

# MEETING – AGENDA –

Ngā Take



# POLICY COMMITTEE

Komiti Kaupapa Here

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**PP21-5**  
**Tuesday, 7 September 2021**  
**Council Chambers**  
**Barkes Corner, Tauranga**  
**9.30am**



*Western Bay of Plenty  
District Council*

# Policy Committee

## Membership

<b>Chairperson</b>	Mayor Garry Webber
<b>Deputy Chairperson</b>	Cr Monique Gray
<b>Members</b>	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Anne Henry Cr Kevin Marsh Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Allan Sole Cr Don Thwaites
<b>Quorum</b>	6
<b>Frequency</b>	Six weekly

## Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

## Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Development, review and approval of strategies and plans in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Development of the Future Development Strategy and urban settlement plan.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).
- To report to Council on financial implications of policies and recommend any changes or variations to allocated budgets.
- Listen to and receive the presentation of views by people and engage in spoken interaction with people pursuant to section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the special consultative procedure as required by the Local Government Act 2002 or any other Act.

- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of the social and cultural wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Develop the draft Statement of Intent for any Council Council-Controlled organisation (CCO) and review, assess and make recommendations to Council on any modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) or governance arrangements.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
  - SmartGrowth Leadership Group
  - Regional Land Transport Committee
  - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
  - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards,
  - Maketu-Te Puke Ward Forum
  - Kaimai Community Ward Forum
  - Katikati- Waihi Beach Ward Forum

## Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

## Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

## Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.

Notice is hereby given that a Policy Committee Meeting will be held in the Council Chambers, Barks Corner, Tauranga on:  
Tuesday, 7 September 2021 at 9.30am

## Order Of Business

<b>1</b>	<b>Present .....</b>	<b>5</b>
<b>2</b>	<b>In Attendance .....</b>	<b>5</b>
<b>3</b>	<b>Apologies .....</b>	<b>5</b>
<b>4</b>	<b>Consideration of Late Items .....</b>	<b>5</b>
<b>5</b>	<b>Declarations of Interest .....</b>	<b>5</b>
<b>6</b>	<b>Public Excluded Items .....</b>	<b>5</b>
<b>7</b>	<b>Public Forum.....</b>	<b>5</b>
<b>8</b>	<b>Presentations .....</b>	<b>5</b>
<b>9</b>	<b>Reports .....</b>	<b>6</b>
9.1	Elder Housing Operational Policy Adoption .....	6
9.2	Approval to Commence a Review of the Western Bay of Plenty Operative District Plan.....	14
9.3	Submission on behalf of Council - Proposed Change 5 (Kaituna) to the Regional Policy Statement .....	19
<b>10</b>	<b>Information for Receipt.....</b>	<b>28</b>

**1 PRESENT****2 IN ATTENDANCE****3 APOLOGIES****4 CONSIDERATION OF LATE ITEMS****5 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

**6 PUBLIC EXCLUDED ITEMS****7 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

**8 PRESENTATIONS**

## 9 REPORTS

### 9.1 ELDER HOUSING OPERATIONAL POLICY ADOPTION

**File Number:** A4299373

**Author:** Jodie Rickard, Senior Policy Analyst

**Authoriser:** Emily Watton, Policy and Planning Manager

#### EXECUTIVE SUMMARY

1. The purpose of this paper is to present the Elder Housing Operational Policy for adoption.
2. The Elder Housing Operational Policy guides Council's approach to managing its tenancies. It includes tenant eligibility criteria and rent setting.
3. Council has legislative obligations to its tenants under the Residential Tenancies Act 1986. The requirement to meet those obligations is included in the Elder Housing Operational Policy.

#### RECOMMENDATION

1. That the Senior Policy Analyst's report dated 7 September 2021, titled Elder Housing Operational Policy Adoption, be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Elder Housing Operational Policy, Attachment 1 to the agenda report, dated 7 September 2021, be adopted.
4. That, in adopting the Elder Housing Operational Policy dated 7 September 2021, all previous decisions relating to tenant eligibility criteria and rent setting are superseded.
5. That, in order to implement the Elder Housing Operational Policy, the Policy Committee recommends to Council the following delegations to the Chief Executive:

Application Criteria guidelines for Elder Housing, including:

- the ability to suspend some of the eligibility criteria where an individual's circumstances may warrant it;
- The ability to negotiate tenancies with community housing providers, where an individual's circumstances may warrant it;
- The ability to negotiate rental increases with individual tenants, where an individual's circumstances may warrant it.

#### BACKGROUND

##### Decision to develop Elder Housing Operational Policy

The development of this operational policy is an outcome of the Section 17A review of Council's elder housing activity, and Council's decision through the Long Term Plan 2021-31 to continue to operate elder housing as an activity of Council.

The review recommended that an operational policy be developed that sets out eligibility criteria and tenancing guidelines, as well as the policy and process for the setting of rents.

Council resolved to develop an operational policy for its elder housing through its decisions on the Long Term Plan 2021-31. (For reference purposes, the resolution number is APLTP21-3.12 dated 31 May 2021).

Council does not currently have an elder housing policy. However previous decisions have been made on the level rent will be set at, and eligibility criteria is in place.

The development of this policy:

- updates Council's current practices.
- updates and confirms the eligibility criteria for elder housing.
- updates and confirms the process for setting rents.

## **Contents of the Elder Housing Operational Policy**

### Rent Setting

The key direction of the Policy is to set out how Council will set rents for elder housing.

Council gave direction through the Long Term Plan 2021-31 (LTP) that the elder housing activity should be a 'ring fenced' activity of Council, meaning its revenue covers the full cost of providing the activity. This is reflected in Council's Revenue and Financing Policy (included in the LTP).

The recommendation from the Section 17A review was that rents should be no more than 35% of nett New Zealand Superannuation, plus the Accommodation Supplement.

This is considered to create a good balance between keeping rentals affordable for tenants, and ensuring the revenue generated from rents covers all operational and redevelopment costs.

An example is set out below (note this example is also included in the Draft Policy):

- Council sets rent at \$220 a week.
- At \$220 a week, the accommodation supplement is currently \$77.70
- Effective rent is \$142.30 (rent minus accommodation supplement).
- NZ super is \$436.94 a week (nett).

The *Effective Rent* as a percentage of NZ super is 32.6%.

Note that the calculation of the rate of New Zealand superannuation does not account for the winter energy payment.

It is also worth noting that Council pays water rates directly. These costs are not passed on to tenants.

### Eligibility Criteria for tenants

The Elder Housing Operational Policy also includes the eligibility criteria for tenants.

Council currently uses criteria for tenant selection, primarily being that the tenants are over 65 years and have assets worth \$20,000 or less (or \$25,000 for a couple).

In the Policy this criteria has been updated. The main change is that the assets can now be worth \$40,000 or less for a single person, and \$50,000 or less for a couple. This change makes the option of elder housing available to a wider group of people who are of limited financial means.

Council also currently includes a criteria that tenants can only earn up to \$100 before tax each week. This criteria has been removed, as tenants may choose to work for some period of the year (e.g. doing seasonal work) and this criteria limits their ability to do that.

### Delegations to the Chief Executive

The Chief Executive is currently delegated the application of the eligibility criteria for tenants. It is recommended these delegations enable flexibility in applying both the eligibility criteria and negotiation of rent increases. This is to recognise that new and existing tenants may have different situations or challenges they are facing, and Council want to be able to respond to in a way that best meets the tenant's needs.

## SIGNIFICANCE AND ENGAGEMENT

4. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

5. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance. This is because extensive analysis and engagement has already been completed through the Section 17A review of Council's elder housing activity, and through the Long Term Plan 2021-31. The consultation included the proposal for increases in rents. This was communicated to tenants through one-one-one meetings between ward councillors and tenants, held in March, July and December 2020. In addition, letters were sent to tenants seeking feedback into the Long Term Plan proposals. Several submissions were received from tenants. Overall, there was wide support for Council continuing to provide elder housing, even though this would mean increases to rent. The development of this policy is consistent with the feedback received on the elder housing activity.

## ENGAGEMENT, CONSULTATION AND COMMUNICATION

6. The table below outlines the engagement undertaken to date on Council's elder housing activity.

Interested/Affected Parties	Completed Engagement/Consultation/Communication		
Tenants	<p>One on one meetings with ward councillors in each tenant's home, to share information.</p> <p>Independent contact person set up so tenants could raise any concerns they had, exclusive of Council. 0800 number set up so they could contact independent person directly at no cost.</p> <p>Letters sent to each tenant advising of Long Term Plan Consultation Document and seeking their feedback.</p> <p>Ongoing updates from tenancy managers during visits with tenants.</p> <p>Specific support given to tenants to ensure they are receiving subsidies they are entitled to from WINZ.</p>		
General Public	<p>Engagement through the LTP 2021-31:</p> <ul style="list-style-type: none"> <li>- Pre-engagement (Phase 2) September 2020.</li> <li>- Formal Consultation (Special Consultative Procedure). Elder Housing included as a key proposal. Draft Schedule of Fees and Charges included proposed increases to rent.</li> </ul>		

## ISSUES AND OPTIONS ASSESSMENT

7. Council may choose to either:
- (a) Adopt the Elder Housing Operational Policy, as per the recommendations of this report.
  - (b) Not adopt the Elder Housing Operational Policy.



<b>Option A Adopt the Elder Housing Policy</b>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• Economic</li> <li>• Social</li> <li>• Cultural</li> <li>• Environmental</li> </ul>	<p><u>Advantages:</u></p> <ul style="list-style-type: none"> <li>- Clear process for the setting of rents, which gives certainty to tenants.</li> <li>- Clear and updated eligibility criteria, which enables staff to make consistent decisions around tenancies.</li> <li>- Clear delegations to the Chief Executive to implement the policy, giving staff a degree of flexibility to consider specific personal and financial situations of existing or prospective tenants.</li> </ul> <p><u>Disadvantages:</u></p> <ul style="list-style-type: none"> <li>- There are no disadvantages associated with this outcome.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs).</b></p>	<p>The key cost of this option is staff time to implement the policy. This is estimated to be equivalent to the staff time already used to implement the existing eligibility criteria and to set rents, so there is no additional cost involved.</p> <p>In agreeing to the approach to rent setting, Council is potentially foregoing rent that it could receive if it set a market rental. The Section 17A Review and the draft Policy weighs this against the reasons why Council is ‘in the business’ of providing elder housing, and the benefits that come with that.</p>
<p><b>Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).</b></p>	<p><u>Key Assumption</u></p> <ul style="list-style-type: none"> <li>- That the eligibility criteria for the accommodation supplement (or similar subsidy) will either remain the same, or become more favourable to those receiving New Zealand superannuation.</li> </ul> <p>Note that if this assumption were to change, Council would need to undertake a review of its policy.</p>
<b>Option B Do not adopt the Policy</b>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• Economic</li> <li>• Social</li> <li>• Cultural</li> </ul>	<p><u>Advantages</u></p> <p>If Council does not adopt this policy, it could retain flexibility to set rents annually, based on a range of factors that could be considered at the time.</p>

<ul style="list-style-type: none"> <li><b>Environmental</b></li> </ul>	<p><u>Disadvantages</u></p> <ul style="list-style-type: none"> <li>- No clear direction for rent setting or the reasons why rents are set at the level prescribed in the draft Policy. This means Council could change its rationale and potentially increase rents, without that being reviewed against an agreed policy position.</li> <li>- The development and adoption of this Policy was a recommendation of Council's Section 17A Review of its elder housing activity. If Council decides not to proceed with adopting this Policy, it should also reconsider the recommendations of the Section 17A review and agree another approach or determine clear rationale as to why that recommendation has not been implemented.</li> <li>- No clear eligibility criteria that has been agreed by Council.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs).</b></p>	<p>There are no specific costs associated with this option, however there may be additional staff time required if Council decides to do annual reviews of its rent setting on a case-by-case basis.</p>

### STATUTORY COMPLIANCE

There is no statutory requirement for Council to have an Operational Elder Housing Policy. However Council resolved through the Long Term Plan 2021-31 that it would continue to operate elder housing, and it would prepare an operational policy including the criteria for setting rents as outlined in the Section 17A Review of the Elder Housing Activity.

The development of the Policy is therefore consistent with that resolution.

### FUNDING/BUDGET IMPLICATIONS

There are no budget implications associated with this report.

### ATTACHMENTS

- Elder Housing Operational Policy 2021** 

## Attachment 1

### Elder Housing Operational Policy

#### 1. Relevant Legislation

Local Government Act 2002  
Residential Tenancies Amendment Act 2020

#### 2. General Approach

2.1 Western Bay of Plenty District Council owns four housing villages in Te Puke, Katikati and Waihi Beach. The villages are for the purposes of providing affordable housing for *older people* living in the District.

2.2 Council's general approach to this activity is:

- Council employs staff to carry out property and tenancy management functions, in accordance with relevant legislation.
- The activity is self-funding. That is, revenue generated (primarily rental income) covers all capital and operational expenditure, without rates input.

#### 3. Policy Objectives

3.1 To provide guidelines for tenant eligibility for people wanting to live in Council-owned elder housing units.

3.2 To provide guidelines for the setting of rents, in accordance with the general approach set out in Clause 2.

3.3 To ensure Council meets its statutory obligations with respect to tenancies.

#### 4. Definitions

**Older People** are those who are eligible for NZ Superannuation. This is currently people aged 65 years and over.

**Accommodation Supplement** is the subsidy provided by the Ministry of Social Development to support people to meet their housing costs.

**Live Independently** means to have the ability to manage living on one's own, either with or without support, as certified by a medical doctor.

**Effective Rent** means the level of rent set by Council, minus the *Accommodation Supplement*.

## 5. Policy Eligibility Criteria

- 5.1 Applicants must be *Older People* who are New Zealand residents.
- 5.2 Applicants must be able to demonstrate their total assets are worth \$40,000 or less for a single person, and \$50,000 or less for a couple.

Total assets include cash, investments, dividends, bonds, shares, trust of any kind, house and other property, car, caravan or boat.

- 5.3 It does not include furniture or personal effects. Applicants must be able to demonstrate that they are able to *Live Independently*.
- 5.4 Applicants must have two written references, or provide the details of two people willing to provide verbal references. Referees must not be relatives of the applicants.

If there is a waiting list for units, consideration will be given to the following criteria:

- Whether applicants either reside, or have a history of residency within the Western Bay of Plenty District, or
- Whether applicants have close family either residing in the District, or with a history of residency in the Western Bay of Plenty.

## 6. Ongoing Eligibility

- 6.1 Tenants are obligated to inform their tenancy manager of any changes to their circumstances.
- 6.2 At any time, Council's tenancy managers can request evidence of a tenant's eligibility to remain in their units.

## 7. Tenancy Agreements

- 7.1 Council will ensure its tenancy agreements comply with the requirements of the Residential Tenancies Act 1986 at all times.

## 8. Rent Setting

- 8.1 Council will set the *Effective Rent* at a level that amounts to no more than 35% of the nett weekly rate of NZ superannuation.

Two examples are set out below:

### Example 1: Single person receiving NZ superannuation

- Council sets rent at \$220 a week.
- At \$220 a week, the accommodation supplement is currently \$77.70
- *Effective rent* is \$142.30 (rent minus accommodation supplement).
- NZ super is \$436.94 a week (nett).

The *Effective Rent* as a percentage of NZ super is 32.6%.

**Example 2: married couple receiving NZ superannuation**

- Council sets rent at \$280 a week.
- The accommodation supplement is \$78.40
- Effective accommodation cost is \$201.60
- NZ super is \$672.22 a week (nett).

The *Effective Rent* as a percentage of NZ super is 29.9%.

- 8.2 Tenants are not required to be eligible for the *Accommodation Supplement*. For tenants that are not eligible for the *Accommodation supplement*, the rent they pay may be higher than 35% of their income.
- 8.3 Rents will be reviewed annually through Council's fees and charges schedule.

**9. Water Rates**

- 9.1 Council will continue to cover the costs of water rates, as the units are not on individual meters. This policy may be reviewed if units are redeveloped, and individual meters are installed.

## 9.2 APPROVAL TO COMMENCE A REVIEW OF THE WESTERN BAY OF PLENTY OPERATIVE DISTRICT PLAN

**File Number:** A4313369

**Author:** Natalie Rutland, Project Manager District Plan Review

**Authoriser:** Rachael Davie, Group Manager Policy Planning And Regulatory Services

### EXECUTIVE SUMMARY

1. A review of the District Plan will ensure it continues to be a relevant and compliant statutory document for the District. A review of the District Plan ensures that it can maintain its legal requirement of providing a strategic planning framework for resource management growth across the western Bay of Plenty sub-region.
2. The purpose of this report is to obtain approval from the Policy Committee to accept the commencement of a review of the Operative Western Bay of Plenty District Plan.

### RECOMMENDATION

1. That the Project Manager District Plan Review's report, dated 7 September 2021, titled 'Approval to Commence a Review of the Western Bay of Plenty Operative District Plan', be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That, pursuant to section 79(1) of the Resource Management Act 1991, Council accepts the commencement of a District Plan Review process.

### BACKGROUND

3. The District Plan is Council's most important tool for managing growth and development across the District and within the sub-region. The Western Bay of Plenty sub-region is recognised, nationally, as one of the fastest growing sub-regions in New Zealand.

The Resource Management Act (RMA) requires a District Plan to be reviewed at least every 10 years. The Western Bay of Plenty District Plan First Review was made operative on the 16 June 2012 which means a review must commence before 16 June 2022. Over the past two years Government has released a National Planning Standard and a number of National Policy Statements. These national directions from Government require the District Plan to be updated, and there are a variety of dates within each of these documents that must be complied with.

4. The key drivers for undertaking a District Plan review process are:
  - (a) Council is legally required to review the District Plan every 10 years;
  - (b) It is important the District Plan continues to meet the needs of providing direction for growth and development across the District;
  - (c) The District Plan needs to include the direction set out in National Policy Statements and the National Planning Standards.
5. Through the 2021-2031 Long Term Plan (LTP), the District Plan Review process was considered. A business case was prepared that recommended Council pursue a District Plan Review over the first four years of the LTP (2021-22 to 2024-25). The District Plan Review project was approved through the adoption of the LTP on 29 June 2021.

6. The District Plan Review Project is planned to occur over the following phases:

		Duration	When
<b>Phase 1</b>	Scope & develop	6 months	July 2021 – Jan 2022
<b>Phase 2</b>	Public engagement & discussion	6 months	Jan 2022 – July 2022
<b>Phase 3</b>	Draft District Plan	12 months	July 2022 – July 2023
<b>Phase 4</b>	Proposed District Plan	18 months	July 2023 – Dec 2024

7. The overall project timeframes are indicative and are dependent on key dates and timing of the Streamlined Planning Process for Ōmokoroa Plan Change and updated timing and implementation details on the Resource Management Reform. The Resource Management team are currently handling the Ōmokoroa plan change and a progress update on this will be provided to the Policy Committee workshop on 9 September 2021.
8. The key goals and deliverables during the scoping and development phase are to develop and confirm the project methodology and gain an understanding of the relevant issues and topics the district plan review needs to consider. The key work streams over this phase are:
- Research and investigation
  - Project communication plan
  - Tangata whenua engagement plan and approach
9. Alongside the consideration of local planning and growth issues, the Government has confirmed that the RMA will be repealed and replaced with three new pieces of legislation. It is indicated that the implementation of a new resource management system to replace the RMA could take 10 years to put in place. With a higher level of uncertainty on the legislative framework in place, it raised the question on whether this is an appropriate time to undertake a review or not.
10. The most recent Government advice regarding district plan review processes was provided in the Parliamentary paper on the exposure draft of the Natural and Built Environments Bill where it stated its expectation that notwithstanding the legislative changes proposed that councils continue to address current environmental and planning challenges. From a practical perspective this is interpreted as continuing initially as if a full review is being undertaken. This involves progressing the issues identification and options phase as this will be applicable to both the RMA and new Act processes. Because of the timing of the new legislation, Council still has the opportunity to undertake plan changes on matters that need to be addressed sooner rather than later. This is the likely approach to be taken pending the final new legislation allowing a full review.
11. Within the sub-region, the Bay of Plenty Regional Council are actively working on implementing requirements of National Policy Statements including Urban Development and Freshwater Management. The Tauranga City Council are also addressing National Policy Statement requirements as well as a review of the Tauranga City Plan. Their review process has most recently involved initial engagement rounds to identify issues and topics. The alignment with these related work programmes is a factor relevant for determining the need to commence and timing of a review at this stage.
12. The District Plan Review has been considered by Council as follows:

Policy Workshop - July 2020 – Resource Management Work Programme Discussion Paper
LTP Workshop – September 2020 – Business Case District Plan Review
Policy Workshop - October 2020 – Resource Management Act Review Discussion Paper
Policy Workshop - July 2021 – District Plan Review Discussion Paper

**SIGNIFICANCE AND ENGAGEMENT**

13. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council’s Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

14. In terms of the Significance and Engagement Policy this decision is considered to be of **medium** significance because although the commencement of a District Plan Review does not in itself result in changes to council policy or statutory documents it does signal an intent to make changes which will affect and/or interest a significant number of residents and ratepayers.

**ENGAGEMENT, CONSULTATION AND COMMUNICATION**

Interested/Affected Parties	Planned Engagement/Consultation/Communication	
Tangata Whenua	The first phase of the review – Scoping and Development will see the formation of an engagement plan based on how relevant iwi, hapū and iwi entities would prefer to participate and be involved in the review process.	
Stakeholders and Reference groups	The first phase of the review – Scoping and Development will see the formation of a project communication plan. Details to be confirmed in the communication plan include but are not limited to stakeholder analysis, tools and techniques, communication methods, purpose, frequency and timing.	
General Public		

**ISSUES AND OPTIONS ASSESSMENT**

A full analysis of options to commence a District Plan Review were assessed within the LTP Business Case. The option of not doing a review was not assessed further. Given the strong legislative compliance requirements to have an Operative District Plan document this option is not considered viable.

Option A Commence a District Plan review	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• Economic</li> <li>• Social</li> <li>• Cultural</li> <li>• Environmental</li> </ul>	<p>Enables a comprehensive review and focus on key issues and the interrelationships across the entire plan.</p> <p>Comprehensive communication and engagement rounds can occur at the right time to relevant parties including the general public and tailored to specific stakeholders and interest groups.</p>



<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	Operational costs associated with staff resourcing, specialist and legal input, consultation and engagement processes are contained within existing budget
<b>Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).</b>	Short term planning horizons will ensure phases of work do not result in wasted effort and can be adapted to legislative changes as they occur.
<b>Option B</b> <b>Delay commencement of District Plan Review for as long as possible to await further understanding and information on legislative changes</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p>Potential to gain greater certainty on the future legislative direction and reduce the risk of any wasted effort.</p> <p>Delays the consideration of current issues the district is facing.</p> <p>Compressed timeframes to undertake the same extent of work.</p>
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	Operational costs associated with staff resourcing, specialist and legal input, consultation and engagement processes are contained within existing budget
<b>Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).</b>	

## STATUTORY COMPLIANCE

15. The timing and process phases of the District Plan Review have been prepared in accordance with:
- Section 79 and Schedule 1 of the Resource Management Act.
  - The implementation timeframes for the relevant National Policy Statement and National Planning Standards

**FUNDING/BUDGET IMPLICATIONS**

16. There are operational costs of staff time associated with the commencement of a District Plan Review. A full budget for the District Plan Review project to accommodate the additional operational expenditure was approved through the LTP.

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
Operational Budget approved through LTP	Staff time.

### 9.3 SUBMISSION ON BEHALF OF COUNCIL - PROPOSED CHANGE 5 (KAITUNA) TO THE REGIONAL POLICY STATEMENT

**File Number:** A4313684

**Author:** Matthew Leighton, Senior Policy Analyst

**Authoriser:** Emily Watton, Policy and Planning Manager

#### EXECUTIVE SUMMARY

1. This report provides a submission made by Mayor Webber on behalf of Western Bay of Plenty District Council on the following matter, for the information of the Policy Committee.
2. Western Bay of Plenty District Council submission to Proposed Change 5 Kaituna - BOPRC Regional Policy Statement, dated 10 August 2021.
3. Bay of Plenty Regional Council consulted on the Proposed Change 5 (Kaituna) to the Regional Policy Statement. This is intended to give effect to the Kaituna River Document Kaituna - He taonga tuku iho - a treasure handed down. This Plan Change is following the new Freshwater Planning Process (e.g. limited appeal rights).

#### RECOMMENDATION

1. That the Senior Policy Analyst's report dated 7 September 2021, titled 'Submission on behalf of Council - Proposed Change 5 (Kaituna) to the Regional Policy Statement' be received.
2. That the following submission, shown as Attachment 1 of the agenda report, is received by the Policy Committee and the information is noted:
  - Western Bay of Plenty District Council submission to Proposed Change 5 Kaituna - BOPRC RPS, dated 10 August 2021.

#### ATTACHMENTS

1. **Western Bay of Plenty District Council submission to Proposed Change 5 Kaituna - BOPRC RPS** [↓](#) 



















**10 INFORMATION FOR RECEIPT**