

## Item not on the Agenda



<b>Report To:</b>	Regional Council
<b>Meeting Date:</b>	4 May 2023
<b>Report Writer:</b>	Adam Fort, Principal Advisor - Strategic Planning
<b>Report Authoriser:</b>	Namouta Poutasi, General Manager, Strategy & Science
<b>Purpose:</b>	To outline the proposed governance arrangements for the Rotorua Future Development Strategy project and seek appointment of 3 members of BOPRC to a new temporary Joint Committee.

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## Governance proposal for the Rotorua Future Development Strategy Joint Committee

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### Executive Summary

This paper provides an update on the Rotorua Future Development Strategy (FDS) project and seeks decisions relating to Council's involvement in governance of the project.

A new temporary joint committee is currently being established to enable the Rotorua FDS to be 'jointly prepared' by Rotorua Lakes Council and Bay of Plenty Regional Council in accordance with legislative requirements. Three members from BOPRC are sought to be confirmed, noting that the key role for the committee is to act as the Hearings Panel through to approximately October 2023 when the FDS is due to be adopted by the respective local authorities.

### Recommendations

#### That the Regional Council:

- 1 Receives the report, Governance proposal for the Rotorua Future Development Strategy Joint Committee and accepts it as an Item not on the Agenda. Notes the reason why this item was not on the Agenda is that the first briefing on the proposed governance arrangements took place on 28 April 2023, and the reason why it cannot be delayed is to enable the project's statutory timelines to be met.**
- 2 Notes the proposed timeline for the Rotorua Future Development Strategy project and the use of the Special Consultative Procedure pursuant to the Local Government Act 2022.**

- 3 Confirms the appointment of three BOPRC representatives, being \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ to the Rotorua Future Development Strategy Joint Committee.**
- 4 Notes that the final terms of reference for the Rotorua FDS Joint Committee will be confirmed at the first meeting of that committee.**

## 1. Introduction

The Rotorua Future Development Strategy (FDS) will promote long-term strategic planning by setting out how to achieve well-functioning urban environments and provide sufficient development capacity to meet expected demand. The requirements for an FDS are set out in detail in Part 3 of the National Policy Statement on Urban Development 2020 (NPS-UD).

The spatial scope of the FDS broadly covers the entire Rotorua District. However, the nature of existing urban development patterns within the Rotorua District and likely future growth pressures means that a core area around Lake Rotorua catchment, along with key infrastructure connections to neighbouring areas, will form the primary focus.

Councillors were briefed on the Rotorua FDS project in December 2022, and BOPRC staff have been working collaboratively with staff from RLC on the technical inputs. As the only territorial authority for the urban environment, Rotorua Lakes Council (RLC) have been leading the preparation of their first FDS in respect to project management, technical work, and early engagement over the last 12 months. This paper signals the next milestone – the establishment of a temporary FDS joint committee between BOPRC and RLC to act as the hearings panel, alongside other duties.

### 1.1 Legislative Framework

The National Policy Statement on Urban Development (NPS-UD) subpart 4 states that every tier 1 and tier 2 local authority must prepare and make publicly available an FDS for the tier 1 or 2 urban environment. In the context of Rotorua, RLC and BOPRC are tier 2 local authorities 'jointly responsible' for the Rotorua FDS.

Section 3.15 of the NPS-UD sets out minimum consultation requirements for developing FDSs. It is important to note that the Rotorua FDS will follow the Special Consultative Procedure (s83) under the LGA. As such, there are no appeals to the Environment Court, rather appeals are limited to points of law to the High Court or judicial reviews.

The NPS-UD requires that the Rotorua FDS must:

- be completed in time to inform the 2024 LTP (by approximately October 2023)
- show broad locations for growth and supporting infrastructure
- show constraints on development
- assess the advantages and disadvantages of different 'Spatial Scenarios'
- include a statement of iwi and hapū aspirations

- be informed by the most recent Housing and Business Capacity Assessment (completed by RLC in 2022)
- follow a Special Consultative Procedure (SCP) under s83 the Local Government Act 2002.

It is expected that the Rotorua FDS will inform the content of any Regional Spatial Strategy that may be required pursuant to the Spatial Planning Act if that legislation is passed later in 2023 as part of the Government’s Resource Management Reform programme.

## 1.2 Alignment with Strategic Framework

<b>A Vibrant Region</b>	We work with and connect the right people to create a prosperous region and economy.
<b>The Way We Work</b>	We look to partnerships for best outcomes.

### 1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected			
<input checked="" type="checkbox"/> Environmental	<input checked="" type="checkbox"/> Cultural	<input checked="" type="checkbox"/> Social	<input checked="" type="checkbox"/> Economic

Working in partnership on the Rotorua FDS at a technical and governance level will contribute to all four well-beings.

## 2. Purpose and Scope of the Rotorua FDS Joint Committee

The primary purpose of the Rotorua FDS Joint Committee is to serve as the hearings panel - to hear submissions and undertake deliberations in relation to the FDS. A further purpose is to work through any recommended changes to the Proposed FDS document following the SCP. It is envisaged that the committee will meet as required and will disestablish following the adoption of the Final FDS. The Committee will carry out its purpose in accordance with the delegations set out in the Terms of Reference.

A number of minor amendments to the draft Terms of Reference are currently being worked through between the two councils. In summary, some of the key matters agreed between the parties are:

- the legislative basis is the NPS-UD 2020 under the Resource Management Act 1991
- It will be made up of three councillors from RLC (to be the Community and District Development Committee Chair and Deputy Co-Chairs) and three councillors from BOPRC
- There is provision for an Independent Chair
- Alternative or substituted representatives are not permitted.

- A quorum will be 5 members
- RLC standing orders will apply and RLC will provide meeting venues and secretariat
- The Deputy Chief Executive District Development (RLC) and General Manager Strategy & Science (BOPRC) will review and sign-off reports for presentation to the Committee
- There are no financial delegations
- The FDS Implementation Plan will be prepared through a separate process following adoption of the FDS, as required by the NPS-UD.

The final Terms of Reference will be reported back to the Strategy and Policy Committee of BOPRC in due course.

### 3. Considerations

#### 3.1 Risks and Mitigations

There are no significant risks associated with this matter. Decisions on the content of the Rotorua FDS are not within the scope of this paper. Membership of the proposed FDS joint committee will give BOPRC elected members influence over decisions regarding that content.

#### 3.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

#### 3.3 Implications for Māori

This paper is procedural in nature, however it is critical that there is tāngata whenua representation on the joint committee. This can be achieved through appointment of Māori Constituent Councillor Te Taru White for BOPRC Ōkurei. It is understood that Māori ward Councillor Rawiri Waru from RLC is to be appointed as one of the RLC representatives.

#### 3.4 Community Engagement




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Engagement with the community is not required as the recommendations in this report relate to internal Council matters only in terms of appointment of members.

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In terms of engagement for the Rotorua FDS project itself, section 3.15 of the NPS-UD sets out minimum consultation requirements for developing FDSs. The Rotorua FDS will follow the Special Consultative Procedure (SCP) under the LGA. To prepare the draft FDS required by the SCP, local authorities must engage with the following:

- other adjoining local authorities with whom there are significant connections relating to infrastructure or community
- relevant central government agencies

- relevant hapū and iwi
- providers of additional infrastructure
- relevant providers of nationally significant infrastructure
- the development sector (to identify significant future development opportunities and infrastructure requirements)

RLC has undertaken extensive targeted engagement with the above groups over the last year to support the drafting the FDS. The FDS Joint Committee will be significantly involved with the SCP during June-August 2023, including being delegated the role of the Hearings Panel to and consider and hear submissions.

### 3.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget.

There are no direct financial implications resulting from the recommendations to appoint members to the new temporary joint committee. Note there is existing budget to support sub-regional FDS/spatial plans across the Bay of Plenty.

The Rotorua FDS Implementation Plan will be prepared subsequently to the FDS being adopted by both RLC and BOPRC (as required by part 3.18 of the NPS-UD), and its preparation is outside the scope of this temporary joint committee.

## 4. Next Steps

Once the appointments to the committee are made under the above recommendations, the draft Terms of Reference will be finalised and adopted. The first formal meetings of the new joint committee will then be scheduled.

The ‘working draft’ FDS document will be provided to BOPRC for review in advance of its consideration at the 17 May Meeting of Rotorua Lakes Council. There will be an opportunity after 17 May to work through any potential amendments or concerns raised by BOPRC staff and/or elected members prior to public notification of the Proposed FDS which scheduled for early June. The current project timeline for the next 6 months is as follows:

