepatutahi Stream. This could lead to impression that a perennial stream, or at least an intermittently flowing one is a part of this site. However it is a dry gully system, except in periods of very heavy rain.

The vegetation is described as being:

1. **Kānuka-whauwhaupaku forest** Kōhūhū, māhoe wao, rangiora, karamū, *Coprosma dumosa*, ponga, kotukutuku and *Coprosma lucida* are all present. Margins also include patches of blackberry and *Muehlenbeckia complexa* vinelands. Wilding pines are scattered throughout.
2. **Kānuka-whauwhaupaku-whēkī forest and scrub** Includes kānuka, whauwhaupaku, and kōhūhū, māhoe wao, rangiora, karamū, *Coprosma dumosa*, ponga, kotukutuku and *Coprosma lucida* in areas of forest and scrub.
3. **Radiata pine/ kōhūhū- whēkī-rangiora-karamū forest and scrub** Radiata pine dominates canopy in places, overtop of kōhūhū, whēkī, rangiora and karamū. Tall kamahi are locally common.

Position: Timberlands oppose the classification of this area as a significant natural area. The gully system is not riparian, thus it does not meet RMA section 6(a), nor is the vegetation significant, thus it does not meet RMA 6(c). The forest activities will not have a significant effect on the vegetation in any case, so classifying it as SNA will not provide extra protection from what it already receives under the Forestry Management Plan, the NES-PF and the requirements of the FSC Certification.

Submission: Timberlands do not support describing this site as an SNA and considers that the commentary and reasons given in the Plan Change and section 32 report are not persuasive in this regard. Timberlands consider that the site will not receive any further protection from what it already has as a result of the comprehensive certification and management already in place. An SNA classification would introduce another layer of compliance assessment with no additional benefit.

The reasons Timberlands reaches this view are:

1. The vegetation does not meet the criteria of significant as set out in the Waikato RPS.
2. The activity of plantation forestry on land adjacent to this site will not lead to loss of protection of the site identified in the Waikato RPS method 11.2.2.
3. The National Policy Statement on Indigenous Biodiversity (2018) is a pre consultation draft, thus the weight ascribed to it must be limited.
4. The activity of plantation forestry on land adjacent to this unstocked area site 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 and the fence around the forest provides a buffer to the site. 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.

Decision Sought from the Council:

That this site is not classified as a Significant Natural Area.

Submission form
PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission number
Office use only

(Instructions: Email policy.planning@rotorualc.nz with 'Proposed Plan Change 3 to the Rotorua District Plan Submission' in the subject line
OR Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON FRIDAY 30th AUGUST 2019

Full Name Of Submitter:	CG and WA Tozer	Address For Service:	
Full Postal Address:		[Agent if applicable]	
Telephone No:	Email: tozer@slingshot.co.nz	Telephone No:	Email:
Mobile Phone:		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.
Please do not make our address or contact details made public. Our Name as submitter is recognised as being public information.

I **wish** to be heard in support of my submission.

If others make a similar submission, I **will not** consider presenting a joint case with them at a hearing.

I **could not** gain an advantage in trade competition through this submission.

Signature of submitter Date
(NOTE: A signature is not required if you make an electronic submission)

For any enquiries please call Kim Smith, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8289

THIS IS A SUBMISSION ON THE PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN:

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
<i>Please refer to the SNA number or heading reference</i>	<i>Clearly indicate whether you support, oppose or support with amendment the provision</i>	<i>Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.</i>	<i>State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.</i>
Part of #703 Torepatutahi Stream Riparian. Namely "Short Road Gully" Private freehold land. Section 46 Block 1V Takapau SD (20.75ha)	Oppose the Provision	<p>Please refer to attached letter- email sent to Rotorua Lakes Council (Council) dated 18 October 2018 outlining reasons for our views. Refer to "Section 32 Report Proposed Plan Change 3" page 86 #703 "Short Road Gully" which also in part summarises why we as owners are not supportive of the SNA.</p> <p>Key submission points are:</p> <ol style="list-style-type: none"> 1. Our property is subject to a title-registered Waikato Regional Council Land Improvement Agreement strictly protecting natural and physical resources including soil, water and vegetation cover. 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 2. We have owned our property since 1994 and during the past 25 years have respected, cared for and encouraged the growth of indigenous vegetation. It is somewhat ironic that for doing the right thing 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. 3. Wildland Consultants in their 1998 ecological survey for Council did not identify our property as a site of ecological significance. Wildland were commissioned by Council in 2016 to assess a number of properties in the District including ours, to determine if it should be considered an SNA. We assume Wildland carried out a comprehensive site inspection. Their 2018 assessment report records Short Road Gully vegetation as "Wilding pines scattered throughout kanuka forest"; that no threatened or at-risk indigenous flora species were observed and no threatened or at-risk bird species were recorded. Risk assessment to site vegetation clearance was recorded as 'low'. Furthermore, Wildland record in their 2018 report that "change relative to the Shaw and Beadel report (1998) is unknown, likely to be minor". This summation hardly suggests a significance level for SNA was triggered. In our opinion this technical assessment and supporting material presented by Council does not justify a large percentage of our property being proposed as a new Significant Natural Area. 4. Furthermore the Wildland 2018 report states (in their risk assessment) that wilding pines present a low risk to the Short Road Gully site. We dispute that. Wilding pines are a definite risk in the locality and threaten biodiversity in parts of the property. The Wildland 2018 report further declares that risk presented by other pest plants is 'low'. We reject this assessment particularly with regards to blackberry. 	Do not schedule/do not include #703 "Short Road Gully" proposed SNA in the District Plan.

		<p>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. The weed is well established and dominating many ungrazed, unmanaged or retired areas of neighbouring properties. Consequently, the weed keeps invading our property due to bird spread. We spend huge hours and resources annually trying to keep it under control. We have blackberry repeatedly establishing itself under regenerating kanuka/manuka and is almost impossible to control in wetland areas without harming native flora.</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. In fact, such ongoing control is paramount. Quad bike access into the northern side of what is an isolated and significant gully is also urgently needed to enable safe and sustainable pest control operations. Just locking up an area as a SNA and hoping the indigenous flora and fauna will flourish in the Torepatutahi Catchment and beyond is wishful thinking at best.</p> <p>6. It appears that property owners with areas of SNA potentially imposed upon them, are unlikely to receive much needed financial and physical assistance to help protect, maintain - let alone enhance the areas. If Council, Regional and Central Government Agencies and the wider District ratepayers want these areas placed in an SNA and biodiversity protected in-perpetuity, then where is the realistic and meaningful rates relief and financial and physical contribution towards annual and ongoing plant and animal pest control? Without such essential assistance, we contend that landowners will give up. As a result, 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 are not happy with Proposed Plan Change 3 and its serious impact on us and our land use and do not support the proposed SNA on our property. We contend that 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> <p>Thank you for this opportunity to make a submission</p> <p>CG and WA Tozer</p>	
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Clive & Wendy Tozer

From: Clive & Wendy Tozer <tozer@slingshot.co.nz>
Sent: Thursday, 18 October 2018 11:50 PM
To: 'lynette.Mettam@rotorualc.nz'
Subject: SNA's Location Short Road SNA 703

Hello Lynette

We recently received a letter from the Rotorua Lakes Council dated 2 October 2018 titled 'Significant Natural Areas in Rotorua District' - signed by Kim Smith Senior Policy Advisor.

My family and I are shocked and most unsettled following the receipt of this unexpected correspondence and the potential implications for us and our future landuse at Short Road.

We certainly want to discuss matters further with Council and have a number of questions and comments (for discussion at a meeting) several of which are as follows:

- 1. Why has there not been genuine, face to face consultation with us as potentially impacted landowners - from the outset? Are we able to make a formal submission and have this heard before Councillors/commissioners – especially given the far reaching impacts SNA decisions could have on our family's strong affection and ties to the land, property rights, property values and retirement finances?
- 2. The Wildlands report states that the "Current Tenure: is Unprotected". We dispute that. Our property is subject to a formal Land Improvement Agreement (LIA) with Waikato Regional Council set up under the Soil Conservation and Rivers Control Act (as part of the Torepatutahi Catchment Scheme works). This agreement which runs for 99 years is registered on the property title and has strict conditions with the aim of protecting natural and physical resources including soil, water and vegetation. No livestock may be grazed/farmed within the property. Retirement fences must be maintained. Consent from the regional council must be gained to clear land and/or remove vegetation. The LIA makes allowance to establish and manage tree crops where appropriate. Given the LIA status, we don't consider a SNA is necessary.
- 3. We have owned our 20.75ha property since 1993/1994. We have looked after it – particularly areas of native vegetation which we appreciate, respect and protect. We have not removed any significant areas of native trees/shrubland. In 1996 we established an approx. 4.5ha radiata pine forest/woodlot with localised plantings of Cupressus and Douglas fir on land that was covered in bracken fern and wildling pines. These planted trees have been high pruned and managed for clear wood production. Harvesting is planned in approx. 2025/26 and that area will be re-established in suitable vegetative cover (possibly manuka seedlings for honey production). We are extremely concerned that the proposed SNA will prevent or severely constrain to the point of being uneconomic, our woodlot harvesting and log removal which we plan to achieve in an environmentally appropriate and economically realistic manner. Can RLC provide some assurance that those woodlot production expectations and associated access needs will not be jeopardised?
- 4. The proposed SNA mapped area captures our access track and its adjacent margins which runs from near the property's eastern ROW entrance through into and beside our woodlot areas. This is not acceptable as it is currently our only tracked access and needs periodic maintenance and clearance and should not therefore be part of any potential SNA
- 5. We have always contemplated placement of a consented off-the-grid modest building/cabin near the eastern boundary (ROW) entrance (in/at the vicinity of our two huts). We would not want to see this potential cabin footprint and curtilage jeopardised by a SNA
- 6. The proposed SNA area as mapped seeks to encompass 12.72ha or 61% of our 20.75ha property! We cannot agree with an SNA imposed on our land to that extent especially given the Wildlands report finds no threatened or at risk species on site; that the vegetation is simply recorded as "secondary forest and scrub (Radiata pine/kanuka forest)" and is deemed at best, of "local significance" only.
- 7. While we truly value and have protected the native flora over the past 25 years, we also need a productive component to the land use to pay the bills (rates, insurance/fire control, pest plant and pest animal control, substantial fence maintenance/renewal, track maintenance etc) – which combined are really significant financially. Hence the existing woodlot. We also have plans to line cut (by hand) and plant (either in Douglas fir for long term timber resource or manuka seedlings for honey production) an area of about 2ha of fern/wildling pine on the northern side (south facing sidling). This would not involve clearing any areas of dominant kanuka or other native tree/shrub species. The proposed SNA area overlays the entire northern

side and north eastern sector including this potential production area and also areas of very large wildling pine. The blanket mapping of these and also other areas within the south- eastern side/sector is of real concern to us and not supported.

- 8. Pest plants, and in particular blackberry, are the greatest threat to indigenous biodiversity in the areas proposed or those already scheduled SNA's in the district. Blackberry has strangled and destroyed many once valuable native habitats in the Rotorua and Taupo districts. Blackberry is no respecter of even established native shrub land, wetland and forest. It can thrive in low light conditions and destroy the understory of Kanuka, Manuka and ultimately the whole local indigenous ecosystem. The weed has exploded in the past 15-20 years and I would be happy to share my views on the reasons for that. We as a family spend many days of hard labour each year trying to contain its spread beneath Kanuka forest and shrubland. It's obviously not possible to broadcast herbicide on blackberry amongst the native species. Its physical control is arduous - achieved using hand tools; cut and dab (gel); localised knapsack spraying. Are Councils, including RLC, prepared to substantially help landowners vigorously tackle this pest plant (and that means a great deal of labour, materials and cost – on an ongoing/repeated basis for each site!)? If not, then scheduling a SNA will be a total waste of time and resources.
- 9. Wildlands report says - "Change relative to Shaw and Beadel (1998) is 'unknown and likely to be minor'". This couldn't be further from the truth and suggests that the 2016 analysis has fallen short on understanding the huge and accelerated pest plant incursion of the past 20 years. Wildlands consider risk from pest plants including blackberry and wildling pines is 'low'. We totally reject that conclusion.
- 10. Because of the relentless blackberry invasion, we desperately need to establish sections of quad bike access track to be able to reach the main gully floor and adjacent lower slopes and side gullies to bring in tools/equipment and a modest spray tank and hose to battle the weed. At present, accessing by foot for pest plant control is a major excursion; unsafe and is not sustainable. We believe we can install this low impact track access from the northern eastern side and the south eastern side – but again the proposed SNA overlays these areas and access points. Without Councils agreement/support for essential quad bike access track installation and targeted spraying, the native species we seek to protect will be lost to blackberry. Will RLC give that support?
- 11. Scheduling of SNA's in our location and situation is we consider, of questionable merit. Indigenous biodiversity/vegetation protection will only be achieved if landowners and Council(s) commit wholeheartedly to hands-on active physical management. Simply shutting an area and believing that this site will then be protected, is naive. Are Council really willing to contribute meaningfully towards the substantial annual costs of holding an SNA? Will Council wave rates to help incentivise natural area protection?
- 12. Pest animals especially possums, are a problem in our block due to being surrounded by dairy pasture which is grazed by these animals. Possums residing in dense native shrubland on steeper areas are very difficult to control. Additionally mustelids such as stoats prey on the native birds. Following control efforts, rapid reinfestation of these pest animals from surrounding farmland is inescapable. Will Council provide or seriously help fund pest animal control services?
- 13. Legislating by way of draconian SNA rules including landowners needing to apply for resource consent (at huge personal cost) to even maintain existing tracks, with the chance of being denied such consent, is essentially property appropriation (taking private land for public benefit) - and is hugely stressful for us. There must be a better way. Would RLC consider discussing an alternative (Property Environmental Plan?) which embraces and partners a balance of protection, production and recreational uses and values?
- 14. We object strongly to an SNA potentially being imposed on the majority of our property as mapped and we seek meaningful dialogue on the issue
- 15. We would be pleased to meet at a mutually agreeable location and time

Sincerely

Clive and Wendy Tozer

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Stephen James Uttinger

Email Address: ria_uttinger@hotmail.com

Do you wish to speak to your submission at a hearing?: No

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: 585

Support / Oppose: Oppose

Submission: 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.

We have not had anyone from the Rotorua District Council or the Regional Council contact about this , or come on farm to view this area of land. If some one had been out here to view it with the land owner they would have noticed that this land is not a significant natural area.

Attachment with Submission: No

Decision sought from Council: Reverse decision to make the proposed area a significant natural area

Submission form
PROPOSED PLAN CHANGE 3 TO THE ROTORUA DISTRICT PLAN
Form 5 - Clause 6 of First Schedule, Resource Management Act 1991

Submission Number
Office use only

(Instructions: Email policy.planning@rotorualc.nz with 'Proposed Plan Change 3 to the Rotorua District Plan Submission' in the subject line
OR
Post to The Chief Executive, Rotorua Lakes Council, Private Bag 3029, Rotorua 3046
OR
Deliver to Rotorua Lakes Council, 1061 Haupapa Street, Rotorua

CLOSING DATE FOR SUBMISSIONS: 5:00PM ON FRIDAY 30th AUGUST 2019

Full Name Of Submitter:	Barnett VERCOE	Address For Service: [Agent if applicable]	
Full Postal Address:	[REDACTED]		
Telephone No: [REDACTED]	Email: b.vercoe@outlook.com	Telephone No:	Email:
Mobile Phone: [REDACTED]		Mobile Phone:	

Disclaimer: Please note your submission will be available on Council's website. Please advise if you do not want your details to be made public.

I ~~wish~~/do not wish [delete one] to be heard in support of my submission.

If others make a similar submission, I ~~will~~/will not [delete one] consider presenting a joint case with them at a hearing.

I ~~could~~/could not [delete one] gain an advantage in trade competition through this submission.

I ~~am~~/am not directly affected by an effect of the subject matter of the submission that –

(a) Adversely affects the environment, and

(b) Does not relate to trade competition or the effects of trade competition.

(delete entire paragraph if you could not gain an advantage in trade competition through this submission)

 29/8/19
Signature of submitter Date

(NOTE: A signature is not required if you make an electronic submission)

For any enquiries please call Kim Smith, Senior RMA Policy Advisor on (07) 348-4199 or on (07) 351-8289



Document Number: RDC-950105

Date Registered: 2/9/2019

PROVISION	SUPPORT / OPPOSE	SUBMISSION	DECISION SOUGHT FROM THE COUNCIL
Please refer to the SNA number or heading reference	Clearly indicate whether you support , oppose or support with amendment the provision	Include the nature of your submission and reasons for your views. You may use additional paper but please ensure you put your name and address on each page, and securely attach them to this form.	State clearly the decision sought and /or suggested changes you want the council to make in relation to the provision.
SNA 708 ... 709	Oppose on Oppose Support with amend- ment to allow for points yes in submission column.	<ol style="list-style-type: none"> 1. These 2 wetlands are as old or older than me. 68+ years. 2. They have been protected & kept in this state & will continue to be under the jurisdiction of the Tokerau R. 11 Trust. 3. We are very much aware of the unique flora & native trees in both SNA areas. 4. The wetland area is a source of food (watercress) & protected as such to nurture this growth in the watercourses. 5. The Trust wishes to increase the watercress growth & allow controlled access to harvest it 	

Rotorua Lakes Council
Civic Centre
1061 Haupapa Street
Via email: policy.planning@rotorualc.nz

30th August 2019

To whom it may concern,

Proposed Plan Change 3 to the Rotorua District Plan Submission
RE: SNA 681,
Location: 1297 Hamurana Road

The Committee of Management of Waerenga East and West Incorporation **Oppose** the proposed plan change for Significant Natural Areas.

The Committee request that further consultation be held as the proposed area includes existing exotic tree plantations and a number of other issues. This was captured in the consultation phase (page 67 of the plan change evaluation report) by a meeting held on the 19th March 2019 by Robert Griffiths where the committee outlined their disagreement to the mapping areas, for that reason.

In addition, the Committee were not given sufficient notice to receive the proposed changes, seek professional advice and formulate an informed response. Four weeks is too short a time-frame for this to occur.

Following the initial consultation, the committee had sought advice from Robert Griffith for potential funding streams to assist the Incorporation in conducting an independent survey of the lands. We expected to receive an update of the mapping areas before submissions were open. This did not occur and we received the letter dated 29th July 2019 with the new proposed areas.

We therefore require further information and time to consider the proposal and understand what the Incorporations options are for alternative means of protecting the true significant natural areas moving forward. This submission is in **OPPOSITION** of the proposed plan changes that affect Waerenga East and West Blocks Incorporated.

Nāku iti nā,



John Fenwick
Chairman

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: C van Maanen

Email Address:

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: Lake Ohakuri Northwest Riparian Faces/585

Support / Oppose: Oppose

Submission: No prior knowledge. The first notification of this proposed plan change 3 came from Kim Smith at Rotorua Lakes Council on 29/7/19 giving insufficient time for investigation & consultation. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management.

There is little understory of value 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 had been completed to support the identification of the SNA as Wildlands have never visited the site.

Attachment with Submission: No

Decision sought from Council: Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: G van Maanen

Email Address:

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: Lake Ohakuri Northwest Riparian Faces/585

Support / Oppose: Oppose

Submission: No prior knowledge. The first notification of this proposed plan change 3 came from Kim Smith at Rotorua Lakes Council on 29/7/19 giving insufficient time for investigation & consultation. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management.

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Attachment with Submission: No

Decision sought from Council: Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: M van Maanen

Email Address:

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: Lake Ohakuri Northwest Riparian Faces/585

Support / Oppose: Oppose

Submission: No prior knowledge. The first notification of this proposed plan change 3 came from Kim Smith at Rotorua Lakes Council on 29/7/19 giving insufficient time for investigation & consultation. There has been no opportunity to identify the economic & practical ramifications this will have on farming practice & management.

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Attachment with Submission: No

Decision sought from Council: Remove the 10ha affected at 890 Poutakataka Road from SNA 585 Lake Ohakuri Northwest Riparian Faces.

File No: 25 12 00
Document No: 14881675
Enquiries to: Alejandro Cifuentes



27 August 2019

Rotorua Lakes Council
1061 Haupapa Street
Rotorua 3010

policy.planning@rotorualc.nz

Private Bag 3038
Waikato Mail Centre
Hamilton 3240, NZ

waikatoregion.govt.nz
0800 800 401

Dear Sir/Madam

Waikato Regional Council Submission to Proposed Plan Change 3 – Significant Natural Areas (PC 3) to the Rotorua District Plan

Thank you for the opportunity to make a submission on the Proposed Plan Change 3 – Significant Natural Areas (PC 3) to the Rotorua District Plan. Please find attached the Waikato Regional Council's submission regarding this document.

This submission was formally endorsed by the Council's Submissions Subcommittee under delegated authority on 27 August 2019. Waikato Regional Council looks forward to being involved in further discussion regarding the development of the documents covered in this submission.

Should you have any queries regarding the content of this document please contact Alejandro Cifuentes, Policy Advisor, Policy Implementation directly on (07) 859 2786 or by email Alejandro.Cifuentes@waikatoregion.govt.nz.

Regards,

A handwritten signature in black ink, appearing to read "Tracey May".

Tracey May
Director Science and Strategy

Submission from Waikato Regional Council on Proposed Plan Change 3 – Significant Natural Areas (PC 3) to the Rotorua District Plan

1.0. Introduction

1. Waikato Regional Council (the Council) appreciates the opportunity to make a submission to Proposed Plan Change 3 – Significant Natural Areas (PC 3). WRC's primary interest is in relation to the Waikato Regional Policy Statement (WRPS). District Plans, including Plan Changes such as this one, are required to give effect to the RPS (Resource Management Act s75(3)(c)).
2. In this case, the key areas of interest relate to the sustainable management of the regional geothermal resource and the maintenance or enhancement of indigenous biodiversity.
3. Council has a particular responsibility for geothermal features. Around 70 per cent of the country's geothermal resources are located within the Waikato region, a significant proportion of which are located in the Rotorua Lakes District.
4. Council supports Rotorua Lakes Council's (RLC) efforts to update the District Plan and ensure the appropriate level of management of activities within Significant Natural Areas (SNA).
5. Council wishes to highlight the following issues with the proposed plan change:
 - a. Areas of geothermal vegetation have not been mapped using the appropriate WRPS criteria.
 - b. Removing SNA status from sites due to alternate protection from covenants is inconsistent with the application of the significance criteria in the RPS.
6. In relation to these issues Council notes:
 - a. Covenanting agreements only go so far in meeting the obligations of protection contained in Section 6(c) of the Resource Management Act (RMA).
 - b. 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).
 - c. Removing SNA status from sites that have other protection via covenant fails to give effect to criteria in the WRPS.
 - d. Removing SNA status means sites are not subject to policies or rules of the district plan.
 - e. Removing SNA status can also remove potential for landowners to access funding to improve management of those sites.

Submitter details

Waikato Regional Council
Contact person: Alejandro Cifuentes (Policy Implementation)
Email: Alejandro.Cifuentes@waikatoregion.govt.nz
Phone: (07) 859 2786

Post:

Private Bag 3038
Waikato Mail Centre
Hamilton 3240

I could not gain an advantage in trade competition through this submission
I am not directly affected by an effect of the subject matter of the submission that:
(a) does not adversely affect the environment; and
(b) does not relate to trade competition or the effects of trade competition.

Submission on Proposed Plan Change 3 – Significant Natural Areas (PC 3)

Plan Change Part in S32 report	Support/ Oppose	Submission	Relief sought
<i>New and Expanded SNAs</i>	Support in principle	<p>Council supports RLC's efforts to update the district plan and ensure the appropriate level of management of activities within SNAs.</p> <p>Council supports the scheduling of SNAs following the WRPS criteria.</p> <p>Council wishes to note that some portions of certain areas have been excluded and management of the activities relies on a non-statutory tool (e.g. SNA #579 Tahunaatara Stream Gorge)</p>	That scheduling and subsequent control on activities relies on assessment based on WRPS criteria in Table 11-1.
<i>New and Amended Geothermal SNAs</i>	Support in part	<p>Our 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.</p> <p>The proposed scheduling and mapping of SNAs excludes areas that have other protection such as reserve status.</p>	<p>That all areas of geothermal vegetation that fall within the Council's boundary for RLC be mapped as SNAs.</p> <p>That specific sites be included and scheduling be amended as outlined in attachments 1, 2 and 3 (tables and map).</p>
<i>Re-assessed SNAs</i>	Support in part	<p>Appropriate application of WRPS criteria is necessary.</p> <p>Council supports the inclusion of all areas identified in the report and seeks for boundary readjustments and further inclusions.</p>	That specific sites be included and scheduling be amended as outlined in attachment 1.
<i>Removed SNAs</i>	Oppose	<p>Covenanted agreements only go so far in meeting the obligations of protection contained in Section 6(c) of the RMA.</p> <p>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).</p>	That scheduling and subsequent control of activities relies on assessment based on WRPS criteria in Table 11-1.

		<p>Removing SNA status from sites that have other protection via covenant fails to give effect to criteria in the WRPS.</p> <p>Protection via covenant does not preclude the possibility of people to apply for a 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.</p>	
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ADDITIONAL REQUEST

Council 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.

2.0. FURTHER INFORMATION AND HEARINGS

- 2.1. WRC **wishes to be heard** at the hearings for Proposed Plan Change 3 – Significant Natural Areas (PC 3) in support of this submission and is prepared to consider a joint submission with others making a similar submission.
- 2.2. WRC **could not** gain an advantage in trade competition through this submission.

Attachment 1: Table 1: Site specific comment in relation to amendments, removals and proposed new sites

WRC	RLC	Comments	Action
Amendments			
Horohoro	Site 552 amendments	Covers entire site	Agree
Waioatapu South	Site 555 amendments	Covers only a very small part of the SNA. The remainder is reserve and is not mapped as an SNA by RLC.	Request addition of entire site.
Akatawera Stream	Site 558 amendments	Amendments added to the area mapped by WRC at the mouth but the SNA map does not include the stream length.	Request addition of entire site
Golden Springs	Site 567 amendments	Covers entire site	Agree
Waikato River Springs (north side of Waikato River only)	Site 568 amendments	Covers entire site	Agree
Wharepapa Rd	Site 571 amendments	Covers entire site	Agree
Ngapouri	Site 572 amendments	Covers entire site	Agree
Waioatapu North	Site 573 amendments	Covers entire site	Agree
Waikite Valley	Site 574 amendments	Covers entire site	Agree
Maungakakamea	Site 716 small additions to existing SNA	The area identified 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.	Request addition of entire site as mapped in RLC map.
Removals			
Orakeikorako (East side of Waikato River only)	SNA 559 – removal for covenant	Orakei Korako Conservation Covenants, Section 77, Reserves Act 1977	Request retention of entire site
Red Hills (East side of Waikato River only)	SNA 566 – removal for covenant	Orakei Korako Conservation Covenants, Section 77, Reserves Act 1977	Request retention of entire site
Longview Road	SNA 570 – removal for covenant	Molloy Conservation Covenant	Request retention of entire site
Proposed new sites			
Akatawera East	Proposed new site 710	Covers most of it	Agree
Te Kopia	Proposed new site 712	Covers only a very small part of the SNA. The remainder is reserve and is not mapped as an SNA by RLC	Request addition of entire site
Mangamingi Station	Proposed new site 713	Covers entire site	Agree
Matapan Road	Proposed new site 714	Covers entire site	Agree

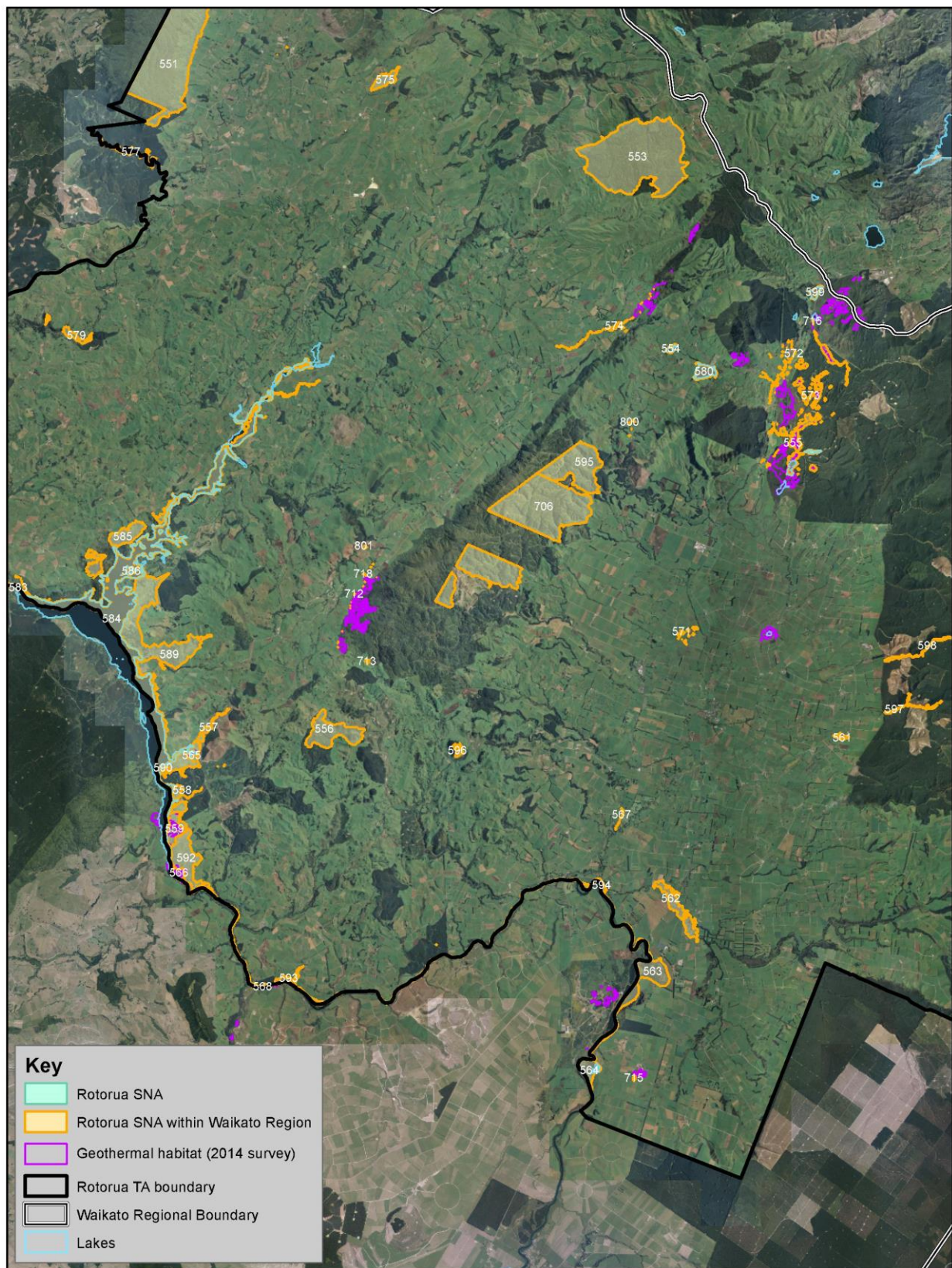
WRC	RLC	Comments	Action
Ohaaki Steamfield East	Proposed new site 715 Ohaaki Streamfield (sp.) East	Covers only a very small part of the SNA. The remainder is in a QE2 covenant and is not mapped as an SNA by RLC	Request addition of entire site
Upper Atiamuri West	Proposed new site 717	Covers entire site	Agree
Western Te Kopia	Proposed new site 718	Covers entire site	Agree
Northern Paeroa Range	Proposed new site 800	Covers only a part of the SNA. The remainder is reserve and is not mapped as an SNA by RLC	Request addition of entire site
Murphy's Springs	Proposed new site 801	Covers entire site	Agree

Attachment 2: Table 2: Sites including non-geothermal land, noted in Wildlands 2014 report, to be added

Site name	Details of site to be added as SNA
Te Kopia	Te Kopia Scenic Reserve on the scarp and the geothermal features in it should be included. See WRC map 2.
Waikite	Waikite Valley Conservation Area and further up the valley Waikite Valley Scenic Reserve, and the geothermal features they contain. See WRC map 3.
Maungaongaonga	Maungaongaonga Scenic Reserve including the Geothermal features on the south face should be an SNA. See WRC map 4.
Waiotapu North	Waiotapu Scenic Reserve in the west and the geothermal features in it should be included. See WRC map 4.
Maungakakamea (Rainbow Mountain)	Rainbow Mountain Scenic Reserve scenic reserve covering the mountain and the geothermal features in it should be included. See WRC map 4.
Waiotapu South	Waiotapu Scenic Reserve in the west and the geothermal features in it should be included. See WRC map 4.

Attachment 3: Maps of Rotorua SNA and geothermal habitat

- Map 1 - Rotorua SNA and geothermal habitat within Waikato regional boundary
- Map 2 - Te Kopia
- Map 3 - Waikite Valley
- Map 4 - Maungakakamea and Waiotapu.



Rotorua SNA and Geothermal Habitat Waikato Region

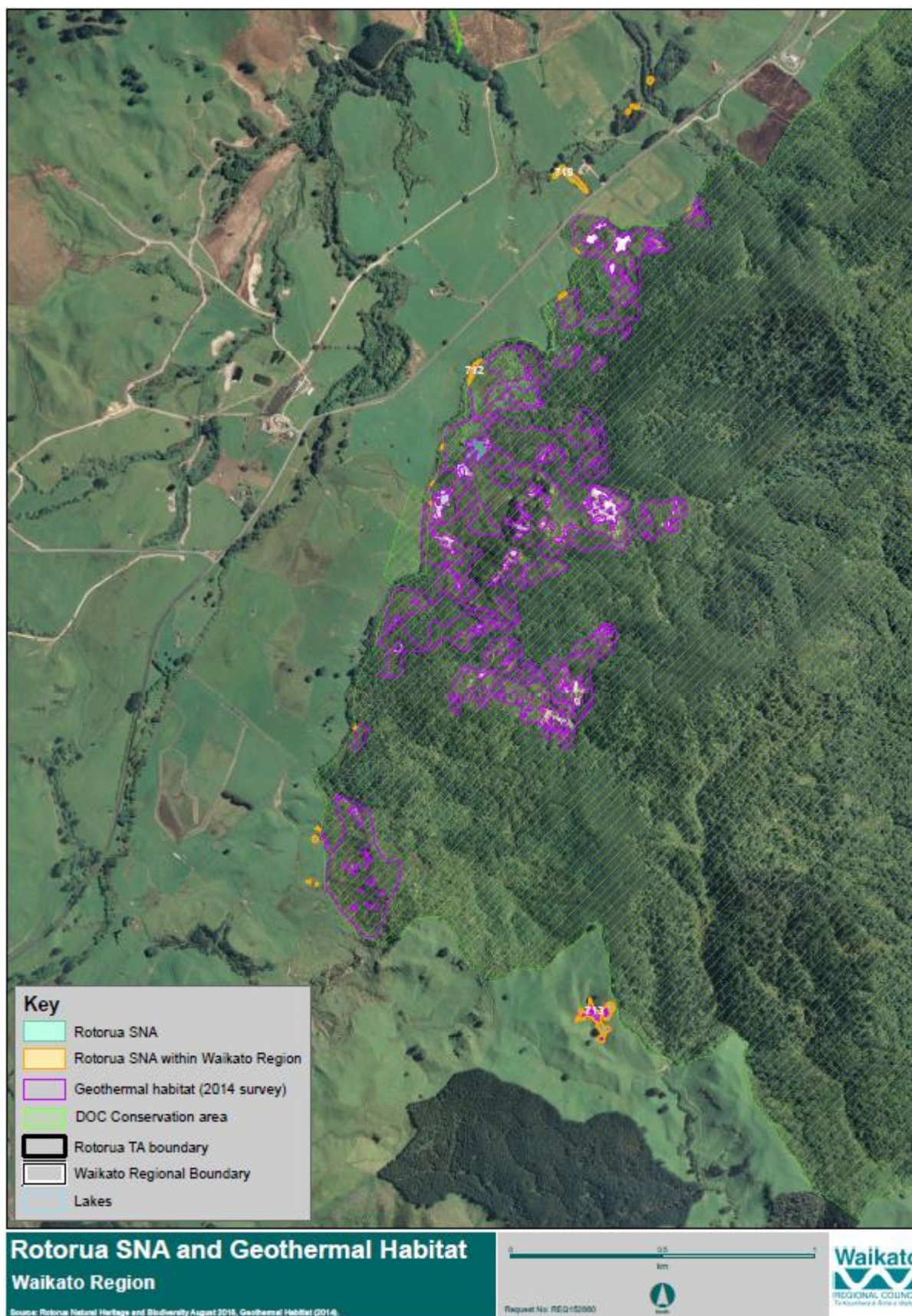
Source: Rotorua Natural Heritage and Biodiversity August 2018, Geothermal Habitat (2014)



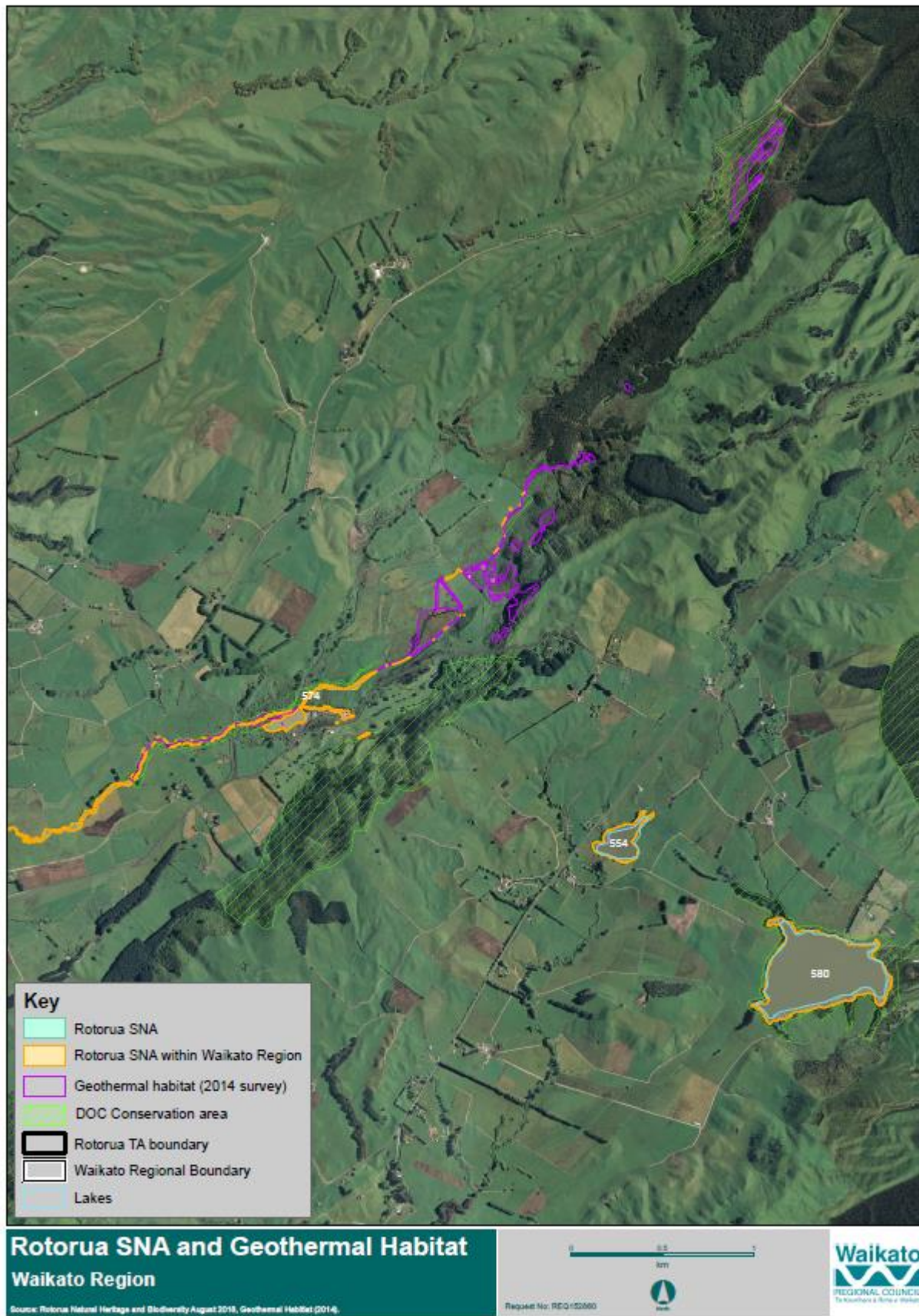
Request No: REQ137607



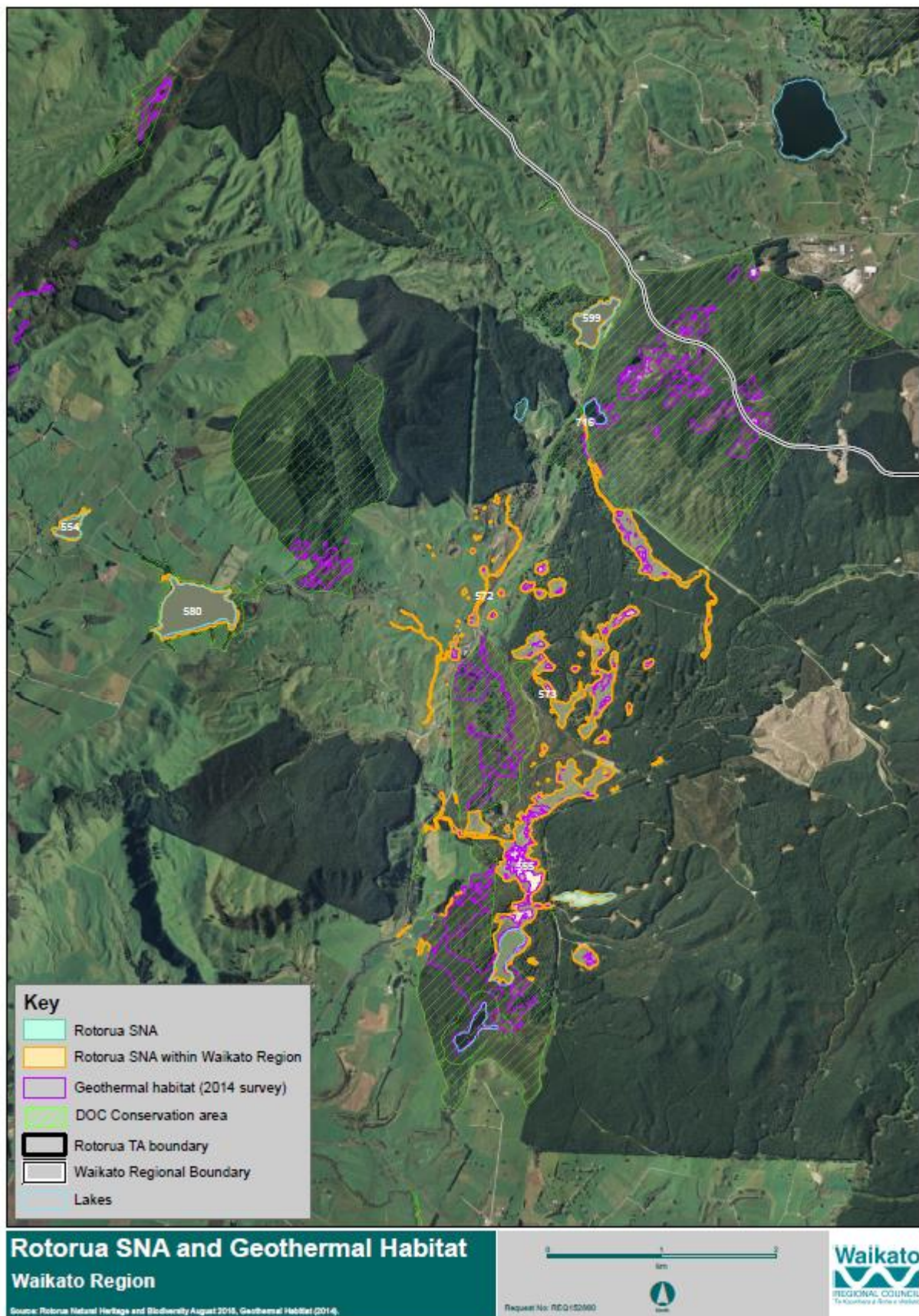
Map 1: Rotorua SNA and geothermal habitat within Waikato regional boundary



Map 2: Te Kopia



Map 3: Waikite Valley



Map 4: Maungakakamea and Waiotapu

District Plan - Plan Change 3 - Significant Natural Areas

Submission

Full name: Brett Walshe

Email Address: brett@bsk.co.nz

Do you wish to speak to your submission at a hearing?: Yes

If others make a similar submission, we will consider presenting a joint case with them at a hearing: Yes

We could gain an advantage in trade competition through this submission: No

SNA Number: Proposed SNAs Including 679 & Existing SNA661

Support / Oppose: Oppose

Submission: RLC & BOPRC are not offering any assistance or incentives to landowners for SNAs and have proven that they cannot fund or manage existing SNAs. RLC & BOPRC cannot even liaise effectively between themselves. Hence we oppose the addition of any further SNAs within the jurisdiction of Rotorua Lakes Council. Our full submission is attached.

Attachment with Submission: Yes

Decision sought from Council: 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.

Document List

Main Submission on Proposed Plan Change 3

Letters, 1/3/16 to RLC, P Wilhelm & BOPRC, M Farquhar

Letter, 28/6/16 to RLC, P Wilhelm

Email Thread 22/7/16 to RLC, E Jonker

4/7/16 BOPRC letter from D Williams

22/7/16, Letter to BOPRC, D Williams

BOPRC Blackberry Fact Sheet

2/10/18 RLC Letter from K Smith

8/11/18 RLC Letter from Kim Smith plus email thread

29/7/19 RLC letter from Kim Smith

27/6/18 Email Thread to RLC, Paula Meredith

24/01/08 Email Thread to RDC, Rebecca Jull, Phil Kerrison, Keith Lloyd

23 August 2019

SUBMISSION ON ROTORUA DISTRICT PLAN - PROPOSED PLAN CHANGE 3 – SIGNIFICANT NATURAL AREAS

RE: 304A KAHAROA ROAD, POTENTIAL SNA 679

We wish to formally record our opposition to Rotorua Lakes Council designating any further land on this property or the whole Rotorua District as a Significant Natural Area (SNA). Our opposition to this is due to the following facts:

- Existing covenanted areas on our property account for 18% (3.98 ha) 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 despite several requests.
- Council officers, notably planners refuse to answer our questions. This is unacceptable and must be addressed.
- Ceding control of a further 2 ha based on the factually incorrect Wildlands survey would take the covenanted area to 5.98ha or 28% of our property. It would also make the operation of our farm far more difficult by adding additional time to stock movements and force us to relocate a water supply for our stock.
- It is evident that neither RLC nor BOPRC are liaising effectively with each other and neither organisation is capable of managing existing SNA's in accordance with the RMA. Refer SNA661.
- The only reason RLC want more of our land is because of our efforts to protect the native plants. RLC has done nothing and has in fact deliberately compromised those areas we have protected through its inaction elsewhere, specifically the northwest section of SNA661.

HISTORY

In November 2007 we moved to this property, which was going through a subdivision. When title came through in February 2008, we bought it. Local residents will recall that the previous owner had been grazing the bush areas and had overstocked the property – we located and removed ten carcasses (before summer kicked in) and reduced the water usage from 8m³/day to 1m³/day by tracking and fixing the leaks. My wife Catherine has undertaken significant weed control and we have upgraded the fences, including boundary fences with no assistance from neighbours. In short, we are actively farming this block and doing our best to preserve the native bush on the property.

As part of the subdivision, RLC identified three areas of bush, D, G & H. The former was already under covenant but RLC chose to take the other two in order to let the subdivision proceed. These three areas total 3.98ha of our 21.5ha property. We asked RLC for rates remittance on these areas in 2007/2008 and were refused. We still have the emails from Rebecca Jull and Phil Kerrison on this matter.

In 2013/2014 we asked BOPRC for assistance with controlling a blackberry infestation to the south west of our property. The blackberry is growing on the neighbouring property and this particular neighbour refused to assist us with boundary fence costs. BOPRC refused assistance. The blackberry prevents safe access to a valve for the Kaharoa Water Scheme – RLC also were uninterested in this. Presumably the safety of Castlecorp/Infracore staff is not an issue. (We have contacted RLC about this by email in June & October 2018 with no response).

In 2016 we were contacted by RLC for access to our property so that Wildlands could carry out a survey to identify further SNA's. We refused access – the two letters of response we sent are attached. We eventually allowed access under threat of additional costs and legal action from RLC planners. As part of this process I met with Ella Jonker at RLC and gave her an aerial photo that showed the valve location and the area of blackberry that we had asked for assistance with. It also showed something else but I was unaware of the importance of this at the time.

On 4/10/18 we received a letter from Kim Smith, Senior Policy Advisor for RLC. This outlined the additional 2ha of land that RLC wants to include as an SNA, taking the total to 28% of our property. Given the history of refusals from RLC we responded negatively to this land grab. All of it other than 0.2ha is fenced and treated as an SNA – we don't graze the bush, despite Wildlands assertions to the contrary. (N.B. – the Wildlands report made available to individual landowners is generic. Ratepayers have never seen the reports that relate to individual properties. Hence we challenge the efficacy of a report which impugns the fencing via a generic statement on a property which is well fenced.) I spoke at a Kaharoa Community Association meeting on 10/10/18 at which two Rural Board members were present. They were surprised and dismayed by what was revealed – they had not even been given the map of the affected properties. As a consequence, I was invited to attend a Rural Board meeting at RLC on the afternoon of 15/10/18. Henry Weston and Kim Smith were present and a statement was made by the Senior Policy Advisor that land owners had previously had an opportunity to make a submission on SNA's via the District Plan in 2014. At the time I did not contest this but I was not convinced that the statement was correct. I had made a submission on the District Plan so was surprised that I had overlooked this. But on the afternoon of 18/10/18, after I had agreed to meet Henry Weston on our property, I discovered some facts which raise questions about the integrity of RLC planning staff.

The first point is this – I attended a series of Chamber of Commerce/RLC forums in February 2013 about the District Plan. I didn't attend the rural one but once I looked back at the Proposed District Plan from 31 October 2012 (our firm has copy #82) I discovered that the planning maps for Kaharoa, Penny and Te Waerenga Roads do not show any of the 22 potential SNA sites that RLC are now targeting. Hence it would not have been possible for an affected landowner to comment or put in a submission as they had no idea what was going on. It was not until the Wildlands survey of 2016 that we knew anything with regard to more land being designated as an SNA. The statement made to the Rural Board is incorrect and was misleading. I have advised the Rural Board chairman of this fact.

The planning maps from 31/10/12 also show SNA 661. I didn't know this until 18/10/18 when I was seeking to confirm the accuracy of the above statement from the Senior Policy Advisor. SNA 661 is split into two parts and it is the northern section, attached to 236 Kaharoa Road which is the source of the continuing blackberry infestation that I have described above. This existing SNA is not being managed correctly, which has been overlooked by Wildlands, BOPRC and RLC. This seems an unlikely coincidence – I think that Ms Jonker and Paulina Wilhelm both knew of its existence in 2016 but chose not to inform us so that they could obtain the access that the RLC agenda required. They had three chances to inform us on SNA 661 and chose not to – that is deliberate or at best negligent. We have fenced half of this boundary with no assistance from the neighbour and we have had to control

a noxious weed for ten years to preserve a SNA that RLC planners chose not to tell us about. I raised the question of the potential effect of the blackberry on our native bush with RLC and have never received an answer. If Ms Jonker and Ms Wilhelm didn't know about SNA 661 then they were clearly negligent in their duty. Our perception is that they did know and chose to withhold that information. Hence our continuing distrust of RLC planning staff.

FUNDING

It is disingenuous for RLC to continue promoting potential funding to landowners. There is none. RLC & BOPRC have declined assistance on several occasions. It is not Maori land and the QE2 Trust will not resolve the issue. There are 73 territorial authorities in New Zealand – if they all have 20 potential SNA's then it will take some time before QE2 could process them all, assuming they even wanted to. The trust is oversubscribed and we have no desire to cede control to it. At best they process 110 areas/year. The local area representative for QE2 is Wayne O'Keefe, who is employed by BOPRC. BOPRC have already declined assistance on the basis that our property is too small – refer Land Management Officer Dale Williams. Mr O'Keefe also runs a BOPRC initiative called Weedbusters which can apportion money – unfortunately it only has \$2000/area/year. Divide that by 22 sites and see what the result is. But another key point – BOPRC were oblivious to the existence of SNA 661. This demonstrates the lack of co-ordination between RLC & BOPRC. Why? I respectfully suggest that RLC should have investigated these options before promoting potential funding. That would have been a more efficient use of ratepayer funds and might have demonstrated how unworkable SNA's are.

The 22 sites in Kaharoa have 18 affected owners. Despite RLC's best efforts, I have spoken to nine of them. None are in favour of an SNA. As two of the affected owners have said, it is a divide and conquer strategy by RLC. One owner cannot recall anybody coming on to their property to conduct a survey. Nor can his father, who had the land before him. If this has been done solely from aerial photos then please confirm the dates of the photos. Wildlands had clearly not been given any information on our land – why? And why has none of our correspondence with Ella Jonker and Paulina Wilhelm been retained on our Property File?

Prior to our discovery of SNA 661 on 18/10/18 I had been willing to compromise. But the scale of the deception/ignorance by RLC/BOPRC is too great – we have been betrayed and treated with contempt. We appreciate the effort that Henry Weston and Jason Ward made to visit us on 23/10/18 but we do need to formally record our opposition. We are willing to keep talking but until there is a change in attitude from all RLC staff and until our questions are answered we will oppose any further SNA's.

With the exception of Councillor Mark Gould (present at the Rural Board meeting I attended) the elected representatives have been conspicuously silent on these matters. Neither the Mayor nor the CEO would meet with us and we have not seen an elected representative in Kaharoa at all. This is very poor treatment of rural ratepayers but in keeping with the expected performance of this Council.

Current Position of 304A Kaharoa Road

On 23/10/18 my wife Catherine & I met with Henry Weston & Jason Ward of RLC. I was emailed that the meeting was at 1:00pm, by Kim Smith. I left work at 12:10pm, to allow myself time for lunch at home once I arrived. To my surprise, Henry and Jason were already on site when I arrived at

12:40pm – they had been advised that the meeting was at 12:30pm. As a consequence, I had no lunch that day and my prejudices regarding RLC planners were reinforced. On 8/11/18 we received a letter from Kim Smith advising us that RLC will not be recommending to the RMA Policy Committee to include our land within any future potential amendments to the scheduled SNA sites in the District Plan.

Further to this, the Rural Board organised a meeting at Rotorua Library for 5:30pm on 22/11/18. This gave the affected landowners an opportunity to hear from the Board as to what was going on. At the last minute the Board was asked to cancel the meeting by RLC so that further consultation could occur with landowners. Our perception is that this was yet another part of the Council's divide and rule policy. What RLC staff don't seem to grasp is that while they are being paid by the ratepayer to carry out these tasks, rural landowners have to give up their own time and money to oppose the loss of control of their land. Given the appalling state of the northeast boundary of SNA661 we would expect planners at RLC to be pushing back at the RMA rather than slavishly endorsing a clearly flawed policy. There is no mechanism available to RLC to enforce weed control and BOPRC simply refuse to act.

On Monday 29/07/19 we received an email from Kim Smith advising of a letter to follow re the suggested plan changes relating to SNA. I was disappointed to receive this on such a difficult day for myself and the firm I work for but was not at all surprised that RLC would display such insensitivity. The letter has since arrived and it contains a subtle change from that received on 8/11/18. The second paragraph begins as follows:

"While the Council is currently proposing not to identify new SNA's on this property..."

This one statement shows that the assurance we were given in writing on 8/11/18 is no longer valid. This Council cannot be trusted.

Comments On The Proposed Plan Change

- The RMA does not define "significant"
- 2.2, National Monitoring, 4th bullet point "...main causes of decline & habitat destruction are the effects of pests and weeds..." Refer SNA661, currently ignored by Wildlands, RLC & BOPRC
- 2.2, National Monitoring, 9th bullet point, "Predation & plant eating by pests as well as disease & competition from weeds continues to threaten indigenous biodiversity." Please refer SNA661
- The National Priority does not appear to have been identified for SNA679.
- 3.5.1, Advice & Management Support – this is completely false based on our experience.
- 3.5.2 – still no policy on rating. RLC/BOPRC cannot fund or manage existing SNAs. Tacit acknowledgement that administering/policing this will be cost prohibitive.
- 4.2 – appears to justify poor consultation with landowners on basis that there is no requirement to do so. Then states that meeting individuals is a resource intensive approach. Ignores fact that RLC Officers are being paid for this process, unlike affected landowners.

Summary

We oppose the designation of any further sites as SNA's because:

- No incentive or assistance is being offered to landowners to do this.

- Existing SNA's are not being managed in accordance with the RMA.
- RLC & BOPRC have demonstrated their inability to liaise or coordinate with each other and will not administer their own rules or policies.
- RLC planners have misled the Rural Board and have attempted to bully and intimidate rural landowners rather than push back on the RMA and show why SNA's are unworkable without increased funding. While rural landowners have to expend their own time and effort to oppose SNA's, RLC staff are able to work knowing that they are being funded by the rural ratepayer to deprive them of their land for altruistic reasons of dubious merit.
- RLC & BOPRC have not demonstrated how new SNA's will be funded or managed.
- RLC have had several years to put the proposed change together but the affected landowners have only been given a month in which to make a submission. There has been no meaningful consultation – RLC have a blinkered, dogmatic approach and calling for submissions is cynical window dressing by RLC officers who are unwilling to listen to the rural community but can claim that they undertook the necessary consultation. We have no faith in the process nor those who are administering it.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'B Walshe', written in a cursive style.

Brett Walshe

P.S. – the enclosed letters refer to an area value of 10%. This was incorrect. As noted above, the measured value is 18%.

1st March, 2016

Milly Farquhar
Bay of Plenty Regional Council
P.O. Box 364
WHAKATANE 3158

Dear Ms Farquhar

RE: UPPER KAITUNA WATERWAY CATCHMENT SURVEY

We acknowledge receipt of your letters (three, all the same, all to the same address, sent in separate envelopes) dated 16/02/16.

Permission to access our property, 304A Kaharoa Road, is not granted at this time.

We are willing to alter our position on access but this will need co-operation from the BOPRC, something that we have not seen to date. We accept that this may come as a surprise to you personally but we have seen no assistance from BOPRC in the past despite co-operating with BOPRC fully on this and other properties, notably one in Dalbeth Road. Before selling that property in 2007 we **voluntarily** completed a stock survey for BOPRC. When the new owner has requested access to the stock survey we supplied, BOPRC has at first refused access and then tried to say the survey has been lost. Fortunately we had kept a copy and were able to fill in the blanks that our regional council was unable to provide.

We are surprised to find BOPRC wants to support landowners, as stated in your letter. In 2014 we approached BOPRC over a concern with a noxious weed (blackberry) on our western boundary. The blackberry is coming through onto our property from that of our neighbour. BOPRC sent out a Land Management Officer (Dale Williams) who declined to take any action. His reasoning was that the blackberry could only be controlled by spraying, which could damage the native bush further west. We disagree – spraying is best carried out early in the morning (5:00 – 6:00am) when the air is at its stillest and this is not the only control method available. Mechanical removal is also possible. Our understanding is that BOPRC is required to give formal notice of why they elect not to take action and this has not occurred. From this we can only infer that BOPRC considers our property of lower value although this is not reflected in how it is rated. We spend considerable money on rabbit control each year with BOPRC. The rabbits take refuge in the blackberry – a fact pointed out on the BOPRC information sheets for this noxious weed. There is also a valve for the Kaharoa Water supply overgrown by the blackberry adjacent the southwest corner of our property. This has been raised with BOPRC & Rotorua Lakes Council but no action has been taken. We have

seen at least one occasion during our tenure here when Castlecorp staff have had cause to access this valve. Presumably if someone were to be injured trying to access this valve then BOPRC and RLC will be willing to accept all liability and the consequences of any prosecution.

Milly, we do not wish to frustrate the survey but we have been treated with contempt to date by BOPRC. We can probably save BOPRC some money (although not postage costs) by pointing out that there are no water sources on this property. There are ephemeral flow paths, just as there are on any hill country but no water sources.

Permission for access to our property is refused but we are willing to discuss this matter if BOPRC will co-operate with us and others.

We enclose a copy of a letter received from Rotorua Lakes Council that offers **potential** funding from BOPRC. This may be of interest to you.

Yours faithfully

B C Walshe
Brindley Family Trust

1st March, 2016

Paulina Wilhelm
Rotorua Lakes Council
Private Bag 3029
ROTORUA 3046

Dear Ms Wilhelm

RE: SITE VISIT REQUEST FOR SITE 679, TE WAERENGA ROAD 2

We acknowledge receipt of your letter dated 21/01/16, Doc No: **RDC-606699**, File Ref:65-15-734\02.

Permission to access our property, 304A Kaharoa Road, is not granted at this time.

We are willing to alter our position on access but this will need co-operation from the Rotorua Lakes Council, something that we have not seen to date. We accept that this may come as a surprise to you personally but we have been financing the altruism of RLC for some time now. Our perception is that this is a one-sided arrangement that has been poorly handled in the past. The co-operation we seek is not necessarily financial.

In 2007/2008 this property was the subject of a subdivision consent. One of the conditions of that consent was a request by Council to secure additional parts of this property as conservation areas. Please note we were not the applicant, only the purchaser. The conservation areas had to be fenced and are not allowed to be grazed or farmed. As such we enquired as to whether assistance could be given for fencing costs (a one off cost), weed control and pest control as we understood that the purpose of the conservation areas was to facilitate the preservation of natural bush areas. As the area under conservation now totalled 10% of the total property area we also asked for consideration of a rates reduction given that these areas could not be farmed but are rated as such. No assistance has ever been forthcoming on either of these items and the responses that we received from Rebecca Jull and Phil Kerrison were disappointing, although apparently Council policy. We still have the email correspondence. This is at odds with the claim made in the sixth paragraph of your letter which suggests RLC "will assist land owners with management of these areas."

We are surprised to find RLC offering access to **potential** funding from BOPRC & WRC. We are not in the jurisdiction of the latter and the former has proved to be more fiscally constrained than the RLC based on our experience. In 2014 we approached BOPRC over a concern with a noxious weed (blackberry) on our western boundary. The blackberry is coming through onto our property from that of our neighbour. BOPRC sent out a Land Management Officer (Dale Williams)

who declined to take any action. His reasoning was that the blackberry could only be controlled by spraying, which could damage the native bush further west. We disagree – spraying is best carried out early in the morning (5:00 – 6:00am) when the air is at its stillest and this is not the only control method available. Mechanical removal is also possible. Our understanding is that BOPRC is required to give formal notice of why they elect not to take action and this has not occurred. From this we can only infer that BOPRC considers our property of lower value although this is not reflected in how it is rated. We spend considerable money on rabbit control each year with BOPRC. The rabbits take refuge in the blackberry – a fact pointed out on the BOPRC information sheets for this noxious weed. There is also a valve for the Kaharoa Water supply overgrown by the blackberry adjacent the southwest corner of our property. This has been raised with RLC but no action has been taken. We have seen at least one occasion during our tenure here when Castlecorp staff have had cause to access this valve. (N.B. – during the visit by the LMO we referred to the conservation areas on our property but he claimed that he had searched the file and found no such record.)

Paulina, we do not wish to frustrate the survey but we have been treated with contempt to date by both RLC and BOPRC. As we stated earlier, the co-operation we seek is not necessarily financial. What would be preferred is to see RLC addressing each case on its own merits rather than trying to correct inconsistencies with a blanket “step change” approach.

Permission for access to our property is refused but we are willing to discuss this matter if RLC will co-operate with us and others.

Yours faithfully

B C Walshe
Brindley Family Trust

28th June, 2016

Paulina Wilhelm
Rotorua Lakes Council
Private Bag 3029
ROTORUA 3046

Dear Ms Wilhelm

RE: SITE VISIT REQUEST FOR SITE 679, TE WAERENGA ROAD 2

We acknowledge receipt of your letter dated 21/01/16, Doc No: **RDC-606699**, File Ref:65-15-734\02.

We responded to your letter on 1/3/16, in which we did not grant access and explained why. Subsequent to this we have met with Ella Jonker of RLC on 15/3/16 and received two email responses from her, dated 16/3/16 and 8/6/16. Further to this we were contacted by Ms Jonker by telephone on 14/6/16 – we were asked if we had made a decision to which my response was that we were still seeking to verify the information that was in the two emails.

Permission to access our property, 304A Kaharoa Road, is not granted at this time.

As stated in our letter of 1/3/16, we are willing to alter our position on access but this will need co-operation from the Rotorua Lakes Council. This has still not occurred. Instead, we have been advised that RLC will pursue its obligation under the RMA to impose an arbitrary label on a portion of our land, all based on the "latest aerial photography" (RLC's words, not ours). Presumably this is the Wildlands aerial photograph that was attached to the RLC correspondence of 21/1/16. The aerial photograph is dated 15/05/15.

Can you please confirm that this is the date that this photograph was taken? For RLC to make any decision then it must do so based on reasonable grounds, in much the same way that it is required to assess building or resource consent applications. We know this photograph is much older than the date given - to use it as the basis of a desk top study & any subsequent decision is not reasonable at all.

With regard to "ground truthing", this has occurred on this property in 2007 when Rebecca Jull of Rotorua District Council walked through the bush areas to determine which ones RDC considered were suitable for placing under a covenant. Why is there a sudden need to repeat the process – did Ms Jull err in her assessment, or was she not qualified to make this assessment? In the email of 16/3/16 RLC refers to a "specialist" – specialising in what? Will we be able to assess the qualifications of the specialist? We have observed the intention of the

covenanted areas – they have continued regenerating. Despite RLC's deliberate financial ignorance of the covenanted areas since 2008, RLC now wants to delineate this portion of our property (and possibly more) as a "Significant Natural Area" and has made it quite clear that if we oppose it then it will cost us to do so. We consider this a threat. As we understand it, the following is occurring:

- RLC is so financially constrained that it will not consider rates remission on covenanted areas of native/indigenous bush from which no revenue can be derived;
- RLC does have sufficient finances to repeat a ground survey on our property that was carried out in 2007. The purpose of this is to identify an area of potentially important indigenous vegetation.
- This potential area is only 500m east of a serious noxious weed infestation yet this is of no interest to either RLC or BOPRC. The close proximity of this infestation is not worthy of consideration relative to the potentially important indigenous vegetation.

The question of rates remission has never been addressed in a reasonable or transparent manner by RLC. We can only tell you what we have been told. (N.B. - the areas under covenant constitute 10% of the total property area). In 2008 we were told by P Kerrison and R Jull of RDC (via email) that a rates remission would require a change in policy from RDC. We were advised to contact a Tauranga based firm, Landmass, over this matter. We attempted to do this – we rang and left messages but these were never returned. The important point though is that RDC staff advised us that rates remission was not possible without a change of policy. Therefore, it is reasonable to assume that no adjustment has taken place. From our enquiries with valuers it would seem that our current rating system (capital value) is based on historic data relating to each property. This is updated when there is a significant change to the value of the property such as when a building consent is granted to make improvements to buildings. Presumably a subdivision consent or resource consent would generate the same alteration. If so, then can we please review the data that Landmass used to determine our property value in 2008 when the resource consent was granted? The reason we ask is that we have compared our rates with those of other rural properties and there does not seem to be any difference in how the rates are applied other than on capital value. There is opportunity to place comment on the rates information for each property but we note that there is no comment on 304A Kaharoa Road which identifies the existence of the covenanted areas. We are not aware of Landmass having ever visited since we moved here – is it possible that this is an oversight and this change has not been considered? We also note that in the email of 8/6/16 RLC has stated that the value of the forested land is much lower than the productive land – this is the point we have been trying to make. We don't expect the areas under covenant to be zero rated but a reduction from the farming rate would make sense and would be fair considering that RLC expects the landowner to fence the area and control pests unaided.

The email of 8/6/16 suggests that the proposed SNA may follow the boundaries of the existing covenanted areas, D, G & H. We would like to believe that this was the case. However, the RLC letter of 21/1/16 is far less specific. The third paragraph says "The attached map shows the approximate location (but not the

extent) of the area that we would like to inspect, although there may be others present." The marked position is in area H – this appears to us as an attempt by RLC to formally restrict the usage of yet another area of our property but not compensate us for it. The justification for this is that it is required by the RMA. The RMA was in force in 2007 when Ms Jull did her walkover. What was she looking for if not information on a natural area? We would appreciate being given the relevant clauses from the RMA that RLC feels obligated by. Will the same exercise happen again in ten years time?

With the utmost respect to Ms Jonker, she appears to have formed the opinion that our primary concern is with BOPRC. We cited our experience with BOPRC as an example of what "potential funding" or assistance actually amounts to – nothing. We wish to clarify our position with regard to BOPRC, especially in regard to the comments made in the RLC email of 8/6/16. We don't need any assistance from BOPRC to control noxious weeds on our property. We need BOPRC to fulfil its obligations to us by taking steps to remove the blackberry that continues to encroach on our pasture from the property to our west. We can think of no justification that would cause BOPRC to think that without intervention by them that this infestation would improve. We have been poorly served by the actions of BOPRC on this matter – we do not consider that they are suited to preparing a Biodiversity Management Plan, even if we wanted one. We note also a significant increase in the rates that BOPRC is gathering this year on this property – it would be a welcome change to see some of that money invested back into protecting the biodiversity adjacent any proposed SNA. We enclose a BOPRC fact sheet that highlights this obligation and suggest that both BOPRC & RLC staff take the opportunity to read the BOPRC publication "Keeping Pests Out – Operative Regional Pest Management Plan for Bay Of Plenty 2011-2016". Pages 23,24,32 & 50 are of particular relevance to this situation. The stance BOPRC have supported is contradictory – if there are indeed native seedlings being sheltered by the blackberry (difficult to see due to the height of the blackberry) then are the seedlings not at risk from the rabbits which also shelter in the blackberry? Wouldn't a pragmatic solution be to mechanically remove the blackberry around these seedlings?

We are disappointed that there is no comment made with regard to access to the valve for the Kaharoa water supply which lies just southwest of our property. It is inaccessible due to the blackberry. We have notified this to Worksafe NZ as a potential workplace hazard and are awaiting their response. We have fulfilled our obligations on this particular matter.

Please remember that it was RDC who chose to place covenants on this property. There was no assistance given at the time, even when RDC was directly asked. To then state that it is not possible to provide assistance retrospectively because all of the fencing has been done (none of which are boundary fences) is disingenuous. We acknowledge that Ms Jonker has been given a difficult task to justify past actions by RDC but we cannot let that assertion go uncorrected.

As we said in our letter of 1/3/16, we do not wish to frustrate the survey. We acknowledge the efforts made by Ms Jonker but there has been no obvious change in the position of RLC. We don't know whether this is due to an

unwillingness to act or a lack of authority to do so. If the latter is the case then please confirm this and the name of the person we should be dealing with. In summary, we would like the following questions answered:

1. Please confirm the date of the aerial photo attached to the RLC letter of 21/1/16.
2. Please supply the data & documentation used by Landmass in 2008 to assess the change in property value due to the increase in covenanted area to 10% of the total area. This should also include information on how this altered the rates.
3. Please supply the relevant clauses from the RMA relating to the obligation of a territorial authority to identify a SNA. Please provide an explanation as to why the field survey carried out by RDC in 2007 is no longer considered sufficient.
4. Please confirm via evidence that BOPRC publically notified an exemption to the eradication of blackberry on our west boundary in 2014. This will obviously have to come from BOPRC.

If we receive this information then it will enable us to re-assess our position, assuming that the correct process has been followed. It may be even possible to consider a compromise.

Permission for access to our property is refused but we are willing to discuss this matter if RLC will co-operate with us and others.

Yours faithfully

B C Walshe
Brindley Family Trust

Cc BOPRC, J Paterson

Brett Walshe

From: Ella Jonker <Ella.Jonker@rotorualc.nz>
Sent: Friday, 22 July 2016 4:15 PM
To: 'brett@bsk.co.nz'
Cc: Paulina Wilhelm
Subject: RE: SNA site 679: 304A Kaharoa Road
Attachments: doc04365420160718161531.pdf

Hi Brett

Your attached letter refers. My response to the issues raised and information requested is as follows:

- 1) I would like to clarify that I am not of opinion that your primary concern is with BOPRC. This is only one of the matters you raised that I have responded to. I have also made it clear at our first meeting that I cannot guarantee that BOPRC would address all your concerns, but that I would endeavour to put you in touch with the right person. The feedback that I've given you is what I've received and if you consider that it is contrary to their policy statement or fact sheet, you will need to take this up with the regional council. Please direct these queries to the correct person as outlined in my email below.
- 2) You confirmed that the Kaharoa water supply valve lies on your neighbour's property. Although the Kaharoa water supply valve (and the fact that the blackberry affects access to the valve) wasn't specifically mentioned in my email, the way forward with regard to the blackberry on his property has been addressed in my email below. Please address this with BOPRC.
- 3) The reason I stated that there cannot be any rates compensation retrospectively is because it was clear from your communication dated 1 March 2016 that Rebecca Jull advised you at the time the covenants were placed on your property, that rates reduction was not an option under the rates policy. From my email below, I've made it clear that the current rates emission program would also not address your rates concerns with regard to the SNAs over your land. You are reasonable in assuming that there has not been a rates adjustment at the time of the covenants being placed, but that doesn't change the fact that Council has considered the amount of bush versus pasture even before then. I understand that you are questioning whether this was calculated correctly and I have sent your request through our rates department. Once I receive the information regarding the data used by Landmass, I will forward this to you.
- 4) The aerial photography that is used for the potential SNAs is dated 2011/12. Since the bush is under covenants, it is reasonable to expect that the boundaries of the bushed areas would not have changed. The SNA boundary is not considered arbitrary, but Council has followed all reasonable steps to ground truth the SNAs to ensure its accuracy. If Council is to impose the SNA onto your land, you will have an opportunity to make a formal submission to the plan and you will then need to provide advice by your own ecologist if you do not wish for us to access your land to ground truth the SNA. RLC will also have new aerial photography within the next year.
- 5) The site visit by Rebecca Jull in 2007 is unrelated to the ground truthing of the SNA. Rebecca is a town planner and assessed the situation in response to a subdivision application, not from an ecologists' perspective. The SNA is assessed by an ecologist.
- 6) It is incorrect to state that Council had deliberate financial ignorance and did not want to consider rates remissions for the covenants. It was made clear that it is not Council's policy to compensate for costs relating to covenants and could thus not make an exception for you. RLC is also not repeating the ground truthing as this is the first time it would be ground truthed by an ecologist. It is also not correct to state that the impact of the weed infestation on the SNA is not of concern to RLC. I have provided you with the contact details and process to follow to address this with BOPRC.
- 7) The letter dated 21/1/16, requesting access to your land is a standard letter. Upon my review of your site specific situation, it is reasonable to assume that the SNA boundary would end up more or less following that of the covenanted area, but it is up to the ecologist to confirm that on the ground. You know your land best and

you would know if there were any new regenerated bush outside the covenanted areas or not. The ecologist won't include sparse bits of vegetation outside those areas and you will have an opportunity during the site visit to discuss any concerns you have, which may influence the outcome of the SNA boundary.

If there is an error in the calculation of the rates, that can be addressed by Council at any point in time. RLC is not going to change their position with regard to rates compensation as it relates to the SNA as we cannot make exceptions to the rates policy. I consider that we have exhausted the issue and unless you agree to provide access to RLC within the next few days, Wildlands will finalise the SNA report for the district and we will proceed with the notification of the amendments to the plan as previously discussed.

Kind Regards

Ella Jonker Senior Policy Advisor, Strategy
P: 07 3518045 | E: ella.jonker@rotorualc.nz | W: rotorualakescouncil.nz

From: Brett [mailto:brett@bsk.co.nz]
Sent: Monday, 18 July 2016 3:08 p.m.
To: Ella Jonker
Subject: RE: SNA site 679: 304A Kaharoa Road

Hello Ella – we have responded. The attached letter was posted in to RLC – a copy was also given to BOPRC and they have since responded. We do not consider the matters raised closed or resolved.

Brett Walshe

From: Ella Jonker [mailto:Ella.Jonker@rotorualc.nz]
Sent: Monday, July 18, 2016 1:05 PM
To: 'brett@bsk.co.nz'
Cc: Paulina Wilhelm; Sarah Beadel (Sarah.Beadel@wildlands.co.nz)
Subject: RE: SNA site 679: 304A Kaharoa Road

Hi Brett

The email below refers. On 14 June, you said that you would get back to me within 3 weeks (by 5 July). I have not received any feedback from you, so we will consider this matter as closed. The potential SNA will be included in the plan through the next plan change and you are still welcome to make a formal submission at that time.

Thanks

Ella Jonker Senior Policy Advisor, Strategy
P: 07 3518045 | E: ella.jonker@rotorualc.nz | W: rotorualakescouncil.nz

From: Ella Jonker
Sent: Wednesday, 8 June 2016 9:29 a.m.
To: brett@bsk.co.nz
Cc: Paulina Wilhelm
Subject: FW: SNA site 679: 304A Kaharoa Road

Hi Brett

Our meeting dated 15 March regarding the potential SNA on your property refers. Attached is your letter and the maps and covenants I was able to retrieve from our records.

As discussed, I undertook to:

- 1) Get BOPRC on board to explain the options available to address the weed management on the site and the adjoining site (where the valve of the Kaharoa water supply is located).
- 2) Find out if RLC can reduce the rate due to the reduction of the developability of the site due to the covenants and possible Significant Natural Area (SNA)
- 3) Investigate the difference in protection between a covenant and SNA
- 4) Outline of the process forward if access is not granted to ground truth the SNA

My response to the above matters is as follows:

- 1) The feedback that I received from John Paterson (BOPRC) is as follows and based on knowledge of the current conditions at your property (in the absence of a site visit).

The regional council doesn't have any covenants over your property. BOPRC does not contribute to protection areas that have been required or agreed with other authorities in order to address resource consent conditions e.g. the areas already subject to RLC's covenants (Areas G, H and D on your property) and does not fund protection area fencing retrospectively. However, existing Significant Natural Areas may be eligible for assistance towards the cost of fencing and pest management, provided the area meets the BOPRC criteria and approval for registration as a BOPRC initiated Biodiversity or Riparian Management Plan (BMP & RMP). This would require an assessment from a BOPRC Land Management Officer. The purpose of the BMP is to initiate and establish protection of significant indigenous biodiversity through fencing and restorative planting. It permanently protects and enhances remnant bush areas and leave very little opportunity or unoccupied space for weeds to re-colonise. Once protected, the ongoing maintenance of fences and weed control is the sole responsibility of the land owner. **Some areas will not qualify for the BOPRC assistance programmes. Boundary fences are not eligible for funding assistance in any circumstances.**

Dale Williams has spoken with your neighbour in the past about blackberry, and is happy to follow this up if the issue has been ongoing. BOPRC's Regional Pest Management Plan contains rules relating to the control of gorse, blackberry and ragwort adjacent to property boundaries. This would require an assessment from a BOPRC Land Management Officer and approval for registration as a BOPRC initiated BMP or RMP. Below are two links that may be useful:

<http://www.boprc.govt.nz/media/29194/LandManagement-101125--BiodiversityInTheBayOfPlenty3242-LM31B.pdf>

<http://www.boprc.govt.nz/media/29197/LandManagement-101125-RiparianManagementPlan.pdf>

John Paterson is willing to meet with you on the site to discuss the issues. If you would like clarity on this matter or wish to register a Biodiversity Management Plan on your property, you can contact him:

Call direct: 0800 884 881 extension 7573

Email: John.Paterson@boprc.govt.nz

Visit by appointment: Rotorua Office, 1125 Arawa St, Rotorua

- 2) With regard to the rates issue, Murray Ramage (Rates Lead) said that if the covenants were QE11 covenants, then they can give funding to fence it off, but they often then require the land owner to give public access. From your letter, it seems that you have already fenced it, so there does not seem to be an avenue where funding could be granted for the fencing retrospectively. Council does have a rates emission program, but the value of the forested land is normally much lower than the productive land, so the effect on the rates calculation will be negligible. Council could recalculate your rates if new areas are included in the SNA, but the current rates have already considered the bushed area and productive areas in the calculation of rates, so there shouldn't be any difference.
- 3) Our records show that the areas were covenanted as part of Council's sub-division consent conditions. It seems that when the first subdivision of the property was made in 1998, a conservation covenant was placed over Area D. When the second subdivision was made in 2007, consent notices were placed over Area G and H to protect indigenous vegetation. **The only other bushed area is forestry/exotic vegetation and would not be**

included as a SNA. If the SNAs follow the same boundaries as that of the 3 covenants, it won't affect the productivity of your land since the covenants already restricts grazing and farming activities in those areas. In terms of Council's obligations under the Resource Management Act, we have to indicate SNAs, even though it has existing covenants over it.

- 4) The implications of a decision not to provide access to ground truth the SNA is as follows:
RLC has an obligation under the Resource Management Act (RMA) to identify Significant Natural Areas (SNA). In the past, Council has undertaken this process through a desk top study of aerial photographs, which was followed up with ground truthing where necessary. The purpose of the ground truthing is mainly to refine the boundary of the SNA e.g. exclude roadways, cleared areas or smaller pockets of bush that may be exotic vegetation etc. Council has recently flown the area and have the latest aerial photography, which means the SNA boundary would be reasonably accurate.

Council intends to include the new SNAs within the Rotorua District Plan by way of a plan variation under Schedule 1 of the RMA, which requires Council to publicly notify the changes and to allow any interested parties to submit if they do not agree with the amendments. The land owner will thus have an opportunity to make a submission to the proposed changes through the formal consultation process under the RMA. If Council receives a submission against a SNA, the normal process is for Council to then ground truth the SNA or for the submitter to provide a report by a specialist confirming that it is not a SNA. If it is found that it is not a SNA, the SNA will be removed from the plan. Similarly, if the Council's specialist report indicates that the SNA boundary differs from that included in the plan, then the boundary is amended. If the submitter still objects to the SNA being placed over his property, he has the opportunity to appeal the decision and ask for the matter to be decided on by court.

Based on the above, I would urge you to reconsider our request for access to the site. It is Council's wish to enter into consultation with the land owner to explain the need for the SNA, the implications of including a SNA over the property and to ensure that the existing uses on the site are not constrained by any plan amendments.

In the light of the information provided, please confirm if Wildlands can access your property to do the field survey. Hoping to hear from you soon.

Kind Regards

Ella Jonker *Senior Policy Advisor, Strategy*

P: 07 3518045

E: ella.jonker@rotorualc.nz | W: rotorualakescouncil.nz

A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

ROTORUA
LAKES COUNCIL

Your Ref:
Our Ref:



4 July 2016

SIC
Brett and Kathryn Walshe
Brindley Family Trust
304A Kaharoa Road
RD6 Rotorua

Telephone: 0800 884 880
Facsimile: 0800 884 882
Email: info@boprc.govt.nz
Website: www.boprc.govt.nz
Pollution Hotline: 0800 884 883
International: +64 7 922 3390

SIC
Dear Brett and Kathryn

Letter to Rotorua Lakes Council - 28 June 2016

John Paterson forwarded a copy of your letter to me as I was the Land Management Officer that last visited your property. This was initially to discuss assistance from the Bay of Plenty Regional Council (BOPRC), for fencing around the bush area. I also talked with Kathryn about pest control, then some time after that I followed up a blackberry complaint with your neighbour Harry Aarts.

I will address these two issues separately.

Blackberry complaint:

I have located a diary reference that indicates I visited your property in March 2013, though I am not 100% sure this was the last time I visited.

Following receipt of the blackberry complaint from Kathryn, I visited Mr. Aarts and inspected the site in question. I explained to Mr. Aarts, the requirement, under the BOPRC Pest Management Plan, for landowners to destroy blackberry within 10 metres of their property boundary.

The site in question is adjacent to an area of native forest, and at the time of my visit, there were native saplings coming up through the blackberry. I concluded that the best long term outcome for the site was to get it back into native vegetation. Mr. Aarts agreed to spray the blackberry while trying to preserve the native saplings.

I should have revisited Mr. Aarts, but wrongly assumed that the problem had been resolved. I apologise for that.

As part of my responsibilities within the BOPRC Biosecurity Team, I will take your letter as a formal complaint and follow up the situation with Mr. Aarts.

Please note it may be a good time to do some physical control on blackberry but any spraying will need to wait until spring when the blackberry starts growing again.

If Mr. Aarts fails to comply with our request, our next step would be to issue a formal notice of direction.

C:\Users\Dalew\Documents\Brett And Kathryn Walshe - Blackberry Complaint - BMP.Docx

4 July 2016

2

Biodiversity Management Plan:

My initial contact with Kathryn^{SIC} was with regard to some fencing work that had been done around the bush area. At the time I explained BOPRC could not pay for boundary fencing or any works that were not covered by a signed agreement.

I also discussed the type of support BOPRC could provide via the Biodiversity programme, and on subsequent visits I talked about the possibility of developing a "Collective" Biodiversity Management Plan (BMP), for a number of properties in the area.

From memory I was unable to determine whether your property is eligible for support from BOPRC under the Biodiversity programme because I was not sure if pest control is part of your covenant conditions.

If you are interested in pursuing this further, please contact John Paterson who can review your situation.

Naku noa na,



Dale Williams

Land Management Officer (Biosecurity).

22nd July, 2016

Land Management Officer
Bay Of Plenty Regional Council
P.O. Box 364
WHAKATANE 3158

Attention: Dale Williams

Dear Sir

**RE: BOPRC LETTER OF 4/7/16, RESPONSE TO BRINDLEY FAMILY TRUST
LETTER OF 28/6/16**

We acknowledge receipt of your letter. Thank you for confirming that BOPRC will now enforce the rules that it has set out in the BOPRC publication "Keeping Pests Out – Operative Regional Pest Management Plan for Bay Of Plenty 2011-2016". We will however not be convinced until we see some evidence of this occurring. While we note you have offered an apology we are at a loss to understand why you would think the problem would have resolved itself given our recollection of what was discussed at the time. We also note that the query from our letter of 28/6/16 has not been answered – we have therefore concluded that the process set out in the BOPRC document above was not followed. This is disappointing.

There are several points in your letter which we disagree with and will not let pass uncontested. Catherine dealt with you during the site visits but her recollection of what we were advised is significantly different from yours. With regard to the blackberry, it is her recollection that after visiting Mr Aarts you advised that he didn't want to spray the blackberry due to the presence of native seedlings and that "you could see where he was coming from". In addition to this, Catherine was then advised by you that if we were doing any spraying in this area could we please keep watch out for these seedlings. The clear inference from BOPRC was that we were expected to control a noxious weed on our neighbour's property but also protect any native seedlings. Catherine is adamant on one point from your letter – we were never advised by you at any stage that Mr Aarts intended to spray the blackberry. Given the extent of the blackberry, especially at the Kaharoa Water Supply Valve, there is nothing to suggest there has been any control of the blackberry by Mr Aarts at all. You may observe a change in the growth of the blackberry – this will be due to Catherine's efforts from our side, behind the deer fence.

There is also a discrepancy in the timing of your diary note and what has occurred since. From 24-26/3/14 I attended a Kaharoa School Camp at Waitomo, as did you. I was approached by you on one of those evenings at camp in which you reiterated what you had advised Catherine with regard to the blackberry. You also advised that BOPRC wasn't able to do an individual Biodiversity Management

Plan as our property wasn't large enough. The latter didn't overly concern me but the former did. I didn't offer an argument as the decision by BOPRC had already been made. But the important aspect of this is the timing of the discussion – I have no doubt about your diary entry nor the date of the school camp. But the gap between these dates is a year – a year which could have been used to monitor the blackberry. It wasn't and instead the burden of control has fallen on us. This is why we are sceptical when Rotorua Lakes Council and BOPRC make reference to **potential funding**. We have had a problem here for several years and yet when we asked for help we were denied it.

We don't seek or expect a response to this letter. We do ask that BOPRC use our rates and do its job but this will take some time to become evident.

Yours faithfully

B C Walshe
Brindley Family Trust

Blackberry

Rubus fruticosus agg.

Sustainable Options

Pest Plant Control

04

Description

Scrambling, thorny perennial.

Root: Has a well-defined crown just under the soil surface which produces several suckers.

Leaves: Have 3 - 5 lobes with toothed edges. Pale underneath.

Flowers: Large white or pinkish flowers followed by black berries.

Fruit: Cluster of small berries, red turning black.

There are several sub-species which flower at different times during the spring and summer and also have very variable leaf shapes and plant forms.

Origin

Native of Europe. Introduced to New Zealand for its edible fruit.

Where is it found?

Blackberry grows almost anywhere where there is enough light, from pasture to pine forests.

How does it spread?

Seeds are spread by birds.

Arching stems will root on contact with soil to produce a new plant.

Why is it a problem?

Blackberry is a major problem for pasture often severely limiting production. Sheep can also become entangled in it. If blackberry grows over fences it can speed up their deterioration.

It also prevents regeneration of native bush where bush margins are infested.

In forestry it hampers management operations.



Status as a pest plant in the Bay of Plenty

Blackberry is a Containment Pest Plant in the Bay of Plenty Regional Pest Management Plan.

Rules require land occupiers to destroy any blackberry on their properties that is within 10 m of any property boundary.

It is an offence under the Biosecurity Act to propagate, sell, distribute, release or spread blackberry in the Bay of Plenty.

CAUTION: When using herbicide please READ THE LABEL thoroughly to ensure that all instructions and safety requirements are followed.

DISCLAIMER: Information in this fact sheet regarding herbicides does not necessarily appear on the labels of the products concerned. Bay of Plenty Regional Council does not accept liability for any damage that may arise from the use of herbicides at non-standard rates. Mention of product trade names implies neither endorsement of those products nor criticism of similar products not mentioned.

For more information contact a Bay of Plenty Regional Council Land Management Officer

How do I get rid of it?

Pasture management: Maintaining a vigorous, dense pasture sward and good fertility will help prevent blackberry establishing.

Manual: Small numbers of small plants can be grubbed (dug out) as long as the crown of the plant is removed.

Spraying: Spray during late spring and summer. Thorough coverage is important.

Recommended:

Spray with metsulfuron-methyl (e.g. Escort, Meturon, Matrix).

With knapsack or CDAX unit use 5 g per 10 L water.

With handgun use 35 g per 100 L water.

Always add a penetrant (e.g. Organosilicone or Pulse) to the spray mix. Use 10 ml for every 10 L water.

Or to minimise damage to pasture:

Spray with triclopyr (e.g. Grazon, Agpro triclop).

With knapsack or CDAX unit use 60 ml per 10 L water.

With handgun use 300 ml per 100 L water.

Other herbicide options are also available.

Note: Any rotary slashing should be left until the canes are completely dead. Burning is not necessary.

Regular follow-up treatment may be necessary for some years until the seed bank in the soil is exhausted.



2 October 2018

File Ref: 69-06-040-03

Doc No: RDC-861744

Civic Centre
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046
New Zealand

WALSHE, MR BRETT CHRISTOPHER
304A KAHAROA ROAD
RD 6, ROTORUA 3096

Tēnā koe

SIGNIFICANT NATURAL AREAS IN ROTORUA DISTRICT

We are writing to let you know that Council is working to identify important biodiversity sites in our district (known as significant natural areas or SNAs) and to ask you, as a property owner of an area that may be considered significant, whether you'd like to meet to discuss this further.

Background

Rotorua has many amazing natural spaces that are home to native flora and fauna that is significant to our environment. Features of significant natural areas can include native bush, wetlands or rare geothermal plants.

Many significant areas are already protected under the District Plan however, in 2016, Rotorua Lakes Council committed to investigating a further 56 sites which lacked the required information to determine if they would be considered significant natural areas. Council also committed to investigating the boundaries of some existing sites at the request of landowners.

Your property

In 2016 Council commissioned Wildlands Consultants Limited to carry out assessments on the identified sites to determine what significance they held.

A copy of the Wildlands' assessment of the site(s) on your property is attached for your review. You will see they consider the site/s significant, either as a new significant natural area in its own right or as an expansion to a nearby existing significant natural area.

Location: 304A KAHAROA ROAD

SNA#: 679

We have also enclosed a map of your property showing the location of the potential significant natural area.

What now?

We invite you to talk with us about this work. We would like to know if you have any questions or concerns about the Wildlands' assessment for the site on your property.

We would also like to know if you have other information about the site that may influence its management, or if you may be considering alternative protection for the site (such as QEII covenants or Ngā Whenua Rāhui kawenata). We would also like to take this opportunity to provide information about where you may be able to find financial or other support to help manage your significant site.

Next steps

No decisions have been made. Once we have had an opportunity to discuss this work with landowners, Council will consider whether to schedule the significant site in the District Plan alongside other significant natural areas.

Scheduling a significant natural area in the District Plan will provide for some protection for the site due to the policies and rules that apply under the plan.

Included with this letter is FAQ sheet that explains:

- Why Council identifies significant natural areas
- The implications of scheduling a significant natural areas in the District Plan
- Potential funding and other support for managing an significant natural area

If you would like to discuss these matters further, please email Lynette.Mettam@rotorualc.nz. Please provide a reference to the significant natural area number quoted in this letter, your name and telephone contact details in the email. To assist with our organisation, it would be great if you could respond by 19 October 2018.

It would also help us out if you could outline what your key questions are. We can then either arrange a meeting or organise for someone to ring to discuss your questions.

We look forward to discussing this further.

Yours sincerely



Kim Smith
Senior Policy Advisor

Te Waerenga Road 2

Site Number: 679
Ecological District: Ōtānewainuku
Source of Information: Field work 2016
Digital Scale: 1:5,000
Data Source: BOPLASS Ltd 2013
Regional Council: Bay of Plenty
1998 Site Number: Not identified as a site in Shaw and Beadel (1998)
Current Tenure: Unprotected
Site Area: 80.6 ha
Altitude Range: 360-480 m
Bioclimatic Zone: Lowland
Grid Reference: NZTM E1885885, N5789255

VEGETATION		LANDFORM	EXTENT
CODE	TYPE		
1	Tawa-mangeao forest Dominated by tawa (<i>Beilschmedia tawa</i>) and mangeao (<i>Litsea calicaris</i>), with miro (<i>Prumnopitys ferruginea</i>), kotukutuku (<i>Fuchsia excorticata</i>), rewarewa (<i>Knightia excelsa</i>), hīnau (<i>Elaeocarpus dentatus</i>), kamahi (<i>Weinmannia racemosa</i>) and occasional mamaku (<i>Cyathea medullaris</i>), rimu (<i>Dacrydium cupressinum</i>), and pukatea (<i>Laurelia novae-zelandiae</i>) scattered throughout the canopy. Understorey species include scattered <i>Asplenium bulbiferum</i> , kanono (<i>Coprosma grandifolia</i>), mangeao, tawa seedlings, leaf litter, karamū (<i>Coprosma robusta</i>), māpou (<i>Myrsine australis</i>), and supplejack (<i>Ripogonum scandens</i>). Local patches of barberry (<i>Berberis glaucocarpa</i>) are present on the margins.	Flat, low hills	18.4 ha
2	Tawa forest - mostly viewed from a distance With emergent pukatea and rewarewa. Mangeao, kamahi, mamaku, māhoe (<i>Melicytus ramiflorus</i>), rimu, and hīnau are also present in the canopy.	Flat, low hills	51.37 ha
3	Rewarewa/tawa forest - viewed from a distance	Flat, low hills	2.38 ha
4	Tawa-(rewarewa) forest With occasional rimu, tānekaha (<i>Phyllocladus aspleniifolius</i>), horoecka (<i>Pseudopanax crassifolius</i>), and rimu in the canopy. Other species scattered throughout the canopy include māhoe, makomako (<i>Aristotelia serrata</i>), and whekī (<i>Dicksonia squarrosa</i>). Understorey species include kiokio (<i>Blechnum novae-zelandiae</i>), bracken (<i>Pteridium esculentum</i>), sapling rewarewa, barberry, Himalayan honeysuckle (<i>Leycesteria formosa</i>), karamū, and <i>Coprosma dumosa</i> .	Flat, low hills	2.53 ha
5	Tawa forest (with local pukatea) and tawa-rewarewa-pigeonwood forest.	Flat, low hills	5.98 ha

Indigenous Flora: No threatened or at risk plant species as listed in de Lange *et al.* 2013 have been recorded from this site.

Fauna: No threatened or at risk bird species as listed in Robertson *et al.* 2013 have been recorded from this site.

Notes on Overall Condition: Tawa forest remnants surrounded by farmland. There are numerous landowners adjacent to this site with a variety of fencing and grazing regimes. Where grazed the understorey is sparse.

Change Relative to Shaw and Beadel (1998):	Unknown
Threats/Modification/Vulnerability:	Some areas are grazed by farm stock. Possum (<i>Trichosurus vulpecula</i>) browse was observed in some forest canopies. There are local patches of barberry and hawthorn (<i>Crataegus monogyna</i>) on margins of the site. In Area 5 there are a few planted Tasmanian blackwood along one margin.
Risk Assessment:	Grazing: Risk to site - medium; Timeframe - low. Pest plants: Risk to site - low; Timeframe - low. Pest animals: Risk to site - low; Timeframe - low.
Significance Level:	Local (Appendix 8 - Table 1 - Criteria 3.1; Table 2 - Factor L).
Significance Justification:	This site is of Local significance as it contains several areas of indigenous forest associations that are representative of the Ōtānewainuku Ecological District.
Field Work Required:	No field work required.
Notes:	This site was not identified in Beadel (2006) or Shaw and Beadel (1998).
References:	None

FAQs

Significant Natural Areas

What is a Significant Natural Area (SNA)?

Rotorua has many amazing natural resources that are significant to our community.

Under the Resource Management Act the protection of significant indigenous vegetation and habitats of indigenous fauna is considered to be of national importance. These areas could include sites that are home to native trees or wildlife or rare geothermal plants.

Many Significant Natural Areas (SNAs) are already scheduled in Rotorua's District Plan and rules apply to help protect them. Others are voluntarily protected by landowners or through management as public reserves.

Why is the Rotorua Lakes Council investigating new SNAs and extensions to existing SNAs?

Previous research already identified many SNAs in our district but further research was needed to confirm the values of 56 further sites. Council committed to investigate the significance of unconfirmed sites when we responded to submissions on the Rotorua District Plan in 2012. In 2016 Council commissioned ecologists Wildlands Consultants Limited to assess each of the 56 sites.

What are the next steps for the SNA project?

Wildlands have completed their assessment of sites and found that most of them have local, regional, national or international significance. Council is now providing these assessments to landowners and providing opportunity for landowners to discuss any concerns. Council will then consider whether to schedule the new sites in the District Plan.

What District Plan rules apply to SNAs?

If a SNA is scheduled in the District Plan, rules apply to activities within the SNA. Vegetation disturbance, vegetation clearance and earthworks are only permitted in very limited circumstances. There are also rules about structures and maintenance of existing tracks. Further information about these rules can be found in the zone chapters and Appendices 9 and 10 of the District Plan.

What assistance is there to help manage and protect your site?

Many landowners are already making use of assistance programmes and funding from different sources. But in case you weren't aware, the following may be worth investigating for your site:

Sites in the Bay of Plenty Region

Bay of Plenty Regional Council may be able to provide planning, technical and potentially funding assistance through its biodiversity, pest management and riparian management programmes. Making contact with a Land Management Officer is a good first step: call 0800 884 880. You can also find general information on the Regional Council's website about their assistance programmes: www.boprc.govt.nz/landmanagement

Sites in the Waikato Region / Waikato River Catchment

- Waikato Regional Council provides advice and funding to landowners through its biodiversity and catchment management work. Current priorities for catchment management work include the Reporoa basin and Whirinaki Catchment Project. For biodiversity assistance, the Regional Council favours sites that are considered regionally, nationally or internationally significant but is also prepared to consider locally significant sites.

- Waikato Regional Council also has funding through the 'Natural Heritage Partnership Programme'. Most of the funding is directed at community groups, but private landowners can apply to the small scale community initiatives fund to undertake activities such as pest control or other ecological restoration initiatives on covenanted land. SNA status is an advantage for making an application.
- The Waikato River Authority was established for the restoration and protection of the health and wellbeing of the Waikato River for present and future generations. It manages and distributes a large fund for river clean-up activities. Priority projects identified by the Waikato River Authority that are potentially eligible for funding include activities such as fencing of riparian areas, forest remnants or wetlands on private land.
- Waikato Catchment Ecological Enhancement Trust also has funding available for a broad range of projects.

Call Waikato Regional Council on 0800 800 401 and ask to speak to the catchment management officer for your area to find out further information about these options.

Maori land

The Ngā Whenua Rāhui Fund supports projects to protect indigenous ecosystems. There is also the Mātauranga Kura Taiao Fund, which supports whānau, hapū and iwi to revive, retain and promote traditional Māori knowledge and its practical use in the management of indigenous biodiversity: www.doc.govt.nz/get-involved/funding

Other Funding

www.naturespace.org.nz/national-funding is a great place to find further information about funds that help support environmental projects. Some examples are listed below.

- If you have a commitment to conserve land that is capable of supporting game birds, the NZ Game Bird Habitat Trust Board may be able to help create or restore suitable habitat. <https://fishandgame.org.nz>
- The Auckland Zoo Conservation Fund Small Grants Programme provides small grants for ongoing projects or pilot programmes with clear conservation value. <https://www.aucklandzoo.co.nz/get-involved/conservation-fund>
- The Mazda Foundation Trust considers grants to programmes promoting the maintenance and improvement of the natural environment <https://mazdafoundation.org.nz>
- A number of funds support community groups to make a positive difference to the environment, such as the WWF Habitat Protection Fund, the Ministry for the Environment's Community Environment Fund, the Department of Conservation's Community Fund, the ANZ NZ Staff Foundation, Weedbusters and the Kiwi Trust.

Have you thought about voluntary legal protection of your site?

Voluntary legal protection of a Significant Natural Area is commonly achieved with a QEII National Trust covenant or, for Maori Land, a Ngā Whenua Rāhui kawenata. This can have many advantages:

- Money is often available for fencing the site.
- Contestable funds are available to support landowners with ongoing management and enhancement of their protected land.
- Legal protection opens up other funding sources (such as the Waikato Regional Council's Small Scale Community Initiatives Fund), which are limited to covenanted land.
- It opens up access to a network of other landowners and support.
- Rates relief may be available in both regional and district councils.

As sites covered by covenants or kawenata are already protected they are excluded from the District Plan and no additional rules apply.

An alternative is the Nature Heritage Fund, which assists in protecting indigenous ecosystems through direct purchase or covenants on privately owned land.

Brett Walshe

From: Kim Smith <Kim.Smith@rotorualc.nz>
Sent: Thursday, 8 November 2018 11:23 AM
To: 'Brett Walshe'; 'cath.walshe@hotmail.com'
Cc: Henry Weston; Jason Ward
Subject: Significant Natural Area Investigation

Mr & Mrs Walshe
304A Kaharoa road
Kaharoa
RD 6
ROTORUA
3096

Dear Brett & Catherine,

SIGNIFICANT NATURAL AREAS – 304A KAHAROA ROAD

I refer to our previous correspondence, and to the meeting you had at your place with Henry Weston and Jason Ward to discuss the potential of a Significant Natural Area (SNA) on your property.

As you know, the Council is currently considering whether to propose any amendments to the District Plan to include new SNAs and is working with landowners to understand the context relating to the properties involved. You have advised that:

- Your property was created as part of a subdivision in 2007. As part of this subdivision approximately 2.1 hectares of vegetation is protected by way of a Consent Notice which is registered on the title. This consent notice states:
 - No stock shall be allowed into these areas.
 - Fencing of the areas shall be maintained to a stock-proof standard on an on-going basis.
 - No removal, felling, or wilful damage of indigenous vegetation shall be permitted unless with the prior written permission of the Rotorua District Council.
 - No earthworks shall take place without the prior written approval of the Regional Council.
 - No fires shall be permitted.
- Further, approximately 1.79 hectares is protected by way of an existing Conservation Covenant under section 77 of the Reserves Act
- This leaves approximately 2 hectares that at the time of the subdivision was considered and not included as part of the condition (consent notice) requiring it to be legally protected. Since the granting of the subdivision and issuing of title you have enhanced all of the existing areas of vegetation including fencing the areas where appropriate. Your family have committed to the protection of these areas.

On this basis, you believe that the potential SNA should not form part of the schedule in the District Plan.

We have considered your situation as described and also the Wildlands assessment, the significance (local) attached to the land and the existing legal protection that already exists. Based on these factors, we can advise that we will not be

recommending to the Resource Management Act Policy Committee to include your site within any future potential amendments to the scheduled sites in the District Plan.

Regards
Kim Smith

Kim Smith *Kaitohu Kaupapa Here* - Senior Policy Advisor | *Kāhui Mahi* – Operations Group, Planning & Development Solutions

P: 07 351 8289 E: kim.smith@rotorualc.nz | W: rotorualakescouncil.nz

From: Brett Walshe [<mailto:brett@bsk.co.nz>]
Sent: Wednesday, 17 October 2018 11:32 a.m.
To: Kim Smith
Subject: FW: Significant Natural Area Investigation

Hello Kim – see below, Friday now out.

Brett Walshe
B.E. Civil (Hons), CMEngNZ, CPEng

Mobile 021 213 7567
Email brett@bsk.co.nz
Telephone 07 348 5394
314 Malfroy Road
P.O. Box 23 Rotorua 3040

http://webdefence.global.blackspider.com/urlwrap/?q=AXicY3Rm2PWTgeHAlwaGopxKA8NsveKiMr3cxMyc5Py8kqL8HL3k_FyGckt334gQ9zQDEwNDU1MG78xcveDczJIMh6L8kvyi0sScZL28KoaMkpICK3398vJyvaTibKBGkCADQ_IbBgYAJMYiZg&Z

From: Cath Walshe <cath.walshe@hotmail.com>
Sent: Wednesday, 17 October 2018 11:22 AM
To: Brett Walshe <brett@bsk.co.nz>
Cc: Kim Smith <Kim.Smith@rotorualc.nz>
Subject: Re: Significant Natural Area Investigation

Sorry can't do this Friday either
Regards
Catherine

Sent from my iPhone

On 17/10/2018, at 8:31 AM, Brett Walshe <brett@bsk.co.nz> wrote:

Hello Kim – my apologies for the delay in responding but I was assisting at Kaharoa School yesterday as previously advised.

My partner Catherine (who manages our property and undertakes all of the weed control) & me are willing to meet with Henry Weston. The timing may be difficult to coordinate. Thursday afternoons from 3:00pm onwards are out. Next Thursday (25/10/18) is out completely. I work in town so I am trying to avoid making a special trip but this may be unavoidable. I think Henry will need 1.5 – 2 hours on site.

Possible times – this Friday at 9:00am, next Tuesday or Wednesday at 1:00pm, next Friday at 9:00am. If that doesn't work we will have to start again.

With regard to contact with Jason Ward – Jason rang me at 5:00pm on 9/10/18 about another matter. I was on another call but returned his call (to his mobile) at 5:14pm. I rang the same mobile number on 10/10/18 at 11:09am. I have also left a message through Council's 3484199 number on 12/10/18. Presumably he is busy.

Brett Walshe

B.E. Civil (Hons), CMEngNZ, CPEng

Mobile 021 213 7567

Email brett@bsk.co.nz

Telephone 07 348 5394

314 Malfroy Road

P.O. Box 23 Rotorua 3040

www.bsk.co.nz

From: Kim Smith <Kim.Smith@rotorualc.nz>

Sent: Tuesday, 16 October 2018 9:05 AM

To: 'brett@bsk.co.nz' <brett@bsk.co.nz>

Cc: Jason Ward <Jason.Ward@rotorualc.nz>; Henry Weston <Henry.Weston@rotorualc.nz>

Subject: RE: Significant Natural Area Investigation

Dear Mr Walshe

I understand Jason and you have not managed to make contact, with both of you missing each other's calls. But we were wondering whether you would instead like to meet with Henry since you already had a brief discussion with him after the meeting yesterday?

Please let us know what suits.

Kim

Kim Smith *Kaitohu Kaupapa Here* - Senior Policy Advisor | **Kāhui Mahi** – Operations Group, Planning & Development Solutions

P: 07 351 8289 **E:** kim.smith@rotorualc.nz | **W:** rotorualakescouncil.nz

From: Kim Smith

Sent: Friday, 12 October 2018 9:46 a.m.

To: 'brett@bsk.co.nz'

Cc: Jason Ward; Robert Griffiths

Subject: Significant Natural Area Investigation

Dear Mr Walshe

We appreciate your offer to meet at your property and would like to take the opportunity to discuss your issues. As you do not wish to meet with any planners, our department manager, Jason Ward, and our partnership advisor, Rob Griffiths, have offered to meet with you. Both have a good understanding of SNAs and would be well placed to discuss the potential implications of SNAs, to answer any questions you may have and to appreciate your potential issues. Please let me know if I can go ahead and arrange this and what times might suit.

I'd just like to clarify that the timeframe of 19 October in my letter was not a timeframe to formulate a substantive response. Rather, we meant 'it would be great' if you could respond by this time to our request to meet with us.

Kim

Kim Smith *Kaitohu Kaupapa Here* - Senior Policy Advisor | *Kāhui Mahi* – Operations Group, Planning & Development Solutions

P: 07 351 8289 E: kim.smith@rotorualc.nz | W: rotorualakescouncil.nz

From: Brett Walshe [<mailto:brett@bsk.co.nz>]

Sent: Rāpare, 04 Whiringa-ā-nuku, 2018 8:13 p.m.

To: Lynette Mettam

Subject: SNA 679, 304A Kaharoa Road

Hello Lynette – I acknowledge receipt of a letter from Kim Smith dated 2/10/18 & received today.

We request a meeting with Geoff Williams and Steve Chadwick. We do not want any RLC planners at the meeting. Ideally the meeting should be at our property so we can illustrate some of the issues to them. We are not available on 16/10/18 as we are assisting with an event at Kaharoa School.

We request a list of all the other Kaharoa/Hamurana property owners who are also in receipt of similar letters relating to their potential SNA's. Please do not cite privacy as a reason for denying this information to us.

We disagree with at least one of the assessments made by Wildlands. They have also blatantly ignored how we use our property – this can only be at the clear direction of RLC. The cost implications for us are significant – we have asked for financial assistance in the past from both RLC & BOPRC. This has been denied. So to suggest help is available is disingenuous.

We will be taking legal and planning advice on this matter. We will seek to claim those costs back from RLC.

We wish to express our extreme displeasure at the lack of time we have been allowed to formulate a response. This is a cynical move by the planning staff. Competent solicitors, private planners and consulting engineers are all extremely busy.

We request that this email response go directly to Geoff Williams and Steve Chadwick.

Brett Walshe

B.E. Civil (Hons), CMEngNZ, CPEng

Mobile 021 213 7567

Email brett@bsk.co.nz

Telephone 07 348 5394

314 Malfroy Road

P.O. Box 23 Rotorua 3040

http://webdefence.global.blackspider.com/urlwrap/?q=AXicY2Rm2PWTgeHAIwaGopxKA6NsveKiMr3cxMyc5Py8kqL8HL3k_FyGcksTc1enbF8DQ2NzMwsGn8q81JKSVD1fIJmY61CUX5JfVJqYk6yXV8WQUVJSYKWvX15erpdUnA3UDRJkYEh-w8AAAMMqJBU&Z

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29 July 2019

File Ref: 69-06-040

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Civic Centre
1061 Haupapa Street
Private Bag 3029
Rotorua Mail Centre
Rotorua 3046
New Zealand

BRINDLEY FAMILY TRUST
& MR BRETT CHRISTOPHER WALSH
304A KAHAROA ROAD
RD 6
ROTORUA 3096

Tēnā koe

DISTRICT PLAN –PLAN CHANGE 3 (SIGNIFICANT NATURAL AREAS) – SITE NOT PROPOSED FOR INCLUSION

We are writing to let you know that Council has developed a proposed plan change to the Rotorua District Plan and that submissions are currently being sought on this proposal. The proposed plan change relates to the identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna (known as significant natural areas or SNAs), which are protected by special rules and policies in the Rotorua District Plan. We have identified you as an owner, ratepayer, trustee or other contact for a property that was considered in the development of this proposed plan change but has not been recommended for inclusion.

- Location: 304A KAHAROA ROAD
- SNA: 679

While the Council is currently proposing not to identify new significant natural areas on this property, you may still wish to make a submission to support or oppose the proposed plan change. Once the submission period has closed submitters will have the option of presenting their submissions in person at a hearing. The anticipated timeframe for the hearing is early 2020.

Please note the plan change only addresses the mapping of the significant natural areas and does not address the associated rules and policies for significant natural areas in the District Plan, which Council made operative in 2016.

We have included a copy of the public notice over the page. The submission form, as well as the plan change evaluation report (section 32 report) detailing the proposed plan change can be found on the Council's website at www.rotorualakescouncil.nz/koreromai. Refer particularly to page 64 of the plan change evaluation report, which considers a significant natural area on this property.

Submissions close 30 August 2019

If you have any questions about the proposal or the submission process please email me at policy.planing@rotorualc.nz.

Yours sincerely



Kim Smith
Senior Policy Advisor

Brett Walshe

From: Brett Walshe <brett@bsk.co.nz>
Sent: Wednesday, 27 June 2018 9:48 AM
To: Paula Meredith (Paula.Meredith@rotorualc.nz)
Subject: Valve Access, 304A Kaharoa Road
Attachments: doc01365620180627093151.pdf; doc01365720180627093210.pdf

Hi Paula – I got a call from Steven (sic?) following up on the email I had sent over this matter. He was courteous – I was blunt. He pointed out that there was no record of any notification from us on the file. I am not at all surprised by this, given the people I was dealing with. A copy of two of the letters is attached, I have highlighted the relevant portions. Worksafe did eventually respond – they weren't interested. I took from this that that they are only concerned with prosecutions rather than prevention of harm.

We have been at that address since November 2007. I am fairly sure I spoke to Kim Lockie about it and suspect that if I search my emails I may have some other correspondence too.

As I said to Infracore staff on the night (we loaned them our Mule) – we are happy to co-operate with Council. We are disappointed with being repeatedly ignored though.

Brett Walshe
B.E. Civil (Hons), CMEngNZ, CPEng

Mobile 021 213 7567
Email brett@bsk.co.nz
Telephone 07 348 5394
314 Malfroy Road
P.O. Box 23 Rotorua 3040
www.bsk.co.nz

Brett Walshe

From: Brett Walshe <brett@bsk.co.nz>
Sent: Thursday, 21 June 2018 7:52 PM
To: Paula Meredith (Paula.Meredith@rotorualc.nz)
Subject: Kaharoa Water Supply Valves, Safe Access

Hi Paula – not sure who to start with but I need to talk to someone about this who is going to actually listen & act. We have some very polite Infracore staff out here right now who have been given a raw deal with regard to H&S. I have raised this with Council before and am happy to produce written records if need be. But mostly we need to make some changes to make any future access safe. If you are able to devote some time I can show you what the problem is at Council – I suspect a site visit may also be necessary. Let me know when you can spare some time. Property is 304A Kaharoa Road, valves at southwest corner are the problem.

Brett Walshe
B.E. Civil (Hons), CMEngNZ, CPEng

Mobile 021 213 7567
Email brett@bsk.co.nz
Telephone 07 348 5394
314 Malfroy Road
P.O. Box 23 Rotorua 3040
www.bsk.co.nz

Brett Walshe

From: BSK Consulting Engineers LTD <brett@bsk.co.nz>
Sent: Thursday, 24 January 2008 12:14 PM
To: Rebecca Jull
Subject: Re: Spitz Properties 304 Kaharoa Rd. Water supply issues; 63-07-021

Rebecca - I acknowledge receipt of your e-mail. Everything you have said is correct - that is not in dispute. I mentioned the consent notice date in relation to the site visit with you & our contact with the Rates Department to point out that there has been an opportunity since May 2007 for this to be considered by Council. That has not occurred & it is only now that we have been advised to approach our local Representative to address this issue. We will do that.

I am surprised that so many Council staff are now interested in this issue. In May 2007 there was little interest shown.

BW

----- Original Message -----

From: [Rebecca Jull](#)
To: [Phil Kerrison](#) ; [BSK Consulting Engineers LTD](#)
Sent: Thursday, January 24, 2008 11:22 AM
Subject: RE: Spitz Properties 304 Kaharoa Rd. Water supply issues; 63-07-021

Brett;

I believe that you and your wife were present at the site visit undertaken at 304 Kaharoa Road with the land owner, myself and Richard Lawton with the intent of depicting the areas that are to be held under the consent notice. At this stage you were made completely aware of the areas that would be included or not and were advised that this consent notice was definitely going to be attached with the support of the previous land owner.

On this date you also tried to interrogate in regard to whether you would be paying rates or not, and yes as this is a separate legislation and department I did advise you to speak with the Rate Department, however I also gave the indication to you and your wife at this stage that it was unlikely that a reduction will be provided.

During this site visit and with previous phone calls I believe that I have given your sufficient planning advice (that being my field) and advised you of the potential outcome with the Consent Notice imposed.

I agree that it is an area that should be taken into account, however as Phil has said this requires a political decision by delegated authority and therefore we can only work and adhere to what we have.

Sincerely

Rebecca Jull

From: Phil Kerrison
Sent: Thursday, 24 January 2008 10:50 a.m.
To: 'BSK Consulting Engineers LTD'
Cc: Keith Lloyd; Laurence Kirk; Paula Meredith; Kim Lockie; Rebecca Jull; Barbara Jamieson-Tucker; Ian Irving; Jean-Paul Gaston
Subject: RE: Spitz Properties 304 Kaharoa Rd. Water supply issues; 63-07-021

Brett.

The email I received yesterday from Keith Lloyd was the first time I had been sent information on this issue, and I responded as promptly as possible. Please reserve your criticism for those who you believe may deserve it - I am simply providing you with an answer to your query. I also take issue with your reference to my reply on 24/01/08 being "hasty" - my reply was prompt, but it was most certainly not "hasty"! Council does not currently have a policy to provide rates relief in such situations, over and above the reduction in the rateable value of the property due to the restrictive covenant. The issue of transferring the incidence of rates between properties by way of rates remissions, for whatever reason, is matter for the elected representatives to determine, and for the officers of Council to implement.

You most certainly can take this matter further through other channels, and given that what you are talking about involves the creation of a new Council policy, I suggest you might like to start by making contact with one of your North Ward councillors. Their contact details are attached.

Phil

Phil Kerrison
Rates Technical Manager
Rotorua District Council
Ph (07) 350 0209 extn 8039
Fax (07) 350 0205
Email phil.kerrison@rdc.govt.nz

From: BSK Consulting Engineers LTD [<mailto:brett@bsk.co.nz>]
Sent: Thursday, 24 January 2008 10:15 a.m.
To: Phil Kerrison
Subject: Re: Spitz Properties 304 Kaharoa Rd. Water supply issues; 63-07-021

Phil - We have been waiting since May of 2007 for an answer to this. I first raised it with Rebecca Jull (Planning) who referred me to Rates who in turn referred me to a firm in Tauranga responsible for land valuations. I left a message with that firm - they never returned the call. In the meantime we made our offer, before the consent notice of 5/07/07. In October 2007 the property went unconditional & shortly after that I used the RDC website to pursue the matter again. It wasn't until I raised the matter with Keith Lloyd on 23/01/08 that Council bothered to reply. The hasty response, on 24/01/08 demonstrates that Council has not afforded this issue the consideration it merits.

Council rates the entire property on a farm rate. Clearly, with a Council imposed conservation covenant (which we intend to respect) the area under covenant cannot be farmed. Or to make it clearer, no revenue can be derived from it. The original covenant area was smaller & was instituted when it was part of a much larger area of land. As such it was a small percentage of the area & hence the rates. The covenant area now is 2.425ha on a 21.54ha block. To make the Covenant ideal worthwhile the fences have to be maintained, the weeds controlled & the pests eradicated. Council have indicated they will not assist with any of this - why then should we be penalised on the rates so that Council's altruistic intentions are realised?

I implore Council to reconsider rather than applying a "one rule for all situations" approach as has happened here. If there is no reduction then we will have no alternative but to take this matter further through other channels. We realised the implication of the Covenant before we signed up for this property & raised the issue with Council. Do not penalise us for the inability of Planning & Rates staff to communicate effectively with each other & with us.

BW

----- Original Message -----

From: [Phil Kerrison](#)
To: [Keith Lloyd](#) ; [BSK Consulting Engineers LTD](#) ; [Laurence Kirk](#)
Cc: [Paula Meredith](#) ; [Kim Lockie](#) ; [Rebecca Jull](#) ; [Barbara Jamieson-Tucker](#) ; [Ian Irving](#) ; [Jean-Paul Gaston](#)
Sent: Thursday, January 24, 2008 8:59 AM
Subject: RE: Spitz Properties 304 Kaharoa Rd. Water supply issues; 63-07-021

Good morning Brett.

My understanding is that this restrictive covenant was a requirement under the District Plan as a condition of consent for the sub-division. Planning can no doubt explain this better, but I believe it has to do with ensuring certain areas of indigenous vegetation, such as those within the vicinity of the Kapukapu reserve, remain untouched, rather than the land being cleared and used for farming purposes. This may be because of land drainage/soil conservation issues, lakewater quality, or the enhancing the maintenance of the native flora and fauna (particularly native birdlife), or a combination of these.

However regardless of the reasons, this particular covenant will have been apparent to both the sub-divider of the land, and to all prospective purchasers of the land. The loss of the area of land involved will therefore already have been factored into the sale price of the block, and this will be reflected in the rateable value of the land, if not already due to the requirements under the District Plan for this particular zone, then certainly at the next general revaluation in 2008.

Please give me a call if there are any aspects of the above you would like to discuss.

Regards,

Phil

Phil Kerrison
Rates Technical Manager
Rotorua District Council
Ph (07) 350 0209 extn 8039
Fax (07) 350 0205
Email phil.kerrison@rdc.govt.nz

From: Keith Lloyd
Sent: Wednesday, 23 January 2008 9:18 a.m.
To: 'BSK Consulting Engineers LTD'; Phil Kerrison; Laurence Kirk
Cc: Paula Meredith; Kim Lockie
Subject: FW: Spitz Properties 304 Kaharoa Rd. Water supply issues; 63-07-021

Thank you Brett, MTEC need to demonstrate to RDC they have sorted out the supply issues as per the conditions.

Laurence, are you able to confirm the need for storage to the other purchaser as per your advice given for consent conditions and subsequent information notice. Do you have as built info on the meter and connection which MTEC advise was installed by CCorp.

Phil, can you help Brett please regarding the separate rates issue ?

Thanks

KL

From: BSK Consulting Engineers LTD [mailto:brett@bsk.co.nz]
Sent: Wednesday, 23 January 2008 8:21
To: Keith Lloyd
Subject: Re: Spitz Properties 304 Kaharoa Rd. Water supply issues

Keith - Thank you for forwarding this letter. However, you have misunderstood one aspect, which is why I offered to come & see you to demonstrate what the problem is. The cross connection is correct but the assertion that the new meter is serving the wrong house is not. I have no clear understanding as to what the new meter is connected to. I have been to see MTEC, who are suitably embarrassed.

The purchaser of the lower house is being given misinformation about the need for 12 hour storage on the property. The subdivision consent clearly states 12 hour storage is required. If this is not the case then this condition needs to be removed from the consent. It would be foolish if this approach was taken though.

We have also been seeking a response from RDC with regards to rates on this property. Council have required that 10% of the property be under a Conservation Covenant. We are happy with this but have no intention of paying the farming rate on land from which no revenue can be derived. We have been seeking an answer on this since May of last year but there has been no response. We are finding it increasingly difficult to have patience with this "not our responsibility" attitude which is being espoused by Council staff. Our last contact on this matter was Barbara Jamieson Tucker.

BW

----- Original Message -----

From: Keith Lloyd

To: brett@bsk.co.nz

Sent: Tuesday, January 22, 2008 6:09 PM

Subject: FW: Spitz Properties 304 Kaharoa Rd. Water supply issues

cfyi

Keith

From: Keith Lloyd

Sent: Tuesday, 22 January 2008 5:51

To: 'richard.lawton@mtec.co.nz'

Cc: Kim Lockie; Paula Meredith

Subject: Spitz Properties 304 Kaharoa Rd. Water supply issues

Richard,

Please refer to the attached letter, a hard copy of which is in the mail.

Regards
Keith Lloyd

Development Engineer
Rotorua District Council
Tel (07)348-4199
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<<Spitz Properties; s224 Water Supply Conditions.DOC>>

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