



# Eastern Bay of Plenty Joint Committee

## NOTICE IS GIVEN

that the next meeting of the **Eastern Bay of Plenty Joint Committee** will be held in the **Mataatua Room, Bay of Plenty Regional Council, 5 Quay Street, Whakatane** on:

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**Tuesday, 5 March 2019 commencing at 1.00 pm.**

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Fiona McTavish  
Chief Executive  
27 February 2019



# Eastern Bay of Plenty Joint Committee Terms of Reference

## Purpose

- Eastern Bay of Plenty Joint Committee (“EBOPJC”) is a collaboration between Bay of Plenty Regional Council (“BOPRC”), Kawerau District Council (“KDC”), Ōpōtiki District Council (“ODC”) and Whakatāne District Council (“WDC”) for responding to and managing a range of Eastern Bay of Plenty issues.
- The purpose of EBOPJC is to form, explore and make recommendations for strategic collaborative initiatives between the partner councils.
- Eastern Bay of Plenty Joint Committee will be guided by this Terms of Reference and the EBOPJC Memorandum of Understanding (MOU) as agreed by the partner councils.
- For the purposes of this Term of Reference, “Eastern Bay of Plenty” is defined as the Territorial Authority areas of KDC, ODC and WDC.

## Membership

Members of the EBOPJC will be:

- Two elected members as appointed by, and representing, BOPRC;
- Two elected members as appointed by, and representing, KDC;
- Two elected members as appointed by, and representing, ODC;
- Two elected members as appointed by, and representing, WDC;

The members of EBOPJC will act in accordance with the Memorandum of Understanding.

## Quorum

The quorum at a meeting of EBOPJC is half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd.<sup>1</sup>

## Delegations

Eastern Bay of Plenty Joint Committee is a joint committee of councils that will make recommendations to constituent councils.

Eastern Bay of Plenty Joint Committee can make recommendations on the following:

- Opportunities for joint collaboration on initiatives that support the needs of Eastern Bay of Plenty communities;
- Coordination of and encouragement of beneficial interrelationships and connections between activities/services across the Eastern Bay of Plenty;
- Mitigation of adverse cross boundary effects of decisions, planning and activities on other regions, cities and districts;

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<sup>1</sup> *Administrative amendment 14 January 2019*

- Resolution of differences and conflicts, and ensuring no surprises, where activities in one district may affect another;
- Sharing of information, expertise, databases and research where there is a mutual interest and benefit;
- Encouraging integration and consistency of planning across the Eastern Bay of Plenty;
- Developing agreed positions as appropriate on matters of importance and major government initiatives and, through each respective council, communicate these positions to central government and relevant national organisations;
- Investigating opportunities for achieving cost efficiencies by sharing responsibilities and services;
- Where appropriate and applicable, recommendations must be supported by cost-benefit analyses; and
- Each Council participating in a joint initiative will fund its own proportion of that joint initiative as determined by EBOPJC.

## Meetings

- Eastern Bay of Plenty Joint Committee meetings will be held in accordance with the requirements of Schedule 7 of the Local Government Act 2002 and the requirements of the Local Government Official Information and Meetings Act 1987.
- A meeting is duly constituted if a quorum is present, whether or not all of the members are voting or entitled to vote.
- Business may not be transacted at any meeting unless at least a quorum of members is present during the whole of the time at which the business is transacted.
- The quorum at a meeting of EBOPJC is half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd.
- The members of EBOPJC will engage with their respective councils on strategic issues under discussion and all councils will maintain their own operational inter-council relationships as normal.
- The Chief Executive, or the Chief Executive's representative, of each partner council shall attend meetings and will act as advisors to the EBOPJC.
- Meetings will be coordinated and recorded by staff from the partner council as scheduled by EBOPJC.
- Meetings may be attended by further staff support as considered appropriate by their Chief Executive.
- External speakers and participants, including mayors from territorial authorities who are not parties to EBOPJC, with specific interests in the items under discussion, may be invited to attend meetings.
- Meetings will be held at times and in places set out in an agreed schedule.
- Any formal public communications from meetings will be approved by EBOPJC prior to release.
- The Chairpersons of EBOPJC shall be determined, on an annual basis, by the process as set out at clause 25 of Schedule 7 of the Local Government Act 2002.
- Each Chairperson will have a term of one year.
- A member cannot be appointed as the Chairperson, if either of the previous two Chairpersons were representatives of that member's constituent council.
- Decisions on recommendations of the Committee shall be made in accordance with Clause 24 of Schedule 7 of the Local Government Act 2002 – by vote of majority of members that are present and voting.

- The Chairperson will have a deliberative vote.
- In the case of equality of votes, the Chairperson of EBOPJC does not have a casting vote and the status quo is preserved.
- A Deputy Chair shall be determined by the process as set out at clause 25 of Schedule 7 of the Local Government Act 2002.
- The Deputy Chair shall act in the absence of the Chairperson.
- If a Chairperson resigns from their position before the end of their term, the Deputy Chair shall take their place and will serve out the remainder of the term as Chairperson.
- If a Chairperson resigns and the Deputy Chair becomes Chairperson, cl 25 Schedule 7, LGA 2002 does not apply.
- Nothing in this Terms of Reference precludes EBOPJC from appointing an independent chairperson.
- If an independent chairperson is appointed they will also be appointed as a member and will continue to be a member until the end of their term.



## Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
  - name of participant;
  - organisation represented (if any);
  - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.





# Membership

<b>Chairperson:</b>	Councillor B Clark (Bay of Plenty Regional Council)
<b>Deputy Chairperson:</b>	Deputy Mayor L Riesterer (Opotiki District Council)
<b>Appointees:</b>	Mayor A Bonne (Whakatāne District Council), Councillor N Bruning (Bay of Plenty Regional Council), Mayor M Campbell (Kawerau District Council), Mayor J Forbes (Opotiki District Council), Councillor Sparks (Kawerau District Council), Deputy Mayor J Turner (Whakatāne District Council)
<b>Committee Advisor:</b>	T Nerdrum-Smith

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Recommendations in reports are not to be construed as policy until adopted.

## Agenda

- 1 Apologies**
- 2 Public Forum**
- 3 Acceptance of Late Items**
- 4 General Business**
- 5 Confidential Business to be Transferred into the Open**
- 6 Declarations of Conflicts of Interests**
- 7 Previous Minutes**
- 7.1 Minutes - Eastern Bay of Plenty Joint Committee - 12 November 2018 13
- 8 Reports**
- 8.1 Eastern Bay Of Plenty Local Alcohol Policy - Delay of Review 19
- 8.2 Freshwater-Related Opportunities and Barriers to Sustainable Economic Growth 27
- 9 Presentations/Discussion**

## 9.1 Visit to China

A verbal update to be provided by Whakatāne District Council.

## 9.2 Future Direction of the Committee

An opportunity for Members to discuss the future direction of the Committee.

## 9.3 Update by Toi EDA (to be confirmed)

As Toi EDA is currently without a General Manager, this update may be transferred until the next meeting of the Committee.

# 10 Public Excluded Section

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## Resolution to exclude the public

**THAT** the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
Proposal for seeking Registrations of Interest for Eastern Bay Rock Supply	To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Good reasons for withholding exists under section 48(1)

### 10.1 Proposal for Seeking Registrations of Interest for Eastern Bay Rock Supply

This report will be distributed under separate cover.

## 11 Confidential Business to be Transferred into the Open


## 12 Readmit the Public

## 13 Consideration of General Business

# Previous Minutes



## Minutes - Eastern Bay of Plenty Joint Committee 12 November 2018

	Details of Meeting:	<b>EASTERN BAY OF PLENTY JOINT COMMITTEE MEETING HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, WHAKATĀNE ON MONDDAY, 12 NOVEMBER 2018 COMMENCING AT 1.00 PM</b>
	Present:	Deputy Mayor J A Turner (Chairperson) and Mayor A A Bonne (Whakatane District Council), Mayor M Campbell and Councillor D Sparks (Kawerau District Council), Councillors N Bruning and W Clark (Bay of Plenty Regional Council) and Councillor L Riesterer (Opotiki District Council)
	In Attendance:	A Lawrie (Opotiki District Council), R George (Kawerau District Council), S Lamb (Bay of Plenty Regional Council), D Bewley, J Gardyne, K Stasiewicz and H J Storey (Whakatāne District Council)
	Visitors:	F Pauwels - ToiEDA
	Apologies:	Mayor J Forbes

### 1 CONFLICTS OF INTEREST

No conflicts of interest were noted.

### 2 CONFIRMATION OF MINUTES: 3 JULY 2018

Refer to pages 8-12 of the agenda.

#### RESOLVED:

**THAT** the minutes of the EBOP Joint Committee meeting held on Tuesday, 3 July 2018 be confirmed as a true and correct record.

Clark/Mayor Bonne

#### CARRIED

**Attendance:** Councillor Sparks entered the meeting at 1.08 pm

### 3 REPORTS

#### 3.1 EBOP Friendship Agreement and Proposed Delegation to Jiangxi China

Refer to pages 14-67 of the agenda.

Discussion ensued on the proposed Memorandum of Understanding and the proposed delegation visit to Jiangxi from 31 March to 6 April 2019. It was agreed that the timing of the delegation was appropriate and it was requested that the Memorandum of Understanding be provided to each Council for approval prior to the proposed visit.

#### RESOLVED:

1. **THAT** the Jiangxi Friendship Agreement Update Report be received; and
2. **THAT** the Memorandum of Understanding with Jiangxi Province be provided to the Kawerau, Ōpōtiki and Whakatane District Councils for approval.

Mayor Bonne/Riesterer

**CARRIED**

### **3.2 ToiEDA Update**

Refer to pages 68-71 of the agenda.

Mr Pauwels noted the following additional points:

- The Board had approved the 2018-19 ToiEDA Work Plan
- The ToiEDA Chairperson had held discussions with representatives from KiwiRail and noted that the issues on rail transport was progressing
- Food grade containers would need to be available in key areas when increased volumes of produce came on stream

**RESOLVED:**

**THAT** the ToiEDA Update report be received.

Bruning/Campbell

**CARRIED**

### **3.3 Update on Climate Change Activities**

Refer to pages 72-77 of the agenda.

**RESOLVED:**

**THAT** the Update on Climate Change Activities report be received.

Clark/Bruning

**CARRIED**

## **4 CHAIRPERSON AND DEPUTY CHAIRPERSON FOR 2019**

Refer to pages 78 of the agenda.

**RESOLVED:**

**THAT** Councillor Bill Clark be appointed as Chairperson of the EBOP Joint Committee for 2019 and L Riesterer be appointed as Deputy Chairperson.

Turner/Campbell

**CARRIED**

## **5 OTHER ITEMS**

### **5.1 Productivity Commission Local Government Funding and Financing Issues Paper**

It was noted that the Productivity Commission were seeking submissions on the issues paper by 15 February 2019 and Councils were encouraged to consider the 49 questions in the report. The Ōpōtiki District Council Chief Executive suggested that the EBOP authorities share responses prior to forwarding their submission.

**THE MEETING FINISHED AT 1.57 PM**

Confirmed this                      day of
CHAIRPERSON





# Reports



## Eastern Bay of Plenty Local Alcohol Policy Review



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Subject: **EASTERN BAY OF PLENTY LOCAL ALCOHOL POLICY REVIEW**

To: **EASTERN BAY OF PLENTY JOINT COMMITTEE**

Meeting Date: **TUESDAY, 05 MARCH 2019**

Written by: **STRATEGIC POLICY ANALYST**

File Reference: **A1421357**

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### 1 PURPOSE OF THIS REPORT

To seek approval from the parties to the Eastern Bay of Plenty Local Alcohol Policy (the joint LAP), Kawerau District Council, Ōpōtiki District Council, and Whakatāne District Council, to delay the review of the joint LAP from 2019 to 2021/22.

### 2 BACKGROUND

Section 75 of the Sale and Supply of Alcohol Act 2012 (the Act) provides that a territorial authority may have a local alcohol policy relating to the sale, supply, or consumption of alcohol within its district.

As permitted under section 76 of the Act, the Kawerau, Ōpōtiki and Whakatāne District Councils have adopted a joint local alcohol policy for the Eastern Bay of Plenty (the joint LAP). The intention of a joint policy was to provide consistent rules to District Licensing Committee decisions across the Eastern Bay. The joint LAP was developed in consultation with Police, Alcohol Licensing Inspectors, the Medical Officer of Health and local communities. The joint LAP came into effect on 18 March 2016.

Section 97 of the Act requires local alcohol policies to be reviewed every six years (by March 2022). However, Clause 7 of the joint LAP provided for an initial evaluation of the effectiveness of the joint LAP to be undertaken after 18 months. If the evaluation identified changes were needed, then a review of the joint LAP would be undertaken.

The 18-month evaluation did not result in a review of the joint LAP because the short time period since the policy was adopted made it difficult to demonstrate the effectiveness of the policy. In addition, robust evidence linking alcohol related harm with the sale and supply of alcohol is not currently available to be able to undertake a thorough evaluation of the effectiveness of the Policy.

Clause 7 also noted that if the 18-month evaluation did not indicate changes were needed, then a review would be initiated in 2019. Therefore, as per clause 7 of the joint LAP, a review has now been initiated.

A working group comprised of representatives from the Kawerau, Ōpōtiki and Whakatāne District Councils, Police, Alcohol Licensing Inspectors and the Medical Officer of Health (the joint LAP working group) have met twice to discuss the progression of a joint LAP review.

### **3 DISCUSSION**

It is important to clarify that the matters contained in this report, and the associated recommendations, do not constitute a denial of alcohol related harm in the Eastern Bay of Plenty. Rather, it is a recognition of the need for evidence based, locally focused policy decisions.

Further, the joint LAP is but one tool available to minimise alcohol related harm in the Eastern Bay of Plenty. The District Licensing Committees (DLC's) have the authority to impose discretionary conditions on licences, under the direction of the joint LAP, as appropriate. It is critical that DLC's feel empowered and confident to impose such conditions, rather than solely relying on the maximum provisions under the joint LAP.

Alcohol bans and public education campaigns are other tools to minimise alcohol related harm that Councils can utilise. The joint LAP working group are discussing ways in which agencies can work together in the Eastern Bay to reduce alcohol related harm.

#### **3.1 The LAP review process**

To change or replace the joint LAP, Councils must go through the same process it took to develop it initially. A draft LAP must be developed in consultation with the Police, licensing inspectors, and the Medical Officer of Health. Local feedback and evidence should be considered to ensure an evidence based policy (see 4.2). Local feedback can take the form of targeted pre-engagement, or engagement through the special consultative procedure. Both are recommended.

Once produced, Councils must consult the community on the draft joint LAP using the special consultative procedure. A provisional LAP (PLAP), incorporating community feedback is then publicly notified.

Any element of the PLAP is subject to appeal. The only ground on which an element of the PLAP can be appealed is that it is unreasonable in light of the object of the Act. The object of the Act is contained in section 4, which states:

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Further, section 81 of the Act provides that the right to appeal is limited to any person or agency that made a submission as part of the special consultative procedure. Police or Medical Officers of Health may also appeal. The appeal process is often a lengthy and expensive process.

A PLAP is then adopted, and becomes final either 30 days after public notification, or after the resolution of any appeals. The adoption of the joint LAP must be publicly notified, specifying the date it comes into effect.

Sections 79 to 90 of the Act govern the production and appeal processes, and determine when a LAP, or joint LAP, comes into force.

### 3.2 A LAP must be based on local evidence

Under the legislation, any changes recommended in a review must be evidence based. Local evidence must be robust and up to date. When developing a local alcohol policy, all the following information is required under the legislation:

- The objectives and policies of the District;
- The number of licenses of each kind held for premises in its district, and the location and opening hours of each of the premises;
- Any areas in which bylaws prohibiting alcohol in public places are in force;
- The demography of the district's residents;
- The demography of people who visit the district as tourists or holidaymakers; and
- The overall health indicators of the district's residents; and
- The nature and severity of the alcohol related problems arising in the district.

### 3.3 Local information currently available

Most of the information/data needed to undertake a robust review has changed in the three years since 2016 when the joint LAP came into force.

Some of the latest information/data is readily available. For example, Whakatāne updated its District Plan in 2017 and changes were made to some alcohol ban areas in the Alcohol Control Bylaw 2018. Any changes made to the District Plans or Alcohol Control Bylaws in the other districts are also available.

Some information/data required by the Act will need to be collected. This includes overall health indicators such as the number of alcohol related admissions and other population health indicators. Data around the nature and severity of alcohol related problems such as violent offending and police enforcement of the alcohol bans in the district will need to be collected by the Police.

Unfortunately, although data on the demography of residents, tourists and visitors in the District was collected during the 2018 Census, Statistics New Zealand has advised that it is unlikely to be available until late 2019. Without this data, it would be impossible to meet the requirements of the Review process as outlined in the Act.

Evidence regarding the nature and severity of alcohol related problems has proved to be the most difficult to obtain. Processes to collect and store that data are not well established and robust data is currently not available to inform policy decisions.

In May 2018, the Health Promotion Agency<sup>1</sup> (HPA) commented in their report into the development of LAPS, that 'the drawback of a joint approach was that it is more time intensive and, at times, logistically challenging to disseminate information and receive feedback in a consistent and timely way'. Significant resources including staff time and financial resources, will be needed to gather and analyse the necessary information / data from all districts in order to assess whether the 2016 joint LAP is generally working well or whether changes are to be recommended. The HPA recommended that when developing a joint LAP, districts need to 'Allow flexible timeframes, with built in contingency, as the process takes longer the more parties there are involved'.

Overall therefore the task of collecting the data needed across all districts and assembling robust evidence will be difficult to achieve within the next twelve months.

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<sup>1</sup> May 2018. *Local Alcohol Policies under the Sale and Supply of Alcohol Act 2012: Early Experience with Six Local Alcohol Policies*. Health Promotion Agency

### 3.4 Risk of Appeal

If any policy changes proposed to the joint LAP as a result of a review are not based on local evidence, there is a risk of an appeal. In their 2018 report<sup>2</sup> Alcohol Healthwatch stated that of the 33 provisional LAPS that had been drafted since the legislation was enacted in 2012, 32 were appealed. Together the New Zealand supermarket duopoly of Progressive Enterprises and Foodstuffs, and the bottle-store industry as a whole respectively registered as appellants in 94% and 81% of all appealed policies.

Recent appeal decisions indicate that robust local evidence and reasons for policy decisions will be relied upon to provide transparency and indicate how Councils have taken the object of the Act into account when determining appropriate policy elements.

## 4 OPTIONS

The joint LAP working group have identified two options for the Committee to consider:

1. Delay the review of the joint LAP to within six years of adoption of the current joint LAP as required by section 97 of the Act; or
2. Initiate the review of the joint LAP in 2019 as originally stated in the current joint LAP.

The table below identifies the pros and cons associated with each option.

**Table 1: Option assessment**

Options	Pros (+) and cons (-)
1. Delay the review of the joint LAP to within six years of adoption	<ul style="list-style-type: none"> <li>+ Extensive pre-engagement with communities can be undertaken to; gauge community concerns and attitudes towards alcohol in the Eastern Bay of Plenty, gauge the current effectiveness of the joint LAP, and build a thorough community view of the effectiveness of the current LAP</li> <li>+ Police and Medical Officers of Health can focus on gathering evidence to inform a robust evidence base to inform the review process to respond to community concerns, particularly if a more restrictive approach is sought</li> <li>+ 2018 Census data can be used to inform the evidence base.</li> <li>+ Allows additional time and a more flexible timeframe to integrate data from across all districts.</li> <li>- Reputational risk of not adhering to our own policy</li> </ul>

<sup>2</sup> [https://www.nzherald.co.nz/hawkes-bay-today/news/article.cfm?c\\_id=1503462&objectid=12025997](https://www.nzherald.co.nz/hawkes-bay-today/news/article.cfm?c_id=1503462&objectid=12025997)

	<ul style="list-style-type: none"> <li>- Does not respond to concerns regarding maximum trading hours raised by a DLC member. Historically, licenses have been issued in line with the maximum trading hours as per the joint LAP. Conditions restricting hours would be possible under the joint LAP and the Act, but the DLC has been hesitant to do so given the lack of evidence showing a causal link between opening hours and alcohol problems.</li> </ul>
<p>2. Initiate the review of the joint LAP in 2019 as originally stated</p>	<ul style="list-style-type: none"> <li>+ Existing concerns regarding maximum trading hours raised by a member of the DLC can be considered sooner</li> <li>- There is currently insufficient evidence to support a review of the joint LAP, particularly if communities and Council's seek a more restrictive policy. For example currently we do not have the evidence necessary to link the potential changes identified (primarily regarding trading hours) with the harm caused by the excessive or inappropriate consumption of alcohol</li> <li>- The 2018 census data will not be available until late 2019</li> <li>- Longer time needed for gathering evidence, consultation and engagement needed when developing a joint LAP</li> <li>-</li> <li>- Councils do not currently have resource allocated to undertake the review. Resource will need to be reallocated from other projects.</li> </ul>

The joint LAP working group recommends Option 1: Delay the review of the joint LAP to within six years of the adoption of the existing one, with all parties working in the interim to gather robust evidence. This option will ensure a sufficient evidence base has been developed to support an informed review process in 2021/22 and any policy changes recommended for the joint LAP.

## 5 NEXT STEPS

While a delay of the joint LAP is proposed, the joint LAP working group has identified a number of work streams to be commenced in the meantime, to inform a future review. These steps are in acknowledgement of the fact that Alcohol is a major issue for our communities and that a delay to the LAP review does not represent a lack of concern for the impact that alcohol is having in our Districts.

Proposed next steps include:

1. Notify key stakeholders, including the industry and advocate groups, about the proposed timeframe for a review, allowing all parties to prepare for a review in 2021/22.
2. Undertake an investigation into the options for data gathering, which will enable Councils to undertake an informed Policy review in 2021/22.
3. Investigate other actions that as a collective we can be undertaking to address alcohol related harm in our communities, including what tools we have available.
4. Consider the effectiveness of the current legislation and identify any options to collectively advocate for change on behalf of our communities.

The joint LAP working group will report back to the Eastern Bay of Plenty Joint Committee at the next meeting on these steps.

## **6 CONSIDERATIONS**

### **6.1 Financial/budget considerations**

Review costs will be met within existing budgets for Kaweru, Ōpōtiki and Whakatāne District Councils regardless of the timing of the review. The original policy stated that costs would be determined on a pro-rata basis according to population.

The three Councils accept there is a real risk a legal challenge to a draft joint PLAP (see 7.3). Responding to such a challenge will incur significant costs for the three Councils. This cost has not been budgeted by any of the Councils.

### **6.2 Policy and planning implications**

The existing joint LAP will remain in force until a new joint LAP comes into force.

### **6.3 Risks**

While the Councils are able to delay the review of their policy until the legislative deadline of 2021/22, this decision would be inconsistent with the current policy and each Council would need to resolve to make a decision that is inconsistent with their current policy. There is a potential reputational risk associated with Councils not adhering to their own policies. This risk can be mitigated by public communication explaining the reason for this decision, and the expected costs and benefits of a policy review.

There is a risk of a legal challenge to the draft PLAP as outlined in section 3.4 above.

## **7 CONCLUSION**

Even though the joint LAP stated that a review would take place 18 months, or three years after it came into force, the Act does not require a review until six years after a LAP comes into force.

Currently the Committee does not have all the information / data required to develop a robust evidence-based policy, and while some could be collected within the next twelve months, the 2018



census data will not be available until late 2019. Additional time is also likely to be needed to allow for the complexity of developing a joint LAP.

While there is a reputational risk that the Councils are seen to have not adhered to their own policies, this can be mitigated by undertaking a public communication programme for all stakeholders that updates them on the delay and explains the necessity of developing a robust evidence base.

The joint LAP working group can continue to meet regularly and begin to formulate an evidence base. A review timeline will be developed and brought to this Committee for approval in due course.

**RECOMMENDATION:**

1. **THAT** the ‘Eastern Bay of Plenty Local Alcohol Policy Review’ report be received.
2. **THAT** the Eastern Bay of Plenty Joint Committee approve Option 1: Delay the review of the joint LAP to within six years of adoption (by March 2022).
3. **THAT** the Eastern Bay of Plenty Joint Committee recommend to Kawerau, Ōpōtiki and Whakatāne District Councils that they resolve to delay the review of the joint LAP to within six years of adoption; and
4. **THAT** the joint Local Alcohol Policy working group will report back to the Eastern Bay of Plenty Joint Committee with a proposed review timeline and next step.

**Report Authorisation**

Report writer:	Glenda Spackman	Strategic Policy Analyst
Final Approval:	Cashy Ball	Acting General Manager Strategy and Economic Development





Receives Only – No Decisions

**Report To:** Eastern Bay of Plenty Joint Committee

**Meeting Date:** 05 March 2019

**Report From:** Stephen Lamb, Environmental Strategy Manager

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## **Freshwater-related opportunities and barriers to sustainable economic growth**

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### **Executive Summary**

A report on freshwater-related opportunities and constraints to economic growth in the Bay of Plenty has recently been completed. The purpose of this paper is to summarise the key findings of the report, particularly in relation to the Eastern Bay of Plenty.

The study found that if all current and future irrigation and frost protection consents are consistent with reasonable use, there should be enough fresh water in most catchments to provide for foreseeable growth. That conclusion also applies to the Eastern Bay of Plenty catchments, although no detailed assessment for the East Coast Water Management Area was undertaken.

The study was an action point stemming from the 2015 Regional Growth Study, which identified fresh water as an enabler to economic growth. Aqualinc Research conducted the study, with part-funding from the Ministry for Primary Industries' Irrigation Acceleration Fund. The study was informed by six stakeholder and tangata whenua workshops, including at Kawerau, Whakatāne and Ōpōtiki.

Aside from informing current freshwater planning processes, the study is aimed at supporting future proposals (e.g. to the Provincial Growth Fund) to address the barriers, or take advantage of the opportunities, identified. BOPRC will be sharing the report with tangata whenua and stakeholders.

### **Recommendations**

**That the Eastern Bay of Plenty Joint Committee:**

- 1 Receives the report, Freshwater-related opportunities and barriers to sustainable economic growth.**

## **1 Background**

A report on freshwater-related constraints to sustainable economic growth in the Bay of Plenty was recently completed; it is available on the [BOPRC website](#). The project stemmed from the Regional Growth Study, which identified fresh water as an enabler to economic growth. The project was part-funded by the Ministry for Primary Industries' (MPI's) Irrigation Acceleration Fund and the analysis was undertaken by Aqualinc Research.

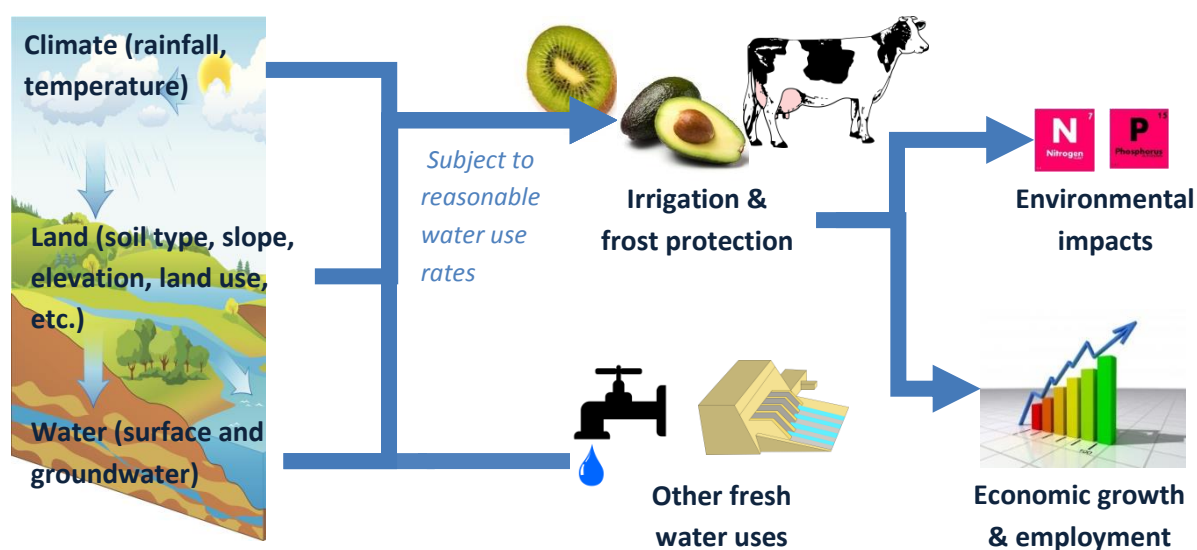
The aim of the project was to generate information that would support freshwater-driven sustainable economic growth in the region. It assessed the potential for irrigation expansion across the region, by answering the following questions:

- Is fresh water (quantity) a constraint to economic growth?
- What is the economic growth opportunity available from fresh water, including through more efficient allocation and use?
- Subject to the constraints identified above, is there a need for water storage or irrigation infrastructure in the region? If so, for what purpose?
- What other opportunities and barriers to freshwater-related economic growth are there?

The project's approach is broadly summarised in Figure 1 below. In a general sense, irrigation expansion is constrained mainly by the availability of suitable land and water (surface and ground water). For this project, water availability was determined by default allocation limits set by Proposed Plan Change 9, and existing allocations for uses other than irrigation and frost protection. Irrigation and frost protection allocations were reviewed based on reasonable use rates. Projections of future water demand for irrigation and frost protection were based on anticipated land use change patterns (i.e. mainly horticulture development). The study is therefore subject to the same limitations and uncertainties as those applicable to this underlying information. The focus of the report is freshwater quantity, although the project also identified other barriers and opportunities for economic growth. Although not directly related to current RMA planning processes, the report provides relevant and useful information for those processes too.

Six workshops with tangata whenua and stakeholder representatives were held around the region to receive feedback on Aqualinc's initial analysis and to discuss other opportunities and barriers to economic growth. Four of these workshops were in the Eastern Bay, at Kawerau (covering the Tarawera Water Management Area [WMA], two at Whakatāne (covering the Rangitāiki, Whakatāne and Ōhiwa/Waiōtahe WMAs) and at Ōpōtiki (covering the Waioeka/Otara and East Coast WMAs).

Figure 1 - Approach to assess freshwater-related constraints to irrigation expansion



## 2 Key findings

The key findings of the study are that the projected growth in irrigation (mainly for horticulture) can generally be provided for in most of the areas assessed with available fresh water (either surface water, groundwater or both), if all consented irrigation and frost protection is subject to reasonable use. That conclusion is also generally applicable to the Eastern Bay of Plenty, although no detailed assessment of the East Coast WMA was carried out.

Irrigation in the Bay of Plenty is generally 'dry year insurance' rather than critical for production, unlike in other eastern parts of the country. Nonetheless, there currently are a large number of water take consents, particularly older consents, which enable users to take more water than what is reasonable for the intended use. These consents may be 'locking up' water that could be available for other users. It would appear that in the Bay of Plenty, constraints other than freshwater availability at a catchment or WMA scale may generally be more significant.<sup>1</sup>

In terms of irrigation and water storage infrastructure, the report concludes that there does not appear to be a need for large scale storage or infrastructure. However, there may be a need for small or community scale infrastructure such as shared bores or piped distribution to provide for areas without riparian access. Irrigation development proposals at Ōmaio, Te Kaha and Raukokere include examples of that type of infrastructure. Flexible allocation practices such as water user groups and rostering are also noted. The report also identified other opportunities for economic growth including new water-dependent industries and development of Māori-owned land.

The report also presents some general estimates of the economic and employment impact of irrigation expansion, which are significant. In the absence of water quality limits for most of the region, it presents estimates of changes in nitrogen and phosphorus losses as a result of the projected land use change, as possible indicators of environmental impact. These estimations should be considered indicative only.

<sup>1</sup> For example, availability of willing and skilled labour, infrastructure, access to capital, conflict between users, constraints on the use of Māori-owned land, lack of knowledge and information – such as economic viability of irrigation, land suitability for new land uses - , access to water at a local scale, access to markets, landowners' choice, etc.

Figures 2 and 3 below summarise the results of the analysis for the Eastern Bay of Plenty. For each WMA or catchment, the first column on the left shows the current level of allocation and estimated unconsented/permitted takes relative to allocation limits (cumulative). The second column shows the reduction in allocation that could be achieved if all irrigation and frost protection consents were subject to reasonable use rates. The third column shows the increase in allocation necessary to provide for foreseeable growth in horticulture irrigation and frost protection, also subject to reasonable use rates.

### **3 Implications and next steps**

The report provides useful information on the potential for irrigation expansion, and associated regional economic growth, under current planning rules. It also highlights key barriers and opportunities that may prevent or enable such growth. This information will also be useful for current RMA planning processes to set freshwater limits under the National Policy Statement for Freshwater Management (NPS-FM).

A copy and summary of the report will be distributed to tangata whenua and stakeholder representatives that participated in the workshops, Freshwater Futures community group members, the Regional Water Advisory Panel and Territorial Local Authorities Freshwater Forum. It is available on the BOPRC website and will be summarised in the next edition of the Freshwater Flash e-newsletter.

### **4 Implications for Māori**

Fresh water is of utmost importance to Māori. Freshwater planning processes around the region, including one currently underway for the Rangitāiki WMA (Plan Change 12), seek to implement the NPS-FM. These processes are aimed at improving management of fresh water by better providing for freshwater values, including cultural values. Iwi and hapū input into that process will inform catchment specific limits for quality and quantity, which will ultimately determine the extent of freshwater-related opportunities and barriers to economic growth.

At the same time, increasing the productivity of Māori-owned land was identified as a key opportunity in the Regional Growth Study. As illustrated by the East Coast irrigation development proposals described in the study, productive use of fresh water would have a significant role in achieving that objective. The report includes a high level assessment of high capability Māori-owned land across the region.

Tangata whenua representatives participated in the workshops that informed this study and will receive a copy of the final report in due course.

Figure 2 - Current vs. potential surface water allocation, Eastern Bay of Plenty

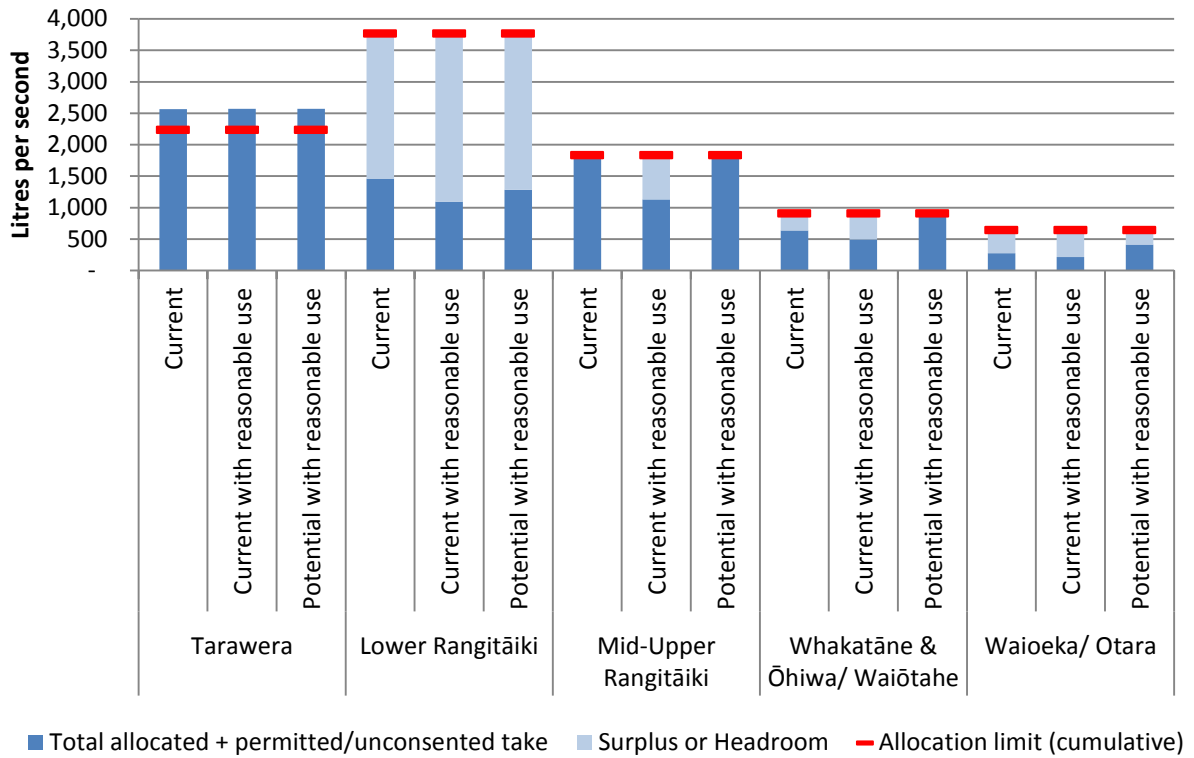
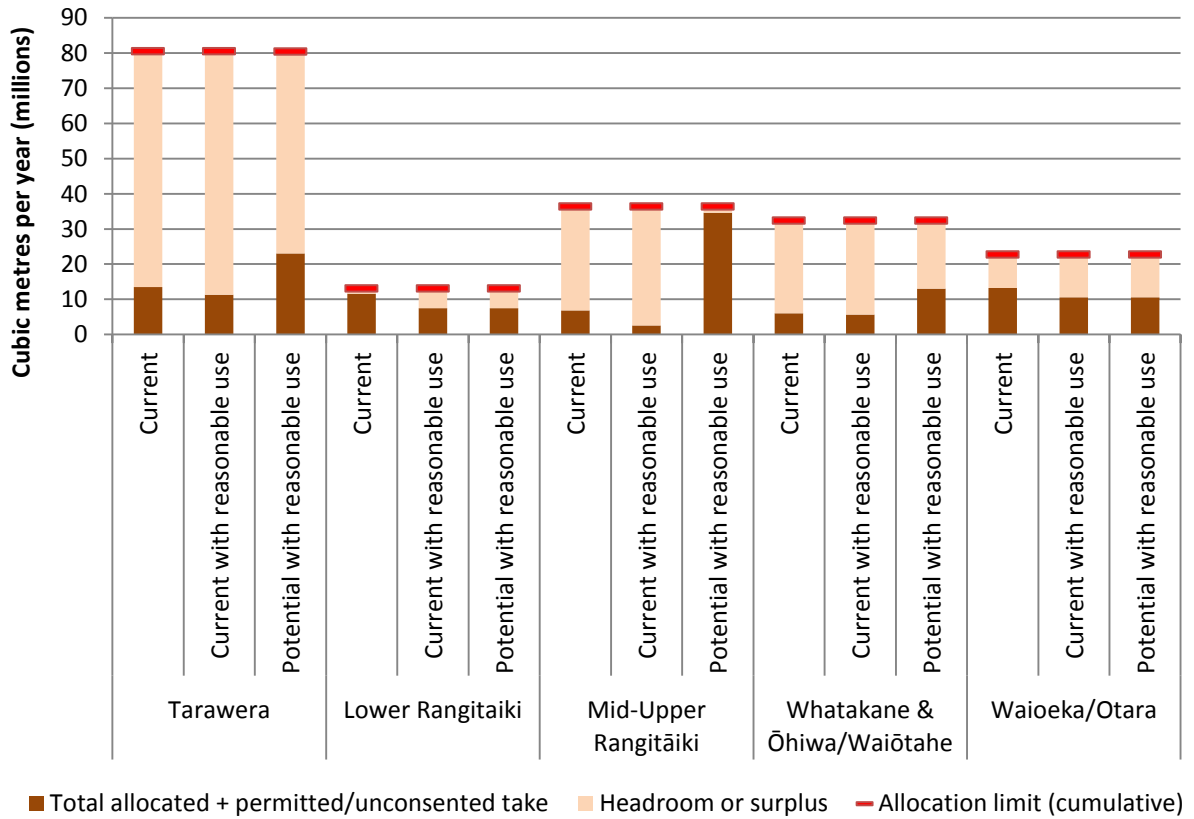


Figure 3 - Current vs. potential groundwater allocation, Eastern Bay of Plenty



## **5 Community Outcomes**

This project contributes to the *Freshwater for Life* and *A Vibrant Region* Community Outcomes in the Council's Long Term Plan 2018-2028.

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**for Environmental Strategy Manager**

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