

**I give notice that
an Extraordinary Meeting of Council will be held on:**

Date:	Tuesday, 11 June 2024
Time:	10.30am
Location:	Council Chamber 107 Te Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson Mayor David Trewavas
Deputy Chairperson Cr Kevin Taylor

Members

- Cr Duncan Campbell
- Cr Karam Fletcher
- Cr Sandra Greenslade
- Cr Kylie Leonard
- Cr Danny Loughlin
- Cr Anna Park
- Cr Christine Rankin
- Cr Rachel Shepherd
- Cr Kirsty Trueman
- Cr Yvonne Westerman
- Cr John Williamson

Quorum 7

**Julie Gardyne
Chief Executive**

Order Of Business

- 1 Karakia
- 2 Whakapāha | Apologies
- 3 Ngā Whakapānga Tukituki | Conflicts of Interest
- 4 Ngā Kaupapa Here Me Ngā Whakataunga | Policy and Decision Making
 - 4.1 Adoption and Approval of Plan Change 42 Decision for Notification.....3
- 5 Ngā Kōrero Tūmataiti | Confidential Business
 - Nil

4.1 ADOPTION AND APPROVAL OF PLAN CHANGE 42 DECISION FOR NOTIFICATION

Author: Hilary Samuel, Senior Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

This report seeks Council approval to revoke part 1(e) of its resolution of 28 May in relation to Plan Change 42 (General Rural and Rural Lifestyle Environment) and adopt the revised independent panel's recommended decision on Plan Change 42. Approval is also sought to notify as per clauses 10 and 11 of the First Schedule of the Resource Management Act 1991 (RMA).

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

The Council resolved to adopt the decisions on Plan Changes 38 and 40-43 on 28 May 2024, and approve them for notification. On revising the maps in relation to Plan Change 42 it became apparent that the decision had not addressed a submission and an amended recommendation from the Council planner. This led to a vacuum on how this particular submission was to be addressed.

The Commissioners have updated the decision to include a recommendation on this point.

This report seeks the revocation of that part of the resolution from 28 May 2024 which relates to Plan Change 42, and adoption and approval of the revised decision.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That Council:

1. Revokes Part 1(e) of resolution TDC202405/14 as it relates to Plan Change 42, Item 5.1 from 28 May 2024:

adopts the independent panel's recommended decision on the following plan changes, as attached, and directs officers to notify the decisions pursuant to clauses 10 and 11 of the First Schedule of the Resource Management Act 1991 (including associated and attached Index Report) as soon as practical:

e. Plan Change 42 (General Rural and Rural Lifestyle)

2. Adopts the revised independent panel's recommended decision on Plan Change 42 (General Rural and Rural Lifestyle), as attached, and directs officers to notify the decision pursuant to clauses 10 and 11 of the First Schedule of the Resource Management Act 1991 as soon as practical.
3. Delegates authority to the Policy Manager to authorise any minor editorial changes prior to notification.

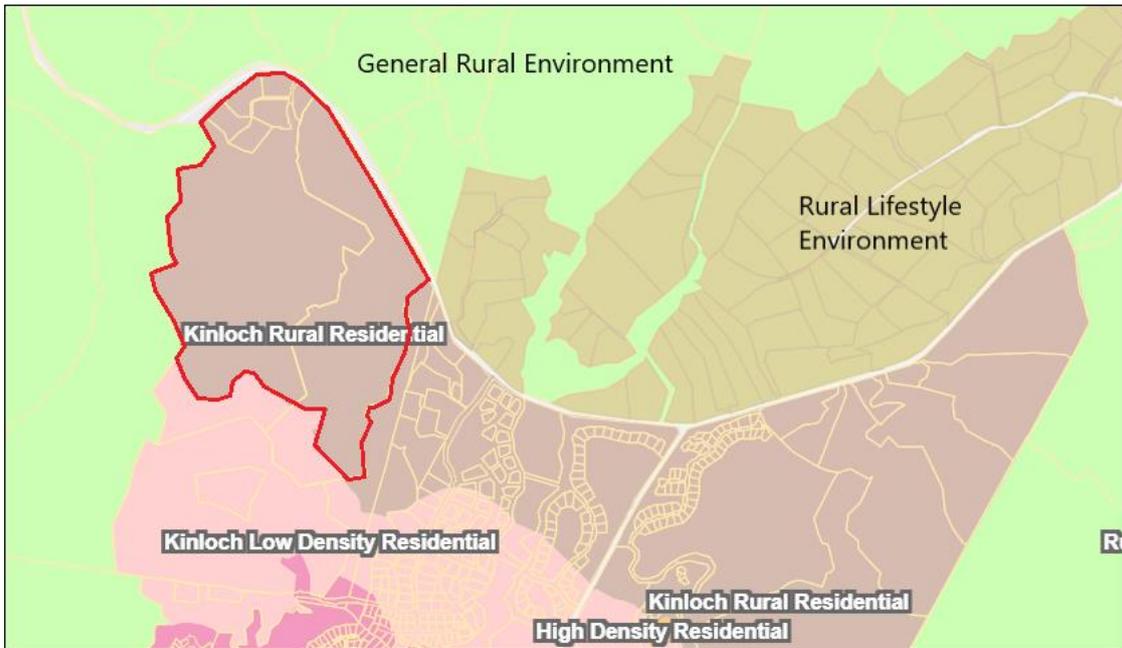
TE WHAKAMAHIKI | BACKGROUND

The Council resolved to adopt the decisions on Plan Changes 38 and 40-43 on 28 May 2024 and approve them for notification. Following approval, and while the decision for Plan Change 42 was being inserted into the e-District Plan, it became apparent that the decision had missed addressing a rezoning submission.

A portion of Kinloch Rural Residential Environment had originally been proposed as Rural Lifestyle. Through submissions concerns were raised that the provisions would not align with the Kinloch Structure Plan provisions, and had the potential to create contradiction and confusion.

Through the right of reply, Council’s Planning expert agreed with this and recommended that it revert to the Operative District Plan zoning of Kinloch Rural Residential. However, the Commissioners decision did not provide a recommendation on the point, which meant that there was lack of clarity on the outcome of this submission point.

The Commissioners have since revised their decision to include a response on this point. The changes to the decision are marked up in attachment 1 (primarily can be found on pages 27, 28 and 33 of Attachment 1). The commissioners recommend accepting the submission and the recommendation by the Council planner. This means that the portion originally proposed as Rural Lifestyle Environment will revert back to Kinloch Rural Residential as it is currently zoned within the Operative District Plan. The area affected is shown on the map below, outlined in red:



NGĀ KŌRERORERO | DISCUSSION

While preparing for notification, it became apparent that the decision for Plan Change 42 had omitted making a recommendation on the rezoning of an area in Kinloch. Proceeding to notification without this clarified would have caused confusion and risk of appeal.

Based on this information it is considered that there are two options. The options are to approve the decisions or to continue with the decision as it was approved on 28 May 2024.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1. Approve the revised decision

Advantages	Disadvantages
<ul style="list-style-type: none"> • Corrects the omission relating to the rezoning of the Kinloch Rural Residential area. • Timing – can continue to meet the planned notification date of 14 June 2024. 	

Option 2. Continue with Decision as approved on 28 May 2024

Advantages	Disadvantages
	<ul style="list-style-type: none"> • Lack of clarity on outcome of zoning for the Kinloch Rural Residential area. • Risk of appeal.

Analysis Conclusion:

It is recommended that the Council adopt the panel's revised decision.

NGĀ HĪRAUNGA | CONSIDERATIONS**Ngā Aronga Pūtea | Financial Considerations**

The financial impact of the proposal is estimated to be minimal (limited to the public notification costs).

Long-term Plan/Annual Plan

The expenditure outlined is currently budgeted for within the Policy budget. Council has a practice of managing costs associated with any appeals through unbudgeted expenditure. This reflects the high degree of uncertainty around whether such costs will be incurred or their scale.

Ngā Aronga Ture | Legal Considerations

The hearings process and decisions have been undertaken and prepared in accordance with the requirements of the Resource Management Act 1991.

Ngā Hīraunga Kaupapa Here | Policy Implications

All the Plan Changes have been assessed against all required national, regional and district legislation and policy.

Te Kōrero tahi ki te Māori | Māori Engagement

Significant engagement with iwi has occurred as required under the Resource Management Act 1991, Joint Management Agreements, iwi management plans and settlement agreements.

Ngā Tūraru | Risks

There is the risk that one or more of the plan changes are appealed to the Environment Court. This is a risk for any plan change. The risk is minimised by utilising experienced commissioners.

TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy \(2022\)](#), and are of the opinion that the proposal under consideration is significant. Appropriate engagement as required under the RMA has been undertaken.

TE KŌRERO TAHI | ENGAGEMENT

Extensive engagement on the Plan Change has been undertaken as required under the RMA.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

The decisions will be notified as required by the First Schedule of the RMA.

WHAKAKAPINGA | CONCLUSION

It is recommended that the Council approves the decision and directs officers to notify the decisions.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Revised Decision on Plan Change 42 (General Rural and Rural Lifestyle Environments) (under separate cover 1) [⇒](#)
2. Attachment Two - 42A decision on individual submissions [⇒](#)
3. Decision on Submission 74