

PART THREE - MONITORING AND REVIEW

NOTE:- LAKES A ZONE

Part Three has relevance within the Lakes A Zone. Refer to Part Three that is part of Rule 1.1 of the Lakes A Zone.

1. INTRODUCTION

Section 35 of the *Resource Management Act 1991* imposes a duty on Council to gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act.

This duty includes monitoring of:

- the state of the environment of its District to the extent appropriate to carry out its functions under this Act;
- the suitability and effectiveness of its District Plan;
- the exercise of any functions, powers or duties delegated or transferred by it;
- the exercise of resource consents.

Section 35 requires Council to take appropriate action where necessary.

Council must also make available to the public relevant information on the administration of the District Plan, the monitoring of resource consents and current issues relating to the environment to enable the public to be better informed and to participate efficiently under the *Resource Management Act 1991*.

The need to monitor the effectiveness of the District Plan is further underlined by the duty set out in Section 27 of the *Resource Management Act 1991* which states:

“Information to be supplied to the Minister for the Environment:

- (1) *Any local authority requested by the Minister for the Environment to supply such information as the Minister reasonably requires relating to the exercise or performance of any of the local authority's functions, powers, or duties under this Act shall be under a duty to supply it as soon as reasonably practicable.*
- (2) *Any network utility operator approved as a requiring authority, or any body corporate approved as a heritage protection authority, requested by the Minister to supply such information as the Minister reasonably*

requires relating to the exercise or performance of any of the authority's functions, powers, or duties under this Act shall be under a duty to supply it as soon as reasonably practicable."

As is indicated above, monitoring is much broader than Council simply checking on compliance with resource consent conditions. Monitoring should assess the suitability and effectiveness of the particular Objectives and Policies of the Plan. The Objectives and Policies of this Plan have been written so that it is possible to determine whether they have been achieved and this may be determined through information collection and analysis. The duty to monitor implies a requirement to state what action will be taken if performance of the Plan does not achieve the specified aims, Objectives and Policies.

The monitoring strategy used for this Plan has three components. These are:

- regulatory compliance monitoring;
- state of the environment monitoring; and
- policy monitoring.

Monitoring needs to be targeted to collecting the information that is necessary to allow Council to achieve its functions under the *Resource Management Act 1991*. Council may be able to combine with other agencies such as regional councils to implement its monitoring strategy and possibly share or co-ordinate responsibilities.

2. REGULATORY COMPLIANCE MONITORING

This part of the monitoring strategy concentrates on how activities are complying with the Rules in the District Plan or any conditions imposed on resource consents. The four main areas that compliance monitoring covers are building consents, resource consents, subdivision consents and complaints regarding non-compliance with the Plan or a consent.

2.1 BUILDING CONSENTS

The checking of building consents for compliance with the District Plan, during processing, is an effective way to monitor how relevant Performance Standards are being complied with for each Zone.

The monitoring of the ability of developments to comply with Performance Standards may also reveal whether those standards are still appropriate or in need of review.

The following Performance Standards are among those which will be monitored on every application for a building consent for the construction or alteration of buildings and structures within each Zone:

- activity status;
- bulk and location;
- coverage - where applicable;
- number of household units - where applicable; and
- financial contributions payable.

It is at this stage of building consent application processing that part of the state of the environment monitoring will also take place. This includes among other things monitoring areas of vacant land in each Zone and monitoring the change in the number of household units in the Urban Area.

Applications for the various activities permitted in each Zone will also be closely monitored. An accurate record of the proportion of applications for each activity or category of activity can therefore be kept. If, for example, the number of applications for resource consents for Non-Complying Activities starts to show an increase, then this will be investigated to determine whether some characteristic of the environment has changed necessitating a review of the policies and Rules of the Plan.

A similar review will take place if there are significant changes in the proportion of applications in any category.

2.2 RESOURCE CONSENTS

The monitoring and enforcement of conditions on resource consents is a cost to the community through Council and is, in some cases, an unpleasant task for Council officers. In an attempt to reduce potential conflict situations, the consent holders will in the first instance be asked to monitor their own consents and supply relevant information as to how the consent conditions have been complied with. This may involve consent holders periodically supplying photographs or certificates as to how they have complied with performance criteria from suitably qualified persons and other proof of compliance.

The role of Council is to then audit the compliance information received to determine whether the conditions have in fact been met. If insufficient information is provided by the resource consent holder, Council will, at a cost to the consent holder, obtain the necessary information itself.

To ensure that the auditing process is being carried out successfully, a random check of a percentage of all consents issued will be undertaken on an annual basis.

2.3 SUBDIVISION CONSENTS

The monitoring of subdivision consents is largely covered by the provisions of the *Resource Management Act 1991*. Sections 223 and 224 require that any conditions placed on a subdivision consent are complied with before any new titles can be issued. Therefore a degree of monitoring is built into these types of consents.

Each subdivision application will also contribute to the state of the environment monitoring. Numbers of new lots created, levels of subdivision in each Zone, and average new lot size will also be monitored.

2.4 COMPLAINTS

Complaints regarding non-compliance with the provisions of the Plan or conditions of any consent are an additional means of monitoring. By carefully identifying and recording the cause of a complaint, an accurate assessment may be made of how appropriate a particular condition or performance standard may be. Depending on the number and frequency of complaints this assessment may indicate the need for a review of:

- the types of conditions placed on resource consents;
- the anticipated environmental results; or
- the policies and Rules of the Plan.

The monitoring may indicate that the Performance Standard is not achieving the anticipated environmental result or it may indicate that the policy needs reviewing.

For subdivision consents which include conditions that require ongoing monitoring (eg fencing, planting, retention of indigenous forest) there will be a similar monitoring strategy as that developed for resource consents under 2.2 of this Part.

3. STATE OF THE ENVIRONMENT MONITORING

State of the environment monitoring involves obtaining a measure of the state of a particular environment or elements of that environment at a given point in time. Similar measurements need to be made over a period of time in order to identify changes and trends in the particular environment or element being measured. The particular elements of the Rotorua District's environment that will be measured include:

- (a) **Areas of land in the Urban Area used and available for:**
- residential activities;
 - industrial activities;
 - commercial activities; and
 - recreational activities.
- (b) **The number of household units in the Urban Area**
Monitoring the number of household units will give some indication of the utility services required for servicing the Urban Area.
- (c) **The range and extent of land use activities that are occurring in the rural area (eg dairy farming, forestry, horticulture)**
This will give some indication as to what land use trends are occurring in the rural areas.
- (d) **Capacity for subdivision in each of the Rural Zones**
This may lead to the review of policies and Rules once subdivision capacity falls below threshold levels.
- (e) **Average lot size of each subdivision in each Zone**
Trends in lot size are an indication of the rate at which the capacity for subdivision in an area is changing.
- (f) **Vacant buildings in the Commercial and Industrial Zones**
Trends in the levels of vacant buildings in each Zone will provide an indication of the level of business activity and the capacity for further activity within each Zone.
- (g) **Noise**
The ambient noise levels in certain areas of the District are regularly monitored in order to determine any change. Point sources are also monitored as a result of complaints to Council.
- (h) **Traffic**
Vehicular and pedestrian traffic counts are recorded by Council at various locations within the District. These counts may be used to determine the effects of some activities on the environment.

Other elements of the environment that may be monitored in consultation with other authorities and agencies:

- (a) **Water**
Monitoring of lakewater and potable water supplies may be necessary in order to identify potential adverse effects that may impact on water quality. Also, monitoring the quality and quantity of stormwater and sewage discharges can quantify the effect that Council's drainage system has on the environment. This may be useful for determining Rules on such matters as residential density. As Council is the owner of the discharge points it is Council's responsibility to monitor them.

- (b) **Ecosystems**
Monitoring of streams in particular will be carried out to determine the generated effects of stormwater, sewage and leachate discharges and the influence of non-point sources of contamination upon natural waters.
- (c) **Land**
In order to protect environmental quality, contaminated and potentially contaminated sites will be identified.
- (d) **Natural hazards**
To ensure the protection of resident safety and effective resource consent processing Council will record information concerning flooding, unstable land and other natural hazards and make it available to members of the public.
- (e) **Consultation with tangata whenua**
Through the Te Arawa Committee, Council will periodically establish whether the aspirations of the tangata whenua are being met through the provisions of the District Plan.
- (f) **People and communities**
Council will monitor the District's changing demographic structure in association with financial and works programming. This is so that the local implications of population change upon the environment can be assessed.
- (g) **Social, economic and cultural conditions**
Monitoring of the effects of social, economic and cultural developments on the environment will take place to determine the relevance of Objectives and Policies of the Plan.
- (h) **Aesthetic qualities**
Information will be gathered periodically to ensure that the landscape assessment information in the Plan remains relevant.

4. POLICY MONITORING

Many of the policies in the District Plan will be monitored through compliance monitoring and state of the environment monitoring. This is possible because many Rules in the Plan can be directly linked back to specific policies. If the anticipated environmental results are being achieved, it is an indication that the policies are working. If the anticipated environmental results are not being achieved, this will be a trigger for the review of policies.

The anticipated environmental results specified in this Plan are Council's interpretation of the community's perception of the environmental outcomes they want to see achieved in the District. Over time peoples' perceptions change and in the future the Plan's anticipated environmental results may no longer adequately express community feeling.

To ensure that the Plan reflects the changing perceptions of the District's communities, the anticipated environmental results will need to be periodically reviewed. To achieve this, perception surveys will be carried out throughout the life of the Plan. The nature and level of complaints relating to environmental issues are also an indication of changing community views.

5. FUNDING

Funds for the monitoring strategy/programme will be allocated through the Annual Plan process. The level of funding will direct the degree of monitoring that takes place.

6. REVIEW

This Plan is dynamic and must meet changing circumstances. An outdated plan with policies which are no longer relevant cannot meet the requirements of the *Resource Management Act 1991*. Section 79 of the Act and the aspirations of the District's communities requires the District Plan to be reviewed at maximum intervals of 10 years however re-evaluation and fine-tuning will be a continuous on-going process.

It is important to consistently monitor the Plan's effectiveness to determine whether the Objectives are being achieved and to refine them where necessary. The provisions enabling any person to request changes to the Plan will also affect the review process as any proposed change could affect the integration of other policies.

7. DEVELOPING A MONITORING REGIME

In view of the importance of monitoring to Council's ability to carry out its resource management functions, Council will be developing a monitoring strategy. This will ensure that Council meets its monitoring responsibilities under the *Resource Management Act 1991*, particularly Sections 35 and 75. The strategy will identify policies for monitoring the state of the environment, impacts of resource use, conditions on consents, and the effectiveness of this plan.

Council will review the provisions of the Plan relating to monitoring by way of a Plan Change as soon as practicable after the plan becomes operative, and to consult with those who made submissions and further submissions to this part during that review.

