

Regional Direction and Delivery Committee

NOTICE IS GIVEN

that the next meeting of the **Regional Direction and Delivery Committee** will be held in **Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga** on:

Tuesday, 28 May 2019 commencing at 9.30 AM

Fiona McTavish
Chief Executive
20 May 2019



Regional Direction and Delivery Committee

Terms of Reference

The Regional Direction and Delivery Committee has a core function of policy formulation and implementation and monitoring of Regional Council strategy and policy.

Delegated Function

To set the strategic direction for the Region by formulating policy that clearly identifies Council's role and direction on issues. This will be achieved through the development and approval of Council strategy and policy.

To set the operational direction for approved Regional Council policy and strategy and monitor how it is implemented. This will be achieved through the development of specific operational decisions which translate policy and strategy into action.

Membership

Chairman and all councillors.

Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the committee is not fewer than seven members of the committee.

Term of the Committee

For the period of the 2016-2019 Triennium unless discharged earlier by the Regional Council.

Meeting frequency

Six-weekly.

Specific Responsibilities and Delegated Authority

The Regional Direction and Delivery Committee is delegated the power of authority to:

- Approve and review statutory and non-statutory policy, plans and strategies for:
 - the management of resources in the region;
 - identifying and promoting community aspirations;
 - defining and delivering on Council's roles;
- Approve and review operational policy and plans;
- Develop and review bylaws;
- Receive reporting on consenting, compliance and enforcement;
- Receive reporting from state of the environment monitoring;

- Receive any annual reporting of organisational programmes;
- Enter into contracts on matters within its Terms of Reference to a maximum value of \$700,000 (excluding GST) for any one contract, subject to and within the allocation of funds set aside for that purpose in the Long Term Plan or Annual Plan or as otherwise specifically approved by Council;
- Approve submissions on matters relating to the Regional Direction and Delivery Committee's areas of responsibility that are not delegated to staff;
- Establish subcommittees and hearing committees and delegate to them any authorities that have been delegated by Council to the Regional Direction and Delivery Committee, including those under section 34 of the Resource Management Act 1991, and to appoint members (not limited to members of the Regional Direction and Delivery Committee);
- Delegate to hearings commissioners under section 34A of the Resource Management Act 1991 to exercise the powers, functions duties in relation to any authorities that have been delegated by Council to the Regional Direction and Delivery Committee;
- Establish working groups to provide advice to the Regional Direction and Delivery Committee on its areas of responsibility.

Note:

- The Regional Direction and Delivery Committee reports directly to the Regional Council.
- The Regional Direction and Delivery Committee is not delegated the power of authority to:
 - Approve the Regional Policy Statement and bylaws;
 - Review and adopt the Long Term Plan and Annual Plan;
 - Develop and review funding, financial, audit and risk policy and frameworks;
 - Approve Council submissions on Maori related matters except where submissions may have a wide impact on Council's activities;
 - Develop, approve or review non statutory policy for the Rotorua Te Arawa Lakes.

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

Chairperson:	P Thompson
Deputy Chairperson:	A von Dadelszen
Councillors:	N Bruning, W Clark, J Cronin, S Crosby, Chairman D Leeder, D Love, T Marr, M McDonald, J Nees, A Tahana, L Thurston, K Winters
Committee Advisor:	S Kameta

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

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 Regional Direction and Delivery Committee Minutes - 02 April 2019** 13
 - 7.2 Regional Coastal Environment Plan Appeals Subcommittee Minutes - 18 April 2019** 25
- 8 Presentation: Port of Tauranga**

Port of Tauranga Property & Infrastructure Manager Dan Kneebone will provide the presentation.
- 9 Reports**
 - 9.1 Mount Maunganui Industrial Area Update** 29

APPENDIX 1 - 2019-05-06 Hon Nanaia Mahuta - Notice of Requirement to Supply Information Resource Management Act 1991 - Air Quality NES	39
SUPPORTING DOCUMENT - 2018 Tauranga Emissions Inventory - (provided electronically in Stellar Library and on the website)	43
9.2 Summary of Appeals to Plan Change 13 (Air Quality)	45

10 Presentation: Forestry and Risk

Regulatory Compliance Team Leader Ryan Standen will provide the presentation.

11 Public Excluded Section

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
Operating Environment: Verbal Update on Ministry for the Environment's Essential Freshwater Programme	To protect this information so it doesn't prejudice similar information.	Good reason for withholding exists under Section 48(1)(a).

11.1 Operating Environment: Verbal Update on Ministry for the Environment's Essential Freshwater Programme

The Chief Executive and Chairman Leeder will provide the verbal update.

12 Readmit the Public

13 Reports

13.1 Freshwater Futures Update	49
APPENDIX 1 - Contaminant Loads in the Waihi and Maketu Estuaries Factsheet	57
13.2 Integrated Catchment Management Update	61
13.3 Climate Change Update (May 2019)	73

13.4 River Scheme Sustainability - Update for Rangitāiki Catchment	79
APPENDIX 1 - 2-07-2015 RDD-RSS Project Update report	89
13.5 Release of National Planning Standards	101
APPENDIX 1 - FINAL APPENDICES 1 & 2 National Planning Standards	107
13.6 Urban Form and Transport Initiative Update	123
14 Public Excluded Section	127

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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
9.1 Public Excluded Regional Direction and Delivery Committee Minutes - 10 April 2019	Please refer to the relevant clause in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
9.2 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee Minutes - 18 April 2019	To maintain legal professional privilege.	Good reason for withholding exists under Section 48(1)(a).
9.3 2017/18 Compliance, Monitoring and Enforcement Metrics for the Regional Sector	To protect this information so it doesn't prejudice similar information	Good reason for withholding exists under Section 48(1)(a).

14.1 Public Excluded Regional Direction and Delivery Committee Minutes - 10 April 2019	129
14.2 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee Minutes - 18 April 2019	135
14.3 2017/18 Compliance, Monitoring and Enforcement Metrics for the Regional Sector	139
APPENDIX 1 - Regional Sector Letter to Minister Parker - Compliance, Monitoring and Enforcement report 4 April 2019	143
APPENDIX 2 - Independent Analysis of the 2017/2018 Compliance Monitoring and Enforcement Metrics for the Regional Sector	147
APPENDIX 3 - Bay of Plenty Regional Council prosecution policy	239

- 15 Confidential business to be transferred into the open**
- 16 Readmit the public**
- 17 Consideration of General Business**

Previous Minutes

Minutes of the Regional Direction and Delivery Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Wednesday, 10 April 2019 commencing at 9.30 AM

Present:

Chairman: Paula Thompson

Deputy Chairman: Andrew von Dadelszen

Councillors: Lyall Thurston, Norm Bruning, Jan Nees, Chairman Doug Leeder, Bill Clark, Stuart Crosby, Kevin Winters, Matemoana McDonald, Arapeta Tahana

In Attendance: General Manager Integrated Catchments - Chris Ingle, General Manager Strategy & Science - Namouta Poutasi, Chief Executive - Fiona McTavish, Karen Parcell – Team Leader Kaiwhakatinana, Stephen Lamb – Environmental Strategy Manger, Toni Briggs – Project Manager, Pim de Monchy – Coastal Catchments Manager, Nicola Green – Principal Advisor, Policy & Planning, James Low – Team Leader Policy (Freshwater), Stephen Mellor – Compliance Manager – Urban, Industry & Response, Reece Irving – Senior Regulatory Project Officer, Eddie Grogan – Principal Regulatory Advisor, Shari Kameta – Committee Advisor

Apologies: David Love (leave of absence), Tiipene Marr, John Cronin, Matemoana McDonald (late arrival)

1 Apologies

Resolved

That the Regional Direction and Delivery Committee:

- 1 Accepts the apologies from Councillors: David Love, Tiipene Marr, John Cronin and Matemoana McDonald (late arrival) tendered at the meeting.

Thompson/Thurston
CARRIED

2 Public Forum

Nil

3 Acceptance of Late Items

Nil

4 General Business

A verbal update was requested on the Rotorua Landfill High Court Hearing and Abatement Notice during the Public Excluded section of the meeting.

5 Confidential Business to be Transferred into the Open

Nil

6 Declaration of Conflicts of Interest

Chairman Leeder, Cr Thompson and Cr Crosby declared an interest in Agenda Item 9.4, Options Analysis for Gazetting the Mount Maunganui Airshed.

7 Previous Minutes

7.1 Regional Direction and Delivery Committee Minutes - 19 February 2019

Resolved

That the Regional Direction and Delivery Committee:

- 1 Confirms the Regional Direction and Delivery Committee Minutes - 19 February 2019 are a true and correct record.

Thompson/von Dadelszen
CARRIED

Order of Business

The Chair requested a change to the order of business. Agenda item 8.3 Ministry for the Environment Water Update would be received next, followed by Agenda items 8.1 Regional Sector Update and 8.2 LGNZ Update.

Members were advised that information related to Agenda items 8.3 and 8.1 was subject to confidentiality and would need to be discussed with the public excluded.

8 Public Excluded Section

Resolved

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

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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

8.3 Ministry for the Environment Water Update	To protect information which is subject to an obligation of confidence, where it is in the public interest that such information should continue to be supplied.	Good reason for withholding exists under Section 48(1)(a).
8.1 Regional Sector Update	To protect information which is subject to an obligation of confidence, where it is in the public interest that such information should continue to be supplied.	Good reason for withholding exists under Section 48(1)(a).

**Thompson/von Dadelszen
CARRIED**

9:48am – Cr Tahana and Cr McDonald **entered** the meeting during the public excluded part of the meeting.

8.1 LGNZ Update

Councillor Crosby provided a verbal update on current issues and activity for LGNZ.

Key points included:

- Preparation and release of a position statement on regulatory water regimes.
- Reports on climate change and vulnerable infrastructure had been released and were available on the LGNZ website.
- Work on community resilience was occurring in five key areas including: information gaps, potential liabilities and current statutory direction.
- LGNZ's Localism Symposium and what real localism meant.
- LGNZ was working to promote and support Local Body Elections.
- An overview of the Government Policy Statement on Land Transport 2018/19, noting current cessation of the second tranche.

Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the LGNZ Update.**

**Thompson/Clark
CARRIED**

9 Reports

9.1 Freshwater Futures Update

Team Leader Policy (Freshwater) James Low and Principal Advisor, Policy & Planning Nicola Green provided the report, which was taken as read.

In Response to Questions:

- A Plan Change 9 pre-mediation meeting held with collective iwi was to clarify principles to support draft amendments for staff to consider. An update on the outcomes would be provided to the Committee in the next update.
- Staff were working through Plan Change 12 model responses and noted the need to communicate the uncertainties of the model and how they could be accommodated in the policy.
- Staff were preparing a brief information piece on issues within the Kaituna-Pongakawa-Waitahanui WMA, which would include how to access resources and potential changes coming from Central Government.
- Plan Change 10 Environment Court evidence to be presented by the Natural Capital Group along with Council's response had not been released by the Court, but could be provided to the Committee in confidence.
- Te Arawa Lakes Trust was seeking Ministry for the Environment support to take over the role of administering the Rotorua Te Arawa Lakes Strategy Group.

Points raised by Members:

- Raised concern with Lake Matahina's TLI and requested consideration for a science investigation to be provided.

Staff Follow-up:

- Provide a presentation to the Committee on mitigation modelling results.
- Provide councillors with an update on Plan Change 10 Natural Capital Group in writing via email.
- Request response for a potential Lake Matahina science investigation to be undertaken.
- Provide an update to the Committee on the Te Maru o Kaituna River Action Plan.

Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Freshwater Futures Update.

Thompson/Bruning
CARRIED

11:00am – the meeting adjourned.

11:20am – the meeting reconvened. Chairman Leeder **withdrew** from the meeting.

9.2 Climate Change Update

Refer PowerPoint Presentation: Objective ID [A3181489](#).

Environmental Strategy Manager Stephen Lamb and Project Manager Toni Briggs presented on national, regional and local level climate change activity.

Key points included:

- Staff involvement with UNISA adaptation considerations.
- Changes to the Emissions Trading Scheme forestry carbon credit system had moved to a linear average payment, which would enhance forestry investment.
- Collaboration with a wide range of sectors that would include a review on better synergies towards a more regionally focused outcome.

- Current work: increasing Council's electric vehicle (EV) fleet, investigation into a regional climate change website, update of NIWA's climate change impact research and projections for the region and coordination of a Youth Jam event.
- Development of Council's Climate Change Action Plan would be informed by community feedback via the Annual Plan consultation, with the Action Plan to be provided to the Committee in June.
- Setup of a Climate Change Action Plan webpage on Council's website.
- Development of in-house carbon targets and a Bay of Plenty regional target.

In Response to Questions:

- Council's vehicle fleet currently comprised one EV and five hybrids.
- NIWA's review of climate change impacts would include: sea level rise, rainfall, storm events, frost days and lake levels.
- Staff were connecting with climate change stakeholder groups, including the Te Arawa Climate Change Group.
- Staff were keeping informed of work undertaken by the Deep South Challenge.
- Regional targets would be reported to the Committee in June 2019.

Points raised by Members:

- Wanted to see science-based evidence and costs to inform decision-making.
- Noted the importance of engaging with climate change stakeholder groups.
- Regional targets and what they would mean for local communities was an essential piece of work.
- Considered Council needed to consult better on the climate change issue.

Items for Staff Follow-up:

- Requested NIWA climate change impacts reporting to include benchmarking of progress.

Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Climate Change Update.**

**Thompson/Nees
CARRIED**

Change to Order of Business

To accommodate the arrival of presenters and the Chief Executive, the Chair advised that Agenda items 9.3 and 9.4 would be deferred. Agenda item 9.6 Integrated Catchment Management Update would be received next, followed by Agenda item 9.5 Re-adoption of the Pre-Operative Regional Coastal Environment Plan.

9.3 Integrated Catchment Management Update

General Manager Integrated Catchments Chris Ingle provided update on the item.

Key points included:

- Completion of over 50 percent of flood repair project high priority sites.

- Progress of the Kopeopeo Canal project reset.
- Te Arawa Lakes Trust's catfish netting programme was receiving positive feedback with good progress made on engaging the community.
- Tender evaluations for the wallaby control trials were underway.
- Good progress made on the Rotorua streambank floor repairs.
- Coastal sub-catchments' focus on measurable water quality improvements.
- The Kaiate Falls sub-catchment work was progressing. A more comprehensive update would be provided to the Committee in June.
- Kaituna River re-diversion was proceeding well.

Points raised by Members:

- Commended the work of Te Arawa Lakes Trust's catfish netting programme and Community Coordinator Anaru Williams, noting the offer made from Rotorua Energy Charitable Trust to fund a community educator position.
- Sought assurance that the successful tender for the wallaby control trials would achieve the desired outcome of providing innovative approaches to wallaby control methods.

In Response to Questions:

- Overseas experience indicated it would be difficult to eradicate catfish once they were present, therefore the current strategy was to reduce populations and try to keep them out of other lakes, which community awareness was essential.
- Cost benefit analysis on the management of catfish and other biosecurity pests would be considered as part of the Regional Pest Management Strategy review in the coming months.
- A further update on the coastal sub-catchments focus with implications and comparison to current policy would be provided at a subsequent meeting.

Staff Follow-up:

- Staff to provide an update on potential availability issues of nursery plants.

Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Integrated Catchment Management Update.**

**Thompson/Crosby
CARRIED**

9.4 Re-adoption of the Pre-Operative Regional Coastal Environment Plan

Regional Development Manager David Phizacklea presented the item seeking re-adoption of the amended Regional Coastal Environment Plan to refer to the Minister of Conservation for final approval.

Key points included:

- Legal advice was sought that confirmed the four matters raised by Department of Conservation were sound.
- Department of Conservation had received and accepted the changes that were being presented to the Committee.

- Two outstanding appeal matters remained and were with the Environment Court.

Points raised by Members:

- A track change version of the amended plan had been provided to the RCEP Appeals Subcommittee who were satisfied that the changes were in order.
- Noted disappointment with the omission of the consent order and hoped that appropriate checks had been put in place to prevent similar reoccurrences, which staff acknowledged.

In Response to Questions:

- Clarified the process for introducing coastal marine charges, which would require the Schedule 1 statutory process of a plan change to the Coastal Plan including section 32 analysis.

Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Approval of the Amended Pre-Operative Regional Coastal Environment Plan;**
- 2 Resolves not to charge for occupation of the coastal marine area, pursuant to section 62A of the Resource Management Act 1991.**
- 3 Adopts the amended Pre-Operative Regional Coastal Environment Plan (version 10.2, April 2019) and recommends it to the Minister of Conservation for approval.**

**Thompson/Nees
CARRIED**

Change to Order of Business

To accommodate the arrival of external presenters, the Chair advised that Public Excluded Agenda item 10.2 Marae Wastewater Pilot Project would be received next followed by Agenda item 10.1 Public Excluded Minutes 19 February 2019 and Public Excluded General Business item.

10 Public Excluded Section**Resolved****Resolution to exclude the public**

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

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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
10.2 Marae Wastewater Pilot Project	To protect this information so it doesn't prejudice similar information.	Good reason for withholding exists under Section 48(1)(a).
10.1 Public Excluded Regional Direction and Delivery Committee Minutes - 19 February 2019	To protect this information so it doesn't damage public interest.	Good reason for withholding exists under Section 48(1)(a).
13 Consideration of General Business Item - Rotorua Landfill High Court Hearing and Abatement Notice	To maintain professional legal privilege.	Good reason for withholding exists under Section 48(1)(a).

Thompson/Thurston
CARRIED

12:08pm – Chairman Leeder **entered** the meeting during the public excluded part of the meeting.

10.1 Mount Maunganui Industrial Area Update

Refer PowerPoint Presentation: Objective ID [A3180874](#).

Compliance Manager - Urban, Industry & Response Stephen Mellor, Senior Regulatory Project Officer Reece Irving and Principal Regulatory Advisor Eddie Grogan presented the item.

Key points included:

- Dust occurrences were still occurring with several on-Port activities, with ongoing work taking place to find solutions.
- Monitoring analysis on a range of other identified dust sources was not source specific making it difficult to attach to a particular activity.
- Investigations had been launched into the five NES PM₁₀ breaches recorded between 9 November 2018 and 5 March 2019, however no determination had been made on the specific source.
- Status of investigations and engagement being undertaken with affected industry and community where identified issues and investigations were occurring.
- The Port of Tauranga had offered to present to the Committee on what they were doing to mitigate the issue.

In Response to Questions:

- An update was provided on the MARPOL Annex VI: Prevention of Air Pollution from Ships (Annex VI) in regard to shipping emissions. If Government passed Annex VI into legislation, ships would be required to move to cleaner fuel resolving the sulphur dioxide issue. Ministry for Transport officials had advised that a decision was anticipated in July 2019.
- The Government in acceding to Annex VI could make changes to the Resource Management (Marine Pollution) Regulations to allow for Council enforcement.

- As an interim option, Council could apply for a NES exemption for matters that could not be managed, which had previously been used for sea salt exceedances in Whakatāne.
- No exceedances had been detected at Sulphur Point to date. The location of the monitoring station was in proximity to where container fumigation took place and would remain there for 12 months.

Points raised by Members:

- Questioned whether shipping practices would confirm to Annex VI and suggested the matter be raised with Port of Tauranga's Chief Executive to report on.

Items for Staff Follow-up

- Requested staff provide commentary on next steps when reporting exceedances.

Resolved**That the Regional Direction and Delivery Committee:**

- 1 Receives the report, Mount Maunganui Industrial Area Update.**
- 2 Requests that staff arrange a presentation from Port of Tauranga for the next meeting of the Committee.**

Thompson/von Dadelszen
CARRIED

10.2 Options Analysis for Gazetting the Mount Maunganui Airshed

Refer PowerPoint Presentation: Objective ID [A3186429](#).

Team Leader Kaiwhakatinana Karen Parcell presented the item.

It is noted that Chairman Leeder, Cr Thompson and Cr Crosby had declared an interest in the item and did not participate in discussion and voting.

Cr Thompson **vacated** the chair and Cr von Dadelszen **assumed** the chair.

Key points included:

- Background on existing NES breaches and regulations for PM₁₀ and SO₂.
- Options and considerations of gazetting or not gazetting an airshed, noting both options required NESAQ standards to be met.
- Gazetting would not impact shipping capacity as management of emissions was currently not part of Regional Council's role.
- Government's consideration of legislating Annex VI was a separate matter that could resolve shipping emission issues and potentially enable Council to enforce rules via a subsequent change to Marine Pollution Regulations.
- Rationale for including Sulphur Point and shipping berths within the proposed airshed boundary was to target known and future potential discharge sources.
- The airshed boundary could be changed at any stage.

In Response to Questions:

- Rationale for including Tauranga Airport was due to legal boundaries.

- Airshed gazettal did not require any consultation to be undertaken however, stakeholder engagement would be carried out.
- Considered there was no other potential consequences of gazettal.
- A targeted rate for the proposed airshed, such as for monitoring and capital expenditure had not been considered.
- Staff considered property values of residential areas within the airshed would not be affected, provided that a clear explanation of the airshed was given.

Resolved

That the Regional Direction and Delivery Committee:

- 1 **Receives the report, *Options Analysis for Gazetting the Mount Maunganui Airshed*;**
- 2 **Option 1 - Approves an application to the Minister for the Environment to specify the Mount Maunganui Industrial Area as a separate airshed in the New Zealand Gazette (recommended option).**

Winters/Thurston
CARRIED

1.25pm – Cr Thompson resumed the chair.

11 Confidential Business to be Transferred into the Open

The Committee resolved to make the following amendment to the Public Excluded Regional Direction and Delivery Committee Minutes - 19 February 2019.

11.1 Public Excluded Regional Direction and Delivery Committee Minutes - 19 February 2019

Resolved

That the Regional Direction and Delivery Committee:

- 1 **Confirms the Public Excluded Regional Direction and Delivery Committee Minutes - 19 February 2019, with the following amendment:**
 - a. **Public Excluded Minute Item 2.1, Tauranga Harbour Coastal Hazards Study, agenda page 124 – Insert the following additional resolutions:**
 - ii. **Agrees to release the Tauranga Harbour Coastal Hazards Study report into the open following public release of the Coastal Hazards Study by Western Bay of Plenty District Council and Tauranga City Council.**
 - iii. **Agrees for the above resolution to be restated into the open and transferred into the open minutes of 19 February 2019.**

Thompson/Bruning
CARRIED

The meeting closed at 1:26pm.

CONFIRMED: DATE

P Thompson, Chairperson

Minutes of the Regional Coastal Environment Plan Appeals Subcommittee Meeting held in Mauao Room 1, Bay of Plenty Regional Council, 87 First Avenue, Tauranga on Thursday, 18 April 2019 commencing at 11.00 a.m.

Present:

Chairman: P Thompson

Deputy Chairman: J Nees

Councillors: J Cronin

In Attendance: David Phizacklea – Regional Development Manager; Michal Akurangi – Senior Planner (Coastal); A Namana – Committee Advisor

External: Mary Hill – Legal Counsel, Cooney Lees Morgan

1 **Apologies**

Nil.

2 **Public Forum**

Nil.

3 **Acceptance of Late Items**

Nil.

4 **General Business**

Nil.

5 **Confidential Business to be Transferred into the Open**

Nil.

6 **Declaration of Conflicts of Interest**

Nil.

7 Previous Minutes

7.1 Regional Coastal Environment Plan Appeals Subcommittee Minutes - 31 August 2018

Resolved

That the Regional Coastal Environment Plan Appeals Subcommittee:

- 1 Confirms the Regional Coastal Environment Plan Appeals Subcommittee minutes - 31 August 2018 as a true and correct record.

Thompson/ Nees
CARRIED

8 Public Excluded Section

Resolved

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

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Public Excluded Regional Coastal Environment Plan Appeals Subcommittee minutes – 31 August 2018	Please refer to the relevant clause in the open meeting minutes	Good reason for withholding exists under Section 48(1)(a)
Outstanding Appeals to the Proposed Regional Coastal Environment Plan	To maintain legal professional privilege	Good reason for withholding exists under Section 48(1)(a)

Thompson/Nees
CARRIED

The meeting closed at 12:54 pm

Confirmed DATE

Cr Paula Thompson
Chairperson – Regional Coastal Environment
Plan Appeals Subcommittee

Reports



Receives Only – No Decisions

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: Sarah Omundsen, General Manager, Regulatory Services

Mount Maunganui Industrial Area Update

Executive Summary

Since the last Mount Maunganui industrial area update to this Committee on 10 April 2019, there have been no further exceedances of the National Environmental Standards for Air Quality (NES) recorded at any of the monitoring stations. However, Hydrogen Sulphide is regularly detected above guideline levels. This gas is associated with industrial discharges, rotting vegetation, shipping and traffic emissions.

Staff continue to work with business and industry in the Mount Maunganui industrial area to tackle issues associated with air pollution. This includes continued investigations into probable cause and sources of discharges associated with earlier breaches of guidelines or National Environmental Standards.

Key updates include:

- A Tauranga Air Emissions Inventory has recently been completed which identifies shipping emissions as being a key contributor to degraded air quality in the Tauranga area.
- Ministers Mahuta and Parker have recently written to the Regional Council noting breaches of national standards in the Mount Industrial area, and requesting information on our approach to achieve compliance with the NES
- Staff have held discussions with several of the larger industrial sites and are seeking clear direction that business operators are continuing to improve site housekeeping and maintenance to reduce discharges of contaminants to air.
- Council staff are meeting with representatives of iwi and hapū groups to update them on the actions being taken to reduce contaminants being detected at the Whareroa Marae monitoring station.
- Odour discharge from a single business entity continues to cause the greatest number of service requests (complaints) from the public to the council Pollution Hotline. Our staff continue to work with this business to reach a resolution.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 Receives the report, **Mount Maunganui Industrial Area Update**;

1 Background and purpose of this report

This update continues the regular reporting on activities and actions undertaken to mitigate the impacts of industrial discharges in the Mount Maunganui industrial area. Air quality in the area has been perceived as degrading over a period of time as Port and industrial activity and vehicle movements have increased significantly in recent years.

Following the expansion of Regional Council's air quality monitoring capability in late 2018, several exceedances of environmental guidelines and the National Environmental Standards (NES) were detected. Investigations of these exceedances have shown a single source is seldom the cause and the cumulative effect of emissions from multiple sources is generally responsible.

Since the last update to the Regional Direction and Delivery Committee no additional breaches of NES air quality standards have been detected in the Mount industrial area. This is likely due not only to the change in climatic conditions, less long dry days and a change in wind direction, but also to the continuous engagement council staff have had with large industrial sites and Port of Tauranga to ensure all practicable measures are being implemented to minimise discharges of dust.

2 Tauranga Air Emission Inventory 2018

In 2018 Bay of Plenty Regional Council commissioned the preparation of an air quality emission inventory report for the Tauranga area. This inventory supersedes the 2003 region-wide inventory where a large urban area breakdown was also included. The inventory was prepared by Dr Emily Wilton.

The Air Emission Inventory covered the entire Tauranga City area as shown in Figure 1 below. The year for which data was compiled is 2018 unless otherwise stated.

An emission inventory assesses sources of discharges to air. Sources in the 2018 Tauranga inventory included domestic heating, motor vehicles, outdoor burning, shipping and port activities, aviation, rail and industrial and commercial activities. Natural source contributions (sea salt and soil) are not included because the methodology to estimate emissions is less robust. The evaluation focuses on particles in the air less than 10 microns (PM10), particles in the air less than 2.5 microns (PM2.5), sulphur oxides, nitrogen oxides and carbon monoxide.

A domestic home heating and outdoor burning survey was completed to determine heating methods and fuels and the prevalence and characteristics of outdoor burning. Emissions were assessed in terms of contributions to daily (winter) and annual average emissions. The matrix in Table 1 below displays annual average emissions in tonnes/year.



Figure 1 Emission inventory 2018 area of interest (TLA boundary).

Table 1: Annual average emissions by source and contaminant (tonnes/year)

	PM ₁₀ tonnes/year	CO tonnes/year	Nox tonnes/year	Sox tonnes/year	PM _{2.5} tonnes/year
Domestic Heating	174	2217	13	5	174
Motor vehicles	26	1448	381	0	20
Industry	84	33	59	232	31
Small scale activities	11				3
Aviation	0	19	29	2	0
Rail	1	1	33	0	1
Shipping	83	59	766	745	77
Port Activities	43	0	0	0	10
Outdoor burning	22	115	8	1	22
Total	443	3892	1289	986	337

The inventory assessed the total annual contribution from all sources for a variety of air contaminants finding that shipping was the major contributor to sulphur oxides (including SO₂), and a prominent contributor, along with industry, vehicle emissions, port activity and outdoor burning of PM₁₀ as illustrated in the pie graphs below.

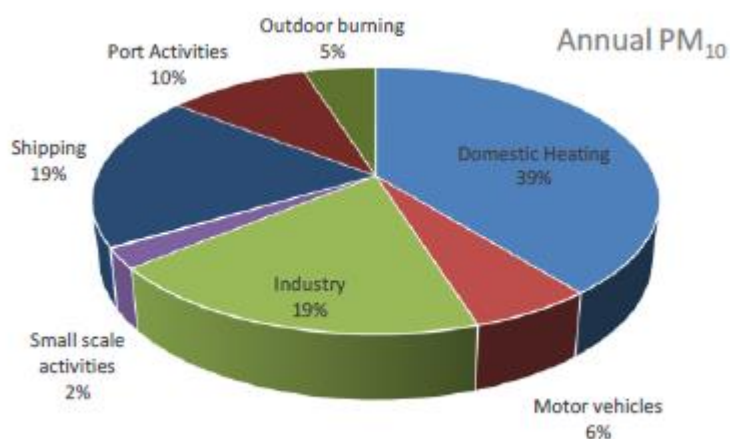


Figure 2: Relative contribution of annual sources of PM₁₀ in Tauranga

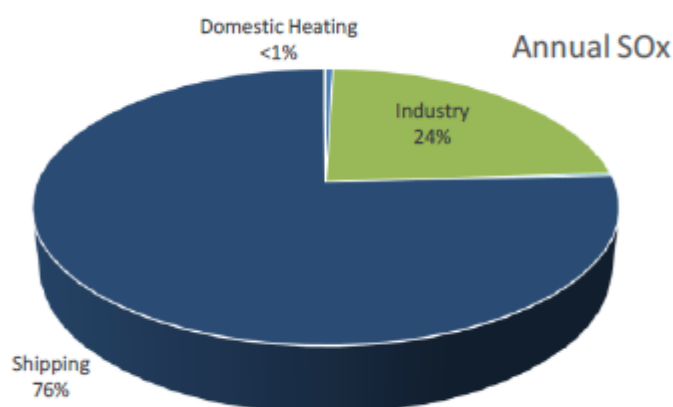


Figure 3: Relative contribution of annual sources of SO_x in Tauranga

This 2018 emission inventory is a timely addition to the wide ranging information being collected by Regional Council. The findings will be used to aid Council in managing activities within the Tauranga area and working with stakeholders. It will also be valuable in discussion with central government agencies around contaminants and sources that are not under direct Regional Council control.

The Tauranga Air Emission Inventory 2018 is provided as a supporting document with this report.

2.1 Shipping emissions

The report identifies shipping emissions as being a key contributor to degraded air quality in the Tauranga area. Council staff recently prepared a submission in support of New Zealand becoming a signatory to MARPOL annex VI, the Prevention of Air Pollution from Ships, which is currently being considered by the Ministry of Transport (MoT).

MoT has outlined a time line of the potential accession of New Zealand to MARPOL annex VI. By July this year a cabinet paper will be submitted and a cabinet committee will decide in principle if New Zealand should accede. Between August 2019 and February 2020 the process will move to Select Committee consideration and if approved necessary legislation will be drafted, taking until August 2021. Ultimately by January 2022, Annex IV will enter into effect for New Zealand.

Until Annex IV becomes effective, Regional Councils have no ability to impose restrictions on shipping emissions in New Zealand ports.

3 Gazetted Airshed

At the 2 April 2019 meeting of this Committee, it approved gazetting the Mount Maunganui area as a separate airshed. Staff are currently preparing the map series for submission to Land Information New Zealand and then the Minister for the Environment. Depending on the Minister's process, the Mount Maunganui Airshed could be gazetted as early as July 2019, taking effect in August 2019.

The emission inventory referred to above does not impact on the decision to gazette an airshed covering the Mount industrial area. Whilst shipping emissions have been directly attributed to three SO₂ exceedances detected at the Rata Street monitoring site, PM₁₀ exceedances have been detected at locations where it is unlikely shipping would be a major contributor.

At the time of writing, staff have a meeting planned with Ngāi Te Rangi to discuss the inclusion of Whareroa Marae within the Airshed boundary. Staff will give a verbal update on the outcome at the RDD committee meeting.

4 Letter from Ministers Mahuta and Parker

On 6 May 2019, the Regional Council received a letter from Ministers Mahuta and Parker about the breaches of the PM10 standard and exceedances of the sulphur dioxide standard recorded at the vicinity of the Mt Maunganui industrial and port areas. This letter is included for your information in Appendix 1.

The Ministers have requested the following information:

- Regional Council's air quality management plan/s or strategy/ies to control discharges of contaminants into air and to comply with the National Environmental Standards for Air Quality (Air Quality NES) at Mt Manganui
- Relevant rules in BOPRC's Regional Air Plan that cover managing discharges to air at Mt Manganui
- Past enforcement action taken by BOPRC for previous breaches of the Air Quality NES and the mitigating measures required to be put in place to address specific discharges
- Current resource consents to discharge contaminants into air for industries located at the Mt Manganui industrial and port area.

This information is due to the Ministry for the Environment by 31 August 2019.

5 Public accessibility to validated monitoring data

Validated air monitoring data collected from the Mount Maunganui Industrial area relating to particulate matter (Total Suspended Particulate (TSP), PM₁₀ & PM_{2.5}), sulphur dioxide, hydrogen sulphide, hydrogen fluoride, wind speed & direction are now available to the public via the web based Environmental Data Portal.

The portal currently displays a significant amount of data that can be hard to discover and digest in raw form. A project is underway to build dashboard type screen displays that will enable easier public interpretation of often complex data sets and promote a level of transparency to interested parties. The portal can be viewed at: <https://envdata.boprc.govt.nz/Data/Dashboard/92>

A screenshot displayed in Figure 2 below is indicative of what is publically available on the website at present. A user of the portal is able to select the contaminant of interest and the location of any guideline exceedance will display as timeline graphs capable of showing the previous two months of verified data.

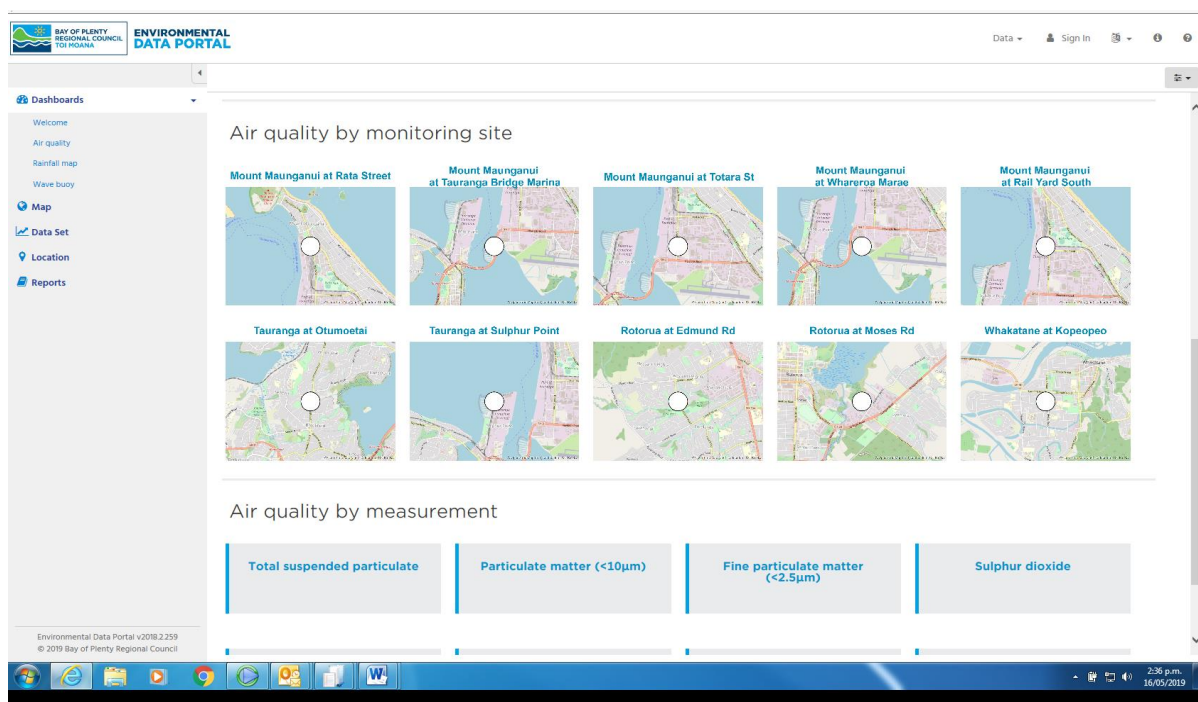


Figure 2: Screenshot from Data Portal showing locations of monitoring stations.

6 Service Requests responded to between 7 March and 1 May 2019

The vast majority of air quality complaints in the Mount Industrial Area (MIA) received during the reporting period relate to the on-going odour issues associated with Zivi Limited pet food manufacturing processes. Council officers are called to investigate odour discharges from this site on an almost daily basis, including after hours and weekends, and have verified at times the discharges are offensive and objectionable.

Mount Industrial area service requests 7/3/19 to 1/5/19		
	#	%
Air	113	95
Coastal	1	1

Water & Land	5	4
Total	119	100

Air related service requests from the Mount Industrial area 7/3/19 to 1/5/19		
	#	%
Dust	5	4
Industrial Discharge	2	2
Odour	105	93
Unknown	1	1
Total	113	100

Subjects of service requests from the Mount Industrial area 7/3/19 to 1/5/19		
	#	%
Ballance Agri-Nutrients Ltd	8	7
CPB Contractors Pty Limited	1	1
CRS Tauranga Ltd	1	1
HR Cement	2	2
Port of Tauranga	1	1
Shipping vessel	2	2
Tauranga City Council	1	1
Unknown	9	8
Ziwi Limited	94	79
Total	119	100

7 Compliance inspections on consented activities

In the past six months compliance inspections have been completed on 31 out of a total of 64 industrial consents in the Mount industrial area. These consents are made up of 38 for stormwater discharge and 26 for air discharge. Of the air discharge consents, 14 are held by spray painters and sandblasters. These activities are likely to become permitted with the implementation of Plan Change 13 (Air Quality). Compliance inspections allow the council officer to assess the business activity's compliance with consent conditions, provide education around issues and improvements that need to be implemented and where necessary undertake enforcement action.

Through compliance inspections business operators are informed of the renewed importance being placed on the Mount industrial area to ensure there are improvements in the overall environmental health across the location. The opportunity is taken to remind industrial sites that all businesses have a role to play to improve air and water quality in industrial areas.

8 Methyl bromide update

As discussed in the last update to RDD, Genera's consent required that recapture for logs and timber be increased from 60% to 100% by 30 April 2019. This is the

percentage of logs and timber fumigations that must have recapture technology applied, and not the percentage of gas captured.

A deferral of the 30 April 2019 date until 30 April 2020 was requested by the consent holder on the basis that “there is no appropriate technology available to recapture from ship holds...” Ship hold fumigations account for a relatively small number of fumigation events however they do account for a large quantity of methyl bromide.

A recommendation was then sought from an independent commissioner, following which the Consent Manager granted a deferral of three months. This deferral is intended to allow Genera to prepare for ship hold fumigations and / or explore alternative options.

Condition 5C.1 of the main fumigation consent states that “the consent holder may, subject to prior written approval by Bay of Plenty Regional Council, implement recapture on alternative dates to those specified in this schedule, as dictated by availability of appropriate technology.” Therefore further opportunity exists for Genera to make additional deferral requests.

In March 2019, STIMBR (Stakeholders in Methyl Bromide Reduction), a group representing the interests of log exporters, made a formal application to the Environmental Protection Authority (EPA) for a partial reassessment of controls around the use of methyl bromide. This included the EPA recapture deadline of October 2020. Council has expressed an interest in commenting on any reassessment of methyl bromide and will do so once the opportunity arises.

Any deferral of recapture deadlines means that more gas is released to atmosphere rather than being contained. This has implications for the ozone layer and potentially for human health. These matters need to be weighed against the practicality of achieving this.

8.1 Fumigation Management Plan (FMP)

This plan was developed by Genera (in consultation with Regional Council) in response to appeals to the abatement notices issued to Genera in 2018. It was formally approved by Regional Council on 1 May 2019.

The FMP includes agreement on the methodology to be used for measuring the methyl bromide concentrations under tarpaulins following the completion of the recapture process, prior to release to atmosphere. This is to be carried out every six months, with the first assessment being due by the end of June 2019.

These assessments will enable Council to discover the effectiveness of the recapture process. This will inform staff how much gas is actually released following recapture, and the associated risks to Port workers and neighbouring community.

8.2 EDN (Ethanedinitrile)

The EPA is still evaluating EDN and has yet to make a decision on whether it will approve the use of it as an alternative fumigant to methyl bromide.

The Decision Making Committee (DMC) has extended the period of adjournment of the public hearing on the basis that the applicant has indicated that they will provide further relevant information, such as worker exposure data, fumigant concentrations and efficacy. This is due to be provided in May 2019. This may be followed by a

prolonged adjournment of this application, while WorkSafe NZ develops appropriate workplace controls.

The log export industry had hoped that the use of EDN would be approved by October 2020. If it is not, then the issue of methyl bromide recapture gains an even greater significance.

8.3 Consent variation application - biosecurity

An application from Genera to allow the fumigation of any cargo within ship holds (e.g. palm kernel), has now been decided on by an independent commissioner. This consent variation was granted on 3 April 2019.

This means that when a possible biosecurity threat is detected, such as the presence of insects in any cargo of an incoming ship, fumigant may now be applied into the ship holds to address that threat, after it has arrived at berth. This only applies when directed by the MPI. Previously the consent only permitted logs to be fumigated in ships' holds.

The application to vary the consent came about following a meeting between senior management of MPI, Regional Council and Genera.

8.4 Replacement Fumigation Consent for Genera

Both of Genera's consents for the discharge of fumigants expire in 2020. Genera have begun pre-application consultation and have already held three hui.

9 Port of Tauranga presentation

Dan Kneebone, Property and Infrastructure Manager at the Port of Tauranga is attending the RDD meeting to present to committee members on:

- The importance Port of Tauranga is placing on improvements and the licence to operate in the community.
- An update on recent environmental initiatives implemented at the Port.

10 Implications for Tangata Whenua and Whareroa Marae exceedance investigations

Ngāi te Rangi iwi and affiliated hapū, particularly those with connections to the Whareroa Marae are major stakeholders in, and parties affected by, activities undertaken in the Mount Maunganui industrial area.

The monitoring station which has been sampling at the marae for nearly three years has shown air quality in the area is regularly impacted by airborne industrial contaminants in the form of SO₂ and H₂S gases, and/or dust above guideline and NES limits. The marae location means there are natural sources, such as marine sands and salt and decomposing sea weeds, contributing to air quality impacts under certain meteorological conditions.

The ability to detect the fine PM₁₀ dust fraction was introduced to the Whareroa monitoring station in August 2018 and soon after three breaches of the 24 hour limit were detected, in November and December 2018.

Science and compliance investigations into events surrounding the exceedances indicated the wind direction during all three events was from the Nor to Norwest direction and scanning electron microscope screening indicated there was a fertiliser signature. This indicates dust from the Ballance Agri-Nutrients site was a contributor during the time exceedances were detected.

However, the fertiliser signature was not predominant and dust particles from a large number of unknown types made up the samples collected. The investigation concluded that during Nor to Norwest winds a large number of up-wind activities can contribute to degraded air quality around the marae. As a result council staff continue to work with businesses on the Port to assess shipping emissions and also met with Ballance management on 17 April to discuss the actions that could be implemented on their site to further reduce the impact of their activity on air quality.

On 17th May a hui will be held with iwi and hapū representatives to update them on the current situation with regards to air quality monitoring, our findings and the actions being undertaken to reduce and manage contaminant discharges to air.

11 Budget Implications

Current Year Budget

This work is being undertaken within the current budget in the Long Term Plan 2018 - 2028

Future Budget Implications

Future work in the Mount Maunganui Industrial Area is provided for in the Council's Long Term Plan 2018-2028.

12 Community Outcomes

This project directly contributes to a Healthy Environment, Safe and Resilient Communities and a Vibrant Region in Community Outcomes in the Council's Long Term Plan 2018-2028.

Reece Irving
Senior Regulatory Project Officer

for General Manager, Regulatory Services

17 May 2019

APPENDIX 1

2019-05-06 Hon Nanaia Mahuta - Notice of Requirement to Supply Information Resource Management Act 1991 - Air Quality NES

Hon Nanaia Mahuta

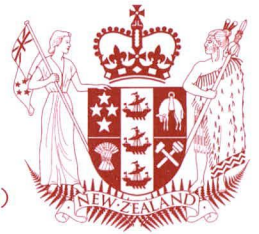
MP for Hauraki-Waikato

Minister for Māori Development

Minister of Local Government

Associate Minister for the Environment

Associate Minister of Housing and Urban Development (Māori)



02 MAY 2019

Doug Leeder
Chairman
Bay of Plenty Regional Council
PO Box 364
WHAKATANE 3158

File No.	
File Confirmed / Amended	
BOP Regional Council	
Received	06 MAY 2019
ID:	
Name	Signed

Tēnā koe Mr Leeder

We are writing in line with my delegated responsibilities as Associate Minister for the Environment and the powers of the Minister for the Environment, Hon David Parker, to administer relevant resource management regulation.

The National Environmental Standards for Air Quality (Air Quality NES) have set limits for key air pollutants that councils need to observe and enforce within their regions to protect the health of their communities. This includes a national standard for particulate matter of 10 micrometres or less in diameter (the PM₁₀ standard) and a standard for sulphur dioxide.

Our officials advised us that breaches of the PM₁₀ standard and exceedances of the sulphur dioxide standard were recorded from December 2018 to February 2019 at the vicinity of the Mt Maunganui industrial and port areas. There is also an indication that this site will continue to breach and exceed these two standards.

We would like to obtain information on your plans to manage the issue and minimise the occurrence of future breaches. Attached is Minister Parker's notice to supply this information under section 27 of the RMA.

We acknowledge the work that BOPRC has done in improving air quality in the Rotorua airshed, which includes establishing specific rules to manage the main source of emissions that are more stringent than those required in the Air Quality NES. These measures have led to significant reductions in the number of high pollution days in Rotorua. We note that this approach continues to be reflected in your current Regional Air Plan review.

We look forward to seeing the approach you are considering to achieve compliance with the Air Quality NES and reducing the impacts of various sources of air pollution at Mt Maunganui.

Nāku noa, nā

Hon Nanaia Mahuta
Associate Minister for the Environment

Hon David Parker
Minister for the Environment



Attorney-General

Associate Minister of Finance

Minister for Economic Development

Minister for the Environment

Minister for Trade and Export Growth

Notice of a Requirement to Supply Information:

Section 27(1) Resource Management Act 1991

This notice is served pursuant to section 27(4) Resource Management Act 1991.

I require the Bay of Plenty Regional Council (BOPRC) to supply information relating to:

- BOPRC's air quality management plan/s or strategy/ies to control discharges of contaminants into air and to comply with the National Environmental Standards for Air Quality (Air Quality NES) at Mt Manganui
- Relevant rules in BOPRC's Regional Air Plan that cover managing discharges to air at Mt Manganui
- Past enforcement action taken by BOPRC for previous breaches of the Air Quality NES and the mitigating measures required to be put in place to address specific discharges.
- Current resource consents to discharge contaminants into air for industries located at the Mt Manganui industrial and port area.

Information required in this notice relates to section 27(3)(a), (b) and (c).

The information must be supplied to the Ministry for the Environment, acting on behalf of the Minister for the Environment. The deadline for information to be supplied is 31 August 2019. The timeframes and supply of information are specified as required under section 27(5)(a)(ii) and (b).

A handwritten signature in blue ink, appearing to read 'David Parker'.

Hon David Parker
Minister for the Environment

2 May 2019

**SUPPORTING DOCUMENT - 2018 Tauranga Emissions
Inventory - (provided electronically in Stellar Library
and on the website)**



Receives Only – No Decisions

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: Julie Bevan, Policy & Planning Manager

Summary of Appeals to Plan Change 13 (Air Quality)

Executive Summary

The Regional Council notified Proposed Plan Change 13 (Air Quality) on 27 February 2018. Hearings were held in October 2018 and the decisions version of the Plan Change was publicly released on 12 March 2019.

Appeals closed on 26 April 2019 with 10 appellants lodging appeals. Key appeal points are:

- Handling of bulk solid materials AQ R22 – entire rule.
- Open burning AQ P5, AQ R6, AQ R9 – in part.
- Agrichemical spraying AQ P8, AQ R15 – in part.
- Reverse sensitivity.

There are no appeal points on the fumigation/methyl bromide provisions or the Rotorua burner rules. The bulk of the provisions of the Plan Change have no appeals against them.

At the time of writing the section 274 period had not yet closed, therefore staff cannot provide any comment on the parties or their concerns. Once this period has closed and the appeals processed, staff will be able to provide an update on the appeals.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 Receives the report, *Summary of Appeals to Plan Change 13 (Air Quality)*;

1 Purpose

To provide the Regional Direction and Delivery Committee (the Committee) a brief update on appeals to Proposed Plan Change 13 (Air Quality) to the Operative Regional Natural Resources Plan (the Plan Change).

2 Background

On 27 February 2018 the Regional Council notified the Plan Change. A total of 80 submissions were received and 30 further submissions.

Hearings were held over five days in October 2018 in Tauranga and Rotorua, with 36 submitters presenting to the Hearing Panel. Deliberations were held in November 2018 and the hearing closed on 8 November 2018.

The Hearing Panel recommendations were approved by this Committee on 19 February 2019 and the decisions version of the Plan Change was publicly released on 12 March 2019.

3 Appeals to Plan Change 13

The appeals period closed on 26 April 2019. Ten appellants have lodged appeals as follows:

1. Federated Farmers of New Zealand
2. Swap Stockfoods Limited
3. Fonterra Limited
4. Western Bay of Plenty District Council
5. Horticulture New Zealand
6. Timberlands Limited
7. Trustpower Limited
8. Tauranga City Council
9. Thermal Brewing Company
10. Ballance Agri-Nutrients

3.1 Key appeal points

Throughout the public process the majority of submission points have been highly specific. The appeal points follow this trend, focussing on key points – often single words or clauses/conditions. There are no whole of plan change appeals.

Staff have identified the following key appeal topics/provisions:

- Handling of bulk solid materials AQ R22 – entire rule.
- Open burning AQ P5, AQ R6, AQ R9 – in part.
- Agrichemical spraying AQ P8, AQ R15 – in part.
- Reverse sensitivity.

There are also appeals on activity areas such as outdoor fires on business premises in Rotorua, crematoria, intensive farming and liquid waste.

There are no appeals on the fumigation/methyl bromide provisions or the Rotorua burner rules (except for outdoor fires on business premises). The bulk of the provisions of the Plan Change have no appeals against them and must be treated as operative. Staff will obtain legal advice to confirm the provisions that this applies to.

Section 274 allows persons to become a party to the proceedings by giving notice within 15 working days following the appeal period. At the time of writing, the period for section 274 parties has not closed, therefore staff are unable to provide any comment on the parties or their concerns.

Once the section 274 period has closed, staff will be able to provide a further update on appeals.

4 Financial Implications

There are no financial implications at this stage.

5 Community Outcomes

This item/project directly contributes to the A Healthy Environment Council's Long Term Plan 2018-2028.

Karen Parcell
Team Leader Kaiwhakatinana

for Policy & Planning Manager

17 May 2019



Receives Only – No Decisions

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: James Low, Team Leader Policy (Freshwater)

Freshwater Futures Update

Executive Summary

Substantial progress towards implementing the National Policy Statement for Freshwater Management (NPSFM) is occurring. However, pending national policy changes are likely to have a substantial impact on this work. Accordingly, work streams are continuing to progress information gathering and analysis, but community discussions about policy options in Rangitaiki and Kaituna-Pongakawa-Waitahanui Water Management Areas will not be progressed until government policy proposals are released.

Key freshwater updates include:

- Government is expected to release the Essential Freshwater proposed policy changes package for public feedback in July 2019.
- Plan Change 9 pre-mediation meetings have been held about iwi matters and will be discussed with the appeals sub-committee on 30 May.
- The Plan Change 10 Environment Court hearing is currently adjourned. An interim decision by the Environment Court on first stage matters is expected “soon”.
- Good management practice modelling for Plan Change 12 is progressing. Modelling results will be shared with community groups at workshops scheduled for May 27 and May 29. As anticipated, results indicate that good practice would make a good start, but will not be sufficient to achieve moderate ecological health in Waihi and Maketu estuaries.
- Rotorua and Tauranga Water Management Area preliminary work is progressing in accordance with their schedule.
- Te Maru o Kaituna is likely to complete an action plan in July 2019.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Freshwater Futures Update;**

1 Purpose

This report provides an update on policy work underway to improve management of freshwater resources in the Bay of Plenty region. It also provides an update on freshwater policy matters at a national level.

2 National Updates

2.1 Essential Fresh Water

Central government's *Essential Freshwater* programme is focussed on:

- Stopping degradation and loss of freshwater resources, waterways and ecosystems;
- Reversing past damage to freshwater resources waterways and ecosystems; and
- Addressing allocation issues.

The work is being delivered by a task force, including seconded staff from Regional Councils (including one from this Council), with advice and direction from the Freshwater Leaders Group, Science and Technical Advisory Group, Regional Council sub-group, and Kahui Wai Māori. Chairman Leeder and Fiona McTavish are members of the Regional Council sub-group. Staff continue to provide input where the opportunity arises.

The scope of proposed freshwater policy change is potentially large, as outlined in the *Essential Freshwater* document released by government in October 2018. It is expected that government will propose changes to the RMA, a new National Environmental Standard (NES), and amendments to the National Policy Statement for Freshwater Management (NPSFM). A policy package focussing on addressing high nutrient losses from certain rural land use practices is anticipated.

Farm environmental plan (FEP) requirements could be a big part of these upcoming changes, as a tool to promote good practice, and potentially also as a compliance tool for nutrient reduction requirements and other standards.

Proposed changes are expected to be released for public feedback in July 2019.

2.2 Three Waters Review

Government's *Three Waters* review is running in parallel with the *Essential Freshwater* package. The review is expected to result in change to regulations for drinking water, wastewater and stormwater and, later, changes to service delivery and economic regulation. Government is expected to consider policy proposals for new regulatory arrangements in June after which the first proposed changes are likely to be released.

3 Plans and Plan Changes

Council is actively working on several freshwater plan changes to the operative Regional Natural Resources Plan. Updates are provided below.

3.1 Region-wide Water Quantity - Proposed Plan Change 9

At our last Regional Direction and Delivery Committee (RDD) meeting staff reported that the first multi-party pre-mediation meeting (Group 1 – Iwi matters) was held on 18

March 2019. A further meeting including 274 parties was held on Monday 6 May 2019 where Group 1 appellants' suggested changes were discussed. These will be considered by the appeals sub-committee on 30 May.

We have since filed an update memorandum with the Environment Court who have requested a further progress update by 05 July 2019. By then we will have completed all pre-mediation discussions and expect to have received clear direction from the appeals sub-committee.

3.2 Lake Rotorua Nutrient Management - Proposed Plan Change 10

The Environment Court Hearing on Proposed Plan Change 10 started on 4 March 2019. The Hearing has been divided into two stages:

1. The substantive matter of allocation.
2. More minor implementation issues.

The first stage of the Hearing (Allocation) ran for one week ending with the submission of legal closing arguments by the Natural Capital Group on 13 March and Regional Council as respondent on 22 March 2019. The Hearing is currently adjourned awaiting an interim decision by the Environment Court on the first stage which is expected "soon". No date for commencement of the Stage 2 appeals hearing has been set.

3.3 Plan Change 12: Kaituna/Pongakawa/Waitahanui and Rangitāiki Water Management Areas

The purpose of this work is to deliver freshwater objectives based on freshwater values, and to set appropriate water quality and quantity limits and methods. This will ultimately be achieved by way of a change to the Regional Natural Resources Plan (RNRP Plan Change 12).

Science and information gathering is largely complete. We have recently received good management practice modelling results. Rangitāiki and Kaituna-Pongakawa-Waitahanui Community group meetings are scheduled for 27 and 29 May respectively to discuss water quality, modelling results, and potential future policy options. Community group advice will help to shape key messages for wider community engagement. However, these meeting dates are dependent on receiving a full technical report from the modellers in time to provide it to the groups. If this does not occur, the workshops will be postponed to give group members time to receive, understand and question the modelling, as this has been requested by several group members. Staff advice that progressing without this information may result in a lack of acceptance of key issues, objectives and policy options.



Figure 1: Current timeline for Plan Change 12 planning process.

Staff are acutely aware of pending changes to national freshwater policy and have considered implications of this for our work. Staff will not advance formal plan change notification or substantially progress other work that could be substantially affected by national changes, until they are announced and can be appropriately accommodated.

Rangitāiki Water Management Area

Rangitāiki surface water quality and good practice mitigation will be discussed with the Rangitāiki Community Group on 27 May. The meeting will consider the relatively modest water quality issues (when compared to Kaituna/Maketū and Waihi estuary catchments) and the challenges associated with achieving meaningful water quality improvements. Staff suggest arresting increasing nitrate trends, and also improving management of sediment loss will be key focus areas.

Kaituna-Pongakawa-Waitahanui Water Management Area

The focus of freshwater management in the Kaituna-Pongakawa-Waitahanui Water Management Area is to substantially reduce contaminant loads to support moderate ecological health in Maketū and Waihi estuaries and to increase the amount of time shellfish are safe to harvest. This will require significant changes in the catchment.

Modelling results for a good management practice mitigation scenario reveal that good practice across all land uses, on its own, may be a good start, but is unlikely to achieve sufficient contaminant reduction. Indicatively, good practice applied across all land uses in Kaituna-Pongakawa-Waitahanui WMA might achieve approximately 10% Total Nitrogen reduction (TN), 8% Total Phosphorus (TP) reduction, 1% Total Suspended Solids (TSS) reduction and 10% *E. coli* reduction. The estimated reduction needed to achieve moderate health in the estuaries is approximately 60% TN, approximately 30% TP, yet to be quantified but large TSS reduction, and approximately 50% for *E.coli*. Land use practice data deficiencies mean these are approximate, not specific estimates.

A key messages factsheet for wider community engagement about contaminant loads in the Waihi and Maketū estuaries is attached in Appendix 1.

Farm/Orchard Environment Plans

Central government is considering where FEPs might be required nationally. Likewise staff anticipate that FEPs may be a key tool in Water Management Areas (WMAs) to ensure farm and horticulture blocks apply good practice, comply with standards (e.g., stock exclusion), and potentially to progress nutrient reduction requirements.

If FEPs are embedded in a national regulation or in plan change 12, they will be regulatory tools. The likely expectation is that certified industry or independent practitioners would lead FEP development (potentially with some input from advisors), and Council would lead auditing and compliance.

Councillors have requested an estimate of implications for Council if FEPs become a national requirement. These have not been fully assessed and depend on how national regulations are targeted. However, the following estimates provide an indication for Kaituna-Pongakawa-Waitahanui Water Management Area:

- There about 175 dairy farms, 40 sheep and beef farms and 1000 kiwifruit orchards.
- Based on experience in Lake Rotorua catchment, an FEP costs \$4000 on average to develop (once every 5 years) plus \$2000/year monitoring/compliance in other years.
- Fonterra advises that one staff member can deliver 40-50 farm plans per year. As currently resourced, it may take 3 years to complete FEPs for dairy farms.
- The kiwifruit industry advises that it is well resourced to supported FEPs that deliver Global GAP requirements, but these would need to be further developed to deliver on contaminant management requirements.
- The Coastal Catchments team is resourced to actively support farm planning and investment in proposed focus catchments, and to a lesser extent across the whole WMA.
- Council would need to increase resourcing for data system development and data capture, auditing and compliance the size of which has yet to be estimated. It is understood that central government is supporting the development of a national FEP template and data management system.
- There are likely to be external capacity and capability issues. For example, Waikato Region is experiencing a shortage of fencing contractors and supplies as well as FEP practitioners.

Engagement with iwi

Engagement with iwi whose rohe includes the Rangitāiki and Kaituna-Pongakawa-Waitahanui Water Management Areas is ongoing. A draft discussion paper called “Tangata whenua values and interests snapshot” has been prepared summarising outcomes of the work to date and posing questions about next steps. Depending on implications of central government proposed freshwater policy changes, this is intended to be shared as part of a more targeted round of engagement.

3.4 Rotorua Lakes (Plan Change 15)

Staff are awaiting results of a small contract that will collate stormwater discharge water quality monitoring data. An investigation into the need/utility and best options (if any) for freshwater quantity and quality modelling is about to commence. The project

timeline will be reconsidered in light of upcoming government proposed freshwater policy change.

3.5 Tauranga Moana (Plan Change 16) Water Management Areas

The baseline stocktake for Tauranga Moana is near-complete. A positive working relationship with Tauranga Moana Iwi has been established. Staff have received “low flow observations” from Tauranga Moana kaitiaki as a first step towards better understanding tāngata whenua freshwater values and a work plan to further document their values and interests is being prepared. As noted for Rotorua, consideration of modelling needs and options is underway.

4 Co-Governance Forum Updates

Council continues to work with Te Maru o Kaituna River Authority (TMoK) and the Rangitāiki River Forum (RRF). Both forums receive regular updates on Council’s Freshwater policy work programme. Council will continue to seek co-governance advice/feedback as to whether and how our work aligns with the objectives of their river documents.

4.1 Te Maru o Kaituna River Authority

Te Maru o Kaituna River Authority (TMoK) is progressing development of their Kaituna River Action Plan which, which is expected to be completed by July 2019. The action plan will be comprised of priority projects that contribute to meeting the vision, objectives and desired outcomes of the *Kaituna, he taonga tuku iho – a treasure handed down* – the river document.

4.2 Rangitāiki River Forum

Rangitāiki River Forum will hold a freshwater workshop on the 21 May. It is anticipated this will discuss a summarised version of:

- Groundwater quantity matters discussed at Rangitāiki Freshwater Futures Community Group workshop 9 (20 March).
- Surface water quality matters to be discussed in Rangitāiki Freshwater Futures Community Group workshop 10 (27 May).

5 Other Matters

5.1 He Korowai Mātauranga

He Korowai Mātauranga (HKM), our regional mātauranga Māori internal staff framework is a key Long Term Plan project considered essential to having successful outcomes for the way Toi Moana and tangata whenua work together. HKM was approved by Komiti Māori in December 2018. Staff are working on developing a draft implementation plan which is due to be completed by 30 June 2019. We are on target to meet this date.

The implementation plan will give effect to three Muka or strands:

- developing cultural responsiveness tools to support staff;

- preparing a relationship strategy that will enhance staff capability to respond to tangata whenua; and
- the interfacing of mātauranga with science, and development of a repository of mātauranga that is centralised and managed in collaboration with Māori.

He Korowai Mātauranga has been presented to staff via six information sessions held across regional offices. Approximately 150 staff attended, providing valuable input across the framework strands. There was strong support for HKM, and understanding that we all benefit from having tools to help us build productive and meaningful relationships with tangata whenua. A collaborative hub or focus group is being established and will have representatives from relevant teams which will provide opportunities for specific advice around needs and possible solutions for the implementation plan. Tāngata Whenua input will occur via regional wānanga/hui.

6 Implications for Māori

Freshwater management is a key interest for Māori. Part D of the NPSFM requires council to involve tangata whenua in the management of freshwater resources. Additionally, Council must recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e), Resource Management Act 1991).

Engagement and analysis for Plan Change 12, appeals on Plan Change 9, and feedback from co-governance forums confirm the high value placed on freshwater by tangata whenua, and their substantial concerns about water quality. The importance of freshwater to tangata whenua is a key consideration in our ongoing work.

7 Budget Implications

7.1 Current Year Budget

This work is fully funded within the 2018 – 2028 LTP and falls within operational budgets in 2019 Annual Plan.

7.2 Future Budget Implications

This work is fully funded within the 2018 – 2028 LTP. However, pending freshwater policy changes including amendments to the RMA, NPSFM and a new NES alongside changes required to implement the new National Planning Standards may require budget adjustments if, for example, timeframes for implementing the NPSFM are changed.

8 Community Outcomes

This item/project directly contributes to the A Healthy Environment and Freshwater for Life Community Outcomes in the Council's Long Term Plan 2018-2028.

Team Leader Policy (Freshwater)

20 May 2019

APPENDIX 1

Contaminant Loads in the Waihi and Maketu Estuaries Factsheet

Contaminant Loads in the Waihī and Maketū Estuaries

Factsheet

At a recent Kaituna and Pongakawa-Waitahanui Freshwater Futures Community Group meeting, the Regional Council presented the results of science research, modelling and monitoring on the Waihī and Maketū Estuaries, showing that they're in a degraded condition and getting worse.



Maketū Estuary

This work suggests that turning the tide on estuary health will require significant effort. Communities will all need to work together and be willing to make major changes, including how businesses operate and how land is used.

This update sets out what we know now, and what work is being carried out and planned to improve the health of the estuaries.

What we now know

Our monitoring tells us the main causes of declining estuary health include excessive levels of nitrogen, phosphorous, sediment and faecal bacteria which comes from sources like farms or orchards, septic tank seepage, and some point discharges throughout the catchments which drain into the estuaries.

Although the main problems we see are estuary-based, the causes come from far and wide and include a range of activities in the wider catchment.

Regional Council scientists have estimated that to restore the estuaries to moderate ecological health and improve safety for shellfish gathering and contact recreation, current nitrogen loads

in the Waihi and Maketū estuaries would need to be reduced by more than 60%, phosphorus loads by more than 30% and E. coli loads by 50-60%. Sediment loads are considered high compared to natural loads but load reductions have not been calculated yet.

We also know that the water quality and ecological health in the lowland drainage networks is quite poor and that we need to improve this.

What we're doing

We're telling you what we know now, as early as we can. We are not jumping to conclusions, apportioning blame or presuming to have all the answers at this point.

The whole community draws benefits from land use and also values our water ways and estuaries. The ideal solution to improve the estuaries will require the whole community to work constructively together.

Several land owners and Council are already working hard within the catchment to change practices and bring down contaminant loads. If you want to know what you could do and what help is available call [xxx](tel:0800-000-000)

What's next

Over the coming months, Council will explore options to stop any

increase in contaminant loads and start bringing them down. We'll do this in discussion with iwi, who have particular values and interests in freshwater, and with our Freshwater Futures Community Groups who have been set up cover a range of values and interests. Then we'll also provide more information and have discussions with local communities and the public.

So that it comes as no surprise, these are the sorts of things we are exploring:

- Farm/Orchard environment plans that identify risk areas and actions to address them;
- Good management practice requirements for all land uses and discharges, such as fencing and planting near waterways, improving irrigation and fertiliser use practices – good practice alone is unlikely to be sufficient to prevent further estuary degradation.
- Controlling new land uses that are likely to cause more contaminant losses than current;
- Water and discharge treatment techniques
- Stricter water quality requirements for discharges.

It is important to realise that at the same time as we are doing this, the

Waihi and Maketū estuaries are highly valued by local Māori for food gathering, recreation, cultural ceremonies, and as an integral part of their heritage and identity.

They are highly valued by the wider community for fishing, swimming, kayaking, and simply enjoying. The estuaries are recorded as significant biodiversity areas providing important habitat and food sources for many bird and fish species.

Government has also initiated a review of freshwater management called the “Essential Freshwater” review. Outcomes from that review will be important for the work we are doing here. The Government Plans to consult with the public in July/August. [If you want to know more, go to:](#)

Contacts:

[You can find all Community Group notes and presentations here:](#)

[For regular freshwater updates, register here:](#)



Royal Spoonbills at Maketū Estuary



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Receives Only – No Decisions

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: Chris Ingle, General Manager, Integrated Catchments

Integrated Catchment Management Update

Executive Summary

This report provides an update on the operational activities of the Integrated Catchment Management operational teams across the region.

The intent of this regular update is to provide the Committee with operational awareness of the specific biosecurity, biodiversity, engineering, rivers and drainage and land management programmes arising from council's work.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Integrated Catchment Management Update;**

1 Purpose

This report provides an update to the Committee on the operational activities of the Integrated Catchments teams across the region.

2 Regional Overview

2.1 Coast Care

Coast Care has awarded contracts to three companies, Coastland Plant Nursery, Floragrow and A1 Environmental, to carry out programme delivery and plant supply over the next three years across the region. Chris Ward remains the representative from Waihi Beach to Pāpāmoa. Ben Banks is the new representative for the rest of the coast. Staff would like to acknowledge the twelve years of service from former Eastern Bay representatives Wayne O'Keefe and Wei Mei Leong.

The Coast Care planting season started in May with ten planting events scheduled for the Western Bay area and eight in the east during the month. A number of these events are education sessions with local schools.

This year marks 25 years since Coast Care's inception in 1994. Planning is underway to celebrate this milestone by hosting a public event to thank the community for their support over the years.

2.2 Biosecurity

Biosecurity Dive Team

The Biosecurity Dive Team undertook marine biosecurity surveillance in Napier and aquatic weed surveillance in the Lakes of the South Island's West Coast. These works were funded by Hawkes Bay and West Coast Regional Councils.



Figure 1: Biosecurity dive team undertaking marine biosecurity surveillance in Napier.

Rotorua Lakes Endothall Herbicide Application

Three one hectare trials of the aquatic herbicide Endothall are being undertaken on Lakes Rotoiti, Rotomā and Ōkataina. Resource consent to apply this herbicide was granted in January 2019. This is the first time an application in a water body such as this has been undertaken and the results are being closely followed by NIWA and other agencies to inform aquatic weed control in the future in the Rotorua Lakes and other areas around New Zealand.

Risk factors associated with Endothall (impacts on drinking water supplies, gathering food, swimming and by-kill of aquatic life) are being monitored by the Biosecurity team as a requirement from the Environmental Protection Authority and a resource consent issued by Bay of Plenty Regional Council. To date, no issues have been observed in the monitoring and no issues have been reported by the public.

Wallaby Containment

The map below outlines wallaby control operations planned for 2018/19 and early 2019/20 in close proximity to the Kaituna River. There are a number of crossing points along the Kaituna River (bridges) that aid wallaby movement. Where possible Council

have worked with landowners to install netting and gates to mitigate the risk of wallaby spread but this is not always possible, particularly with road bridges.

A small population on the western side of the Kaituna River, Pukahukiwi – Kaokaoroa is being targeted for control. This population is likely to be made up animals that have crossed one of these points highlighted on the map. While the population is currently small its location makes it a high priority for control.

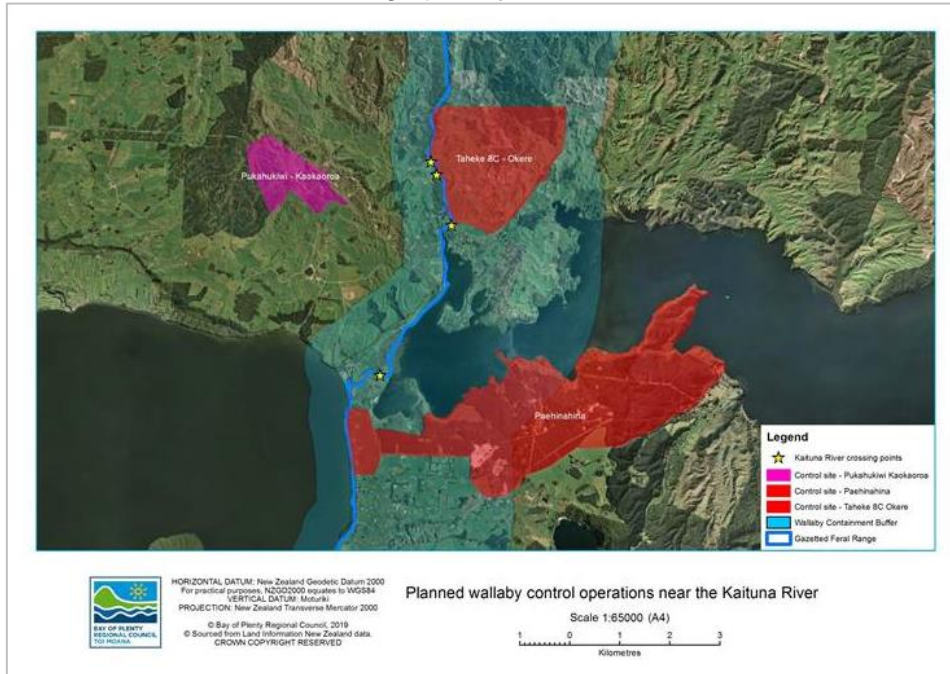


Figure 2: Planned wallaby control operations near the Kaituna River (close up).

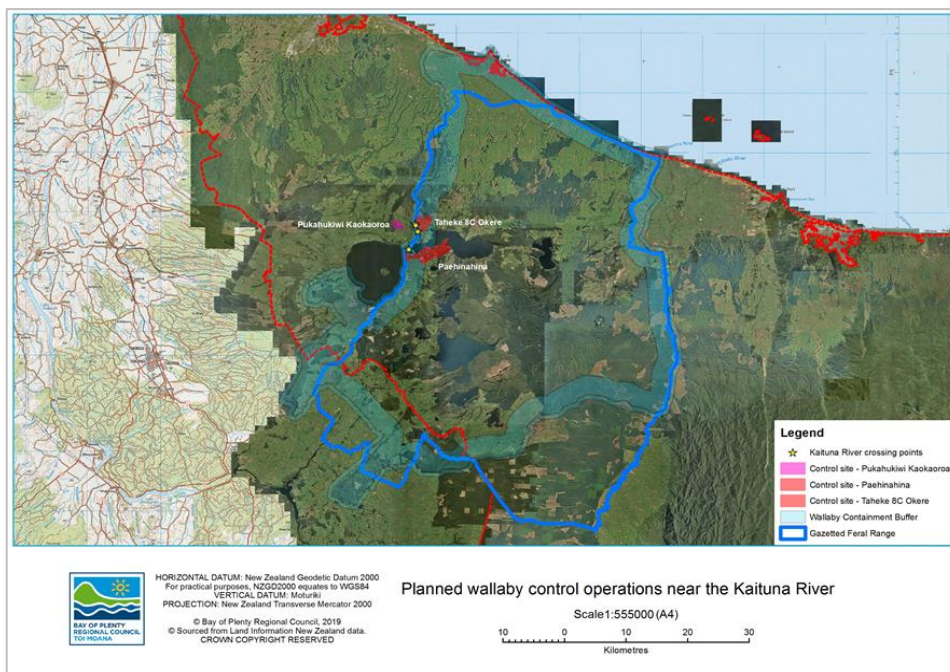


Figure 3: Wider wallaby containment area and gazetted feral range.

Tenders have closed for the contract to undertake control within the Paehinahina block. While the site is on the eastern side of the Kaituna River, the operation targets populations close to likely river crossing points. Similarly, Taheke 8C Okere has

received control from BOPRC Contractors twice in the last two years in conjunction with pest control operations managed by PF Olsen that also targeted wallabies. Ongoing control at these two sites should reduce the risk of movement across the physical barrier that is the Kaituna River.

The management focus is principally on:

1. Eradicating populations outside of the recognised Containment buffer;
2. Targeting points where wallaby may be able to cross physical barriers; and
3. Contracted control work within the buffer, when resources are available and landowners are willing.

Red Eared Slider Turtles

In December 2018 a Red Eared Slider Turtle was discovered laying eggs in a sandy bank in Carmichael Reserve, Tauranga. A native of America, the Red Eared Slider Turtle is listed as one of the world's 100 worst invasive species and given its omnivorous diet, could adversely impact aquatic plants, insects, eels, small fish species and ground-nesting birds.



Figure 4: Red Eared Slider Turtle nest discovered at Carmichael Reserve, Tauranga.

University of Waikato Biologist, Dr Nick Ling, is investigating the potential for female juveniles to be bred in New Zealand. He followed the nest in Carmichael Reserve until the end of March, then removed the nine eggs from the nest. The turtles were found to be fully developed, and ready to hatch within a week. Bay of Plenty Regional Council are waiting to hear if any of the juveniles were female.

The sale of turtles is legal but under the Biosecurity Act 1993 it is an offence to knowingly release red eared slider turtles into the environment. The status of these organisms will be reviewed by MPI as part of the Pet Trade Accord.

Brown Bullhead Catfish Incursion Update

The removal of Brown Bullhead Catfish from Lakes Rotorua and Rotoiti is continuing and is expected to finish for the season in June. To date, the pest fish are still present in Rotorua in low numbers (170 caught following their discovery in December 2018) and higher numbers in Rotoiti (23,346 this season). These overall catch numbers are higher than the 2017/18 season, although our netting effort has doubled and the catch per net is less than last year.

Nets have also been set by Regional Council in Lake Rotomahana, Lake Rerewhakaaitu, and the Kaituna River but no catfish were found at these locations.

The research programme continues with work being undertaken by the University of Waikato to further develop water monitoring tools to determine catfish presence using eDnA, this work is expected to be completed by the end of May. The outcome of the research would be to implement an ongoing monitoring plan for the wider Rotorua Lakes to determine if catfish have spread further than Lake Rotoiti and Lake Rotorua. Trials have also been undertaken using pheromone bait from NIWA which has been successful in catching more catfish than regular bait, although this is not yet a cost effective tool. NIWA will be sourcing a new supplier along with altering the bait to try and reduce the costs.

A 2019/2020 operational plan for netting on Rotoiti, Rotorua and wider lakes will be drafted, which will set out next steps for catfish monitoring and control work.



Figure 5: School visit undertaken by William Anaru (Te Arawa Lakes Trust) as part of his community catfish coordinator role.

Te Arawa Lakes Trust are co-ordinating the volunteer netting programme which has resulted in over 2,500 catfish being caught by members of the public. The group of volunteers has grown to over 100 and the programme has allowed for netting to be

undertaken in Lakes Rotoiti, Rotorua, Rotoehu, Rotomā, Ōkāreka and Tarawera. The programme has provided valuable information to Regional Council while also engaging the public on catfish and wider freshwater pest issues. Further nets have been ordered to supply the increasing number of volunteers who wish to undertake catfish netting in the Rotorua Lakes.

Issues with stolen and vandalised nets continue to be an issue. While the numbers are manageable at this stage the cumulative effect of this could be felt in time. Media stories have been published outlining our concerns which will hopefully deter people in the future.

Woolly Nightshade

Council's woolly nightshade programme continues to take a two-pronged approach. Proactive surveillance and compliance is undertaken in strategic areas where woolly nightshade is not well established. Recent helicopter surveillance South-east of Te Puke showed woolly nightshade was less common than anticipated. Staff have engaged with those landowners where woolly nightshade was present in this area, to require them to undertake control work.

Council is also responding to a number of complaints and dealing with a number of large landowners to ensure they have a plan in place to become compliant. Ensuring compliance on unoccupied Māori land continues to be challenging, with few simple solutions. The decision on the future direction of the programme will be brought to Council as part of the Regional Pest Management Plan (RPMP) review.

2.3 Rivers and Drainage

April 2017 Flood Repair Project

The flood repair project is now 44% percent complete with steady progress over the summer construction season. A number of works are underway in the Kaituna Scheme where rock is readily available and good progress has been made in the Waioeka-Otara Rivers Scheme where the programme is ahead of schedule. The constrained rock supply situation has slowed progress significantly in the Rangitaiki Tarawera and Whakatāne River Schemes.



Figure 6: Waimana River at West Bridge - before (left) and after works completed (right). Note that in the right side photo the river is in flood and water levels are higher than the picture on the left.

Highlights for the project during the last reporting period include:

- Submission of Claims 4 and 5 to the Ministry of Civil Defence and Emergency Management for infrastructure repair work.
- Over 80 percent of Waioeka Otara River Scheme works have been completed.
- All Waiōtahe River work is complete.

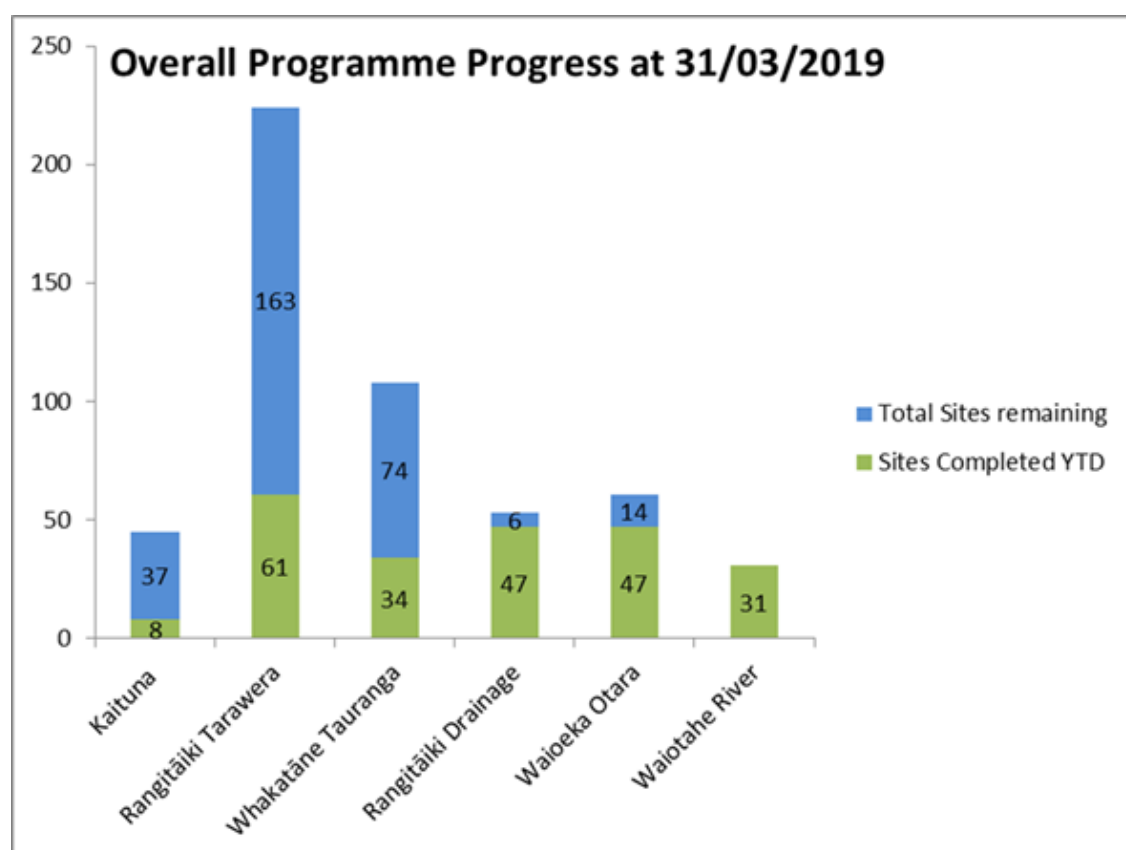


Figure 4: Overall programme progress.

River Scheme Advisory Group Meetings

The March/April 2019 round of River Scheme Advisory Group meetings have now concluded with all meetings well attended and positive feedback received.

At the meetings, feedback was sought from group regarding the recommendations and suggestions made in the September 2018 River Scheme Governance Council report evaluation of the advisory groups. Some of the supported suggestions included:

- Optional workshops and field trips of the scheme catchments.
- Strengthening the connection between members of different advisory groups, with the relevant freshwater groups and with co-governance groups.
- Input opportunities around the strategic aspects of the schemes.

3 Catchment Manager's Overview

3.1 Coastal Catchments

Rangitāiki Wetlands Project

The Rangitāiki Wetlands Project is progressing well with three landowners signing agreements. The phasing of costs has been undertaken by the project team and is forecasted to cost council \$1.075M over a five year period. The overall project cost has reduced from \$3M to \$2M due to three landowners withdrawing. The project costs are met equally by the Regional Council and the Ministry for the Environment.

Promoting our Land Care Groups

Videos are being created to showcase the great work care group volunteers undertake around Tauranga and the Western Bay. The videos highlight who the group are, what motivates them and how the work they are undertaking benefits our environment. Johnson Reserve Care Group were the first to be recorded and their story is available on the BOPRC website.



Figure 8: Kereru in Johnson Reserve, Welcome Bay.

Project Parore – Te Mania Catchment

Project Parore is a community led approach to provide structure around community engagement for the Te Mania catchment. Project Parore aims to implement good management practice principles to agricultural practices in the catchment by delivering farm plans to mitigate farm impacts (including horticulture). Bacteria and sediment are particular issues within the catchment, with biodiversity and nutrient loss also a focus.

A draft Engagement Plan with overarching objectives and project structure has been produced by the project team and presented to the community for their feedback. A formal launch of the Plan is planned for May/June. Council is supporting this work.



Figure 9: Te Mania catchment Landowners at a workshop on land retirement for water quality.

A Memorandum of Understanding has been agreed to, in principle, with key industry partners, and signing is expected to take place in the near future.

Archaeology Week at Onekawa Te Mawhai Regional Park

On 28 April an event was held at Onekawa Te Mawhai Regional Park to mark NZ Archaeology Week. Land Management Staff gave an overview of the acquisition of the regional park, the historic significance of the sites and the archaeological features.

Local community members gave an introduction to the Ōhiwa Harbour Heritage Trails which was recently installed by the seven Ōhiwa Strategy Partners. The event was well attended with approximately 70 people.

Mangrove Management, Tauranga Harbour

Concerns have been raised from local communities regarding mangrove seedling growth. Assessments carried out in priority management areas show seedling heights to be generally below 400mm. Plants are unlikely to exceed the permitted activity rule height of 600mm before the end of winter, which allows sufficient time for management options to be implemented. Management options include both manual and mechanical removal. Options are being explored to increase our support to Estuary Care groups to undertake seedling removal, as well as options for using contractors to undertake this work in certain areas.

In terms of mechanical removal, the hovercraft remains under repair and trials will be undertaken once the machine is operational. Given the design changes, the machine is still considered to be in a developmental phase - operations in the 2019 season will hopefully provide an opportunity to evaluate its effectiveness. A full mangrove management update report will be presented to the Committee in September.

Te Pourepo o Kaituna – Wetland Creation Project

The Te Pourepo o Kaituna project is well underway with affected party consultation being undertaken and is currently on track for resource consent lodgement by July. Construction works, including a new intake structure between the river and wetland is expected to occur over the 2019/20 summer.

Te Kapu o Waitaha, Tapuika Iwi Authority, Ngāti Rangiwewehi and Te Rūnanga of Ngāti Whakaue ki Maketū have collectively signed a letter in support of the project, which aims to deliver significantly on the Kaituna River and Maketū Estuary Strategy to create at least 100ha of new wetland in the lower Kaituna.

Aquatic weed and debris clearing has been undertaken in preparation of installing a new culvert structure to improve wetland water levels and refresh rates. This has had a positive impact on dissolved oxygen levels and refresh rates and the channel tailings have been used to raise ground levels for better access for maintenance and recreation.



Figure 10: Te Pourepo o Kaituna wetland concept plan.

Kaituna River Re-Diversion

There has been significant progress on this project since its commencement on 12 June 2018. Commissioning is now expected late December 2019. Dredging of the old river loop and construction of the new channel and stopbank are now complete. Upgrading of the boat ramp and construction of the jetty are underway.

Uretara River Water Quality

The Henry Road Ford bathing site in the Uretara catchment is ranked as one of the highest risk bathing sites in the region. Assessments of this site against the NPS swimmability attribute resulted in an 'orange' (D) banding. The orange band exceeds the suitability threshold set for primary contact.

While ruminant bacteria is present in water samples taken from the upper catchment, the lower catchment samples were dominated by avian bacteria. Several actions have been implemented to remove known sources of avian faecal inputs, but the Henry Road bathing site continued to exceed swimmability thresholds throughout the summer period. Investigations are ongoing to define the source of avian bacteria.

Discussions are also ongoing with grazing properties in the upper catchment to identify high risk activities and to implement actions to mitigate bacteria, sediment and nutrient runoff to the river.

3.2 Rotorua Lakes

Lake Rotorua Boat Excursion

On 3 April, several elected representatives and supporting staff of the three partner organisations of the Rotorua Te Arawa Lakes Programme embarked on a boat trip onto Lake Rotorua with Dr Ian Kusabs. The group visited various sites on the Lake inspecting the health of the lake and its ecology and talking about the interventions of the Programme, both on the lake and in the lake catchment.

Environmental Agreements

An Environmental Programme is being negotiated with a landowner to retire the Lagoon Wetland, a high priority biodiversity site in the Lake Rotokakahi Catchment. When implemented, the plan will exclude stock from the only major ephemeral flow path into the lake.

A separate Lakes Protection Agreement is being implemented to convert 76 ha of gorse and pasture on a property at Lake Ōkāreka to mānuka. Initial gorse control has been completed and high UMF mānuka seedlings have been sourced and will be planted out over the next two seasons.

Koaro Monitoring

Recent monitoring at the Millar Road Wetland at Lake Ōkāreka showed that the native galaxiid (Koaro) population is still healthy.



Figure 11: Ian Kusabs undertaking Koaro monitoring at Miller Road wetland, Lake Ōkāreka.

The koaro population was monitored due to concerns that recently high lake levels in the lake may have enabled trout to access the wetland (trout can prey on galaxiids).

Volunteers from Landcare Ōkāreka assisted local Koaro expert, Ian Kusabs, during the survey.

4 Implications for Māori

Integrated Catchment management staff work closely with Maori at both a governance level as well as an operational level across the region. At the governance level, several co-governance arrangements are in place and these have oversight of many of the work programmes our teams are delivering.

Operationally, staff work directly with iwi, hapū, marae and trusts on a number of restoration projects to improve the health of the land and water. Operational opportunities are identified through relationships that staff have with kaitiaki and resource managers. They are also identified through Hapu Management Plans, as staff use these documents to understand the priorities and areas of significance for hapū, throughout the Bay of Plenty catchments.

5 Budget Implications

5.1 Current Year Budget

This work is being undertaken within the current budgets for the Integrated Catchments, Flood Protection and Control and Resource Regulation and Monitoring activities in Year 1 of the Long Term Plan 2018-2028.

5.2 Future Budget Implications

There are no future budget implications.

6 Community Outcomes

This work directly contributes to all four of the Long Term Plan's community outcomes: safe and resilient communities, a healthy environment, a vibrant region and freshwater for life.

Heidi Fraser
Programme Coordinator Integrated Catchments

for General Manager, Integrated Catchments

17 May 2019

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: Namouta Poutasi, General Manager, Strategy & Science
Chris Ingle, General Manager Integrated Catchments

Climate Change Update (May 2019)

Executive Summary

This report provides an update of current climate change activity and identifies the idea of a forum/working group for Councillors to consider and provide direction on.

The recent release of the Climate Change Response (Zero Carbon) Amendment) Bill will be a focus for Council in the near future and a submission will be drafted in response once the Select Committee starts in June 2019. Of particular interest are the national mitigation targets proposed for inclusion within legislation and the proposal for a National Adaptation Plan and adaptation reporting requirements.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 Receives the report, *Climate Change Update (May 2019)*;**
- 2 Provides direction to staff on the idea of a working group or forum to support Council's climate change activities.**

1 Purpose

The purpose of this report is to provide an update on a number of climate change activities and to discuss the formation of a forum/working group to assist Council in engaging with the community on climate change issues.

2 Emerging Issues

The context for Council considering climate change continues to rapidly change. One of the more recent issues is the declaration of a "climate crisis" by Environment Canterbury and Nelson City Council. Information has been provided separately to Councillors on this issue.

There have been a number of forums and media releases dealing with the concept of how climate change is incorporated more into business decisions (such as businesses becoming carbon neutral certified) and economic thinking (such as the circular economy conference in Rotorua). Concepts such as the circular economy and low carbon economy have a strong relationship to responding to climate change. This thinking is also contributing to the review of Bay of Connections and where future economic drivers may lie – both in terms of products and the focus for the economy.

Climate change continues to be an input into Central Government policy development. The legislative change in terms of acts of Parliament is addressed below but climate change is also prominent in the development of National Policy Statements – such as in the areas of Freshwater Management and Urban Development. Staff continue to monitor and respond to the evolving policy frameworks.

3 Climate Change Response (Zero Carbon) Amendment Bill

The Climate Change Response (Zero Carbon) Amendment Bill was released on 8 May 2019.

The purpose of the amendment bill is to provide a framework by which New Zealand can develop and implement clear and stable climate change policies. These will contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.

The original proposal was for a separate piece of legislation called the Zero Carbon Bill. The Government has now decided to introduce it as an amendment to the current Climate Change Response Act 2002 and to include adaptation as a legislative element. This will ensure that all key climate legislation is within one Act.

The amendment bill will do four key things:

- Set new greenhouse gas emission reduction targets to:
 - reduce all long lived (carbon dioxide and nitrous oxide) greenhouse gases to net zero by 2050
 - reduce emissions of biogenic methane (short-lived greenhouse gas) to within the range of 24–47 per cent below 2017 levels by 2050 including to 10 per cent below 2017 levels by 2030.
- Set a series of emissions budgets to act as stepping stones towards the long-term target.
- Require the Government to develop and implement policies for climate change adaptation and mitigation.
- Establish a new, independent Climate Change Commission to provide expert advice and monitoring to help keep successive governments on track to meeting long-term goals.

For adaptation, the bill is proposing the development of a framework for enhanced action on adaptation which will consist of:

- A National Climate Change Risk Assessment, to improve our understanding of the climate risks that Aotearoa New Zealand faces
- A National Adaptation Plan, which will outline the Government's approach to improving New Zealand's resilience to the effects of climate change

- Monitoring and reporting against the National Adaptation Plan to ensure accountability.

The next step is the first reading of the amendment bill in May 2019. Then the Select Committee will start and there will be a call for public submission on the bill. There are no dates set for this process as yet.

3.1 Implications for the Regional Council

Mitigation

The setting of national greenhouse gas emission reduction targets and budgets introduces an expectation that all regions and sectors will need to account for their contribution to emissions reductions. The national targets provide a strong framework for Council to identify its own internal emissions reduction targets and will inform the debate around a regional emissions reduction target for the Bay of Plenty. Staff are meeting with the Bay of Plenty local authorities on 16 May to progress the discussion on setting a regional target. This could be further explored through the potential Regional Forum, discussed in more detail below.

Adaptation

Adaptation is a key area of focus across Council. Through programmes such as the Natural Hazards Programme, the River Schemes Sustainability Project and Civil Defence and Emergency Management Lifelines Group, we are already building a regional picture of risks associated with climate change and the implications for our community. It will be important to ensure that the processes and assumptions we are using are consistent with those developed in the National Climate Change Risk Assessment and National Adaptation Plan. Staff will use the submissions process on the Bill to highlight our specific areas of knowledge and expertise on these issues.

The Bill includes a specific adaptation reporting power, which “*will allow the Minister to require specific central and local government organisations and ‘lifeline utility providers’ to produce an adaptation report.*” This indicates a likely increase in reporting requirements around adaptation which will require co-ordination across different teams across Council and will need to be factored into future work programmes.

4 Action Plan development

Staff are currently engaged in refining a wide range of input that has been provided from across Council functions. It is intended that the Draft Action Plan will be presented to this Committee in June. As described previously the Draft Action Plan is a “phase 1” version and will be a ‘living document’ that will continue to be reviewed in the future. A key determinant of future action plan content will be the role that Council adopts in terms of community engagement.

An unanticipated consequence of the development process for the Draft Climate Change Action Plan has been the initiation of behaviour change conversations. This observation is important as behaviour change will be a crucial aspect of climate change mitigation actions. An example of this is a discussion around the reduction of emissions from corporate travel which prompted a wide range of ideas from stopping the printing of itineraries to reward systems and incentives for staff to shift behaviours. The following information on corporate air travel (Financial year to date) was also produced by the area of Council responsible for managing air travel as part of the thinking behind the development of the Draft Action Plan:

Flights Ex:	Trips	Distance (km)	Mass CO2 (kg)
AUCKLAND	64	19485.55	5681.92
BLENHEIM	4	323.2	94.24
CHRISTCHURCH	20	13033.62	3800.49
DUNEDIN	7	2598.96	757.82
INVERCARGILL	3	1393.44	406.32
NAPIER	2	656.08	191.3
NELSON	2	264.68	77.18
NEW PLYMOUTH	1	228.82	66.72
PALMERSTON NORTH	2	750.42	218.82
ROTORUA	37	12684.91	3698.96
TAURANGA	100	36580.05	10666.53
TIMARU	1	441.18	128.64
WELLINGTON	103	41483.2	12096.31
WHAKATANE	7	1491.21	434.84
WHANGAREI	4	572.16	166.84
INTERNATIONAL	6	19581.9	3001.82
TOTALS	363	151569.38	41488.75

Other Council projects continue to be developed that include reference to climate change. Two current projects include a CDEM study on a climate risk assessment of the region's utilities networks and a project under the Natural Hazards project looking at risk assessments for buildings (including the additional risk associated with climate change).

To better understand the regional picture in relation to mitigation, staff are also exploring the idea of a study to identify what mitigation plans, targets, commitments or projects are in place within industry and sectors within the Bay of Plenty. This would help inform an understanding of what mitigation may occur across the Bay of Plenty and how target setting might be approached on a community basis.

5 Annual Plan Feedback

Submissions on the Draft Annual Plan closed on Monday 6 May 2019. Over 200 submissions were received on the question of climate change. Submitters were asked to rank four areas of focus for Climate Change (from the draft Climate Change Action Plan). A breakdown of the highest priority focus area is shown below.

- 43% - Incorporating climate change into Council decision making
- 23% - Collaborating with our communities and building community resilience and work on the region's response to climate change
- 19% - Focus on services we currently provide (e.g. flood protection, electric buses)
- 15% - Reducing Council's own carbon footprint (getting our 'house in order').

Responses were significantly weighted towards ensuring Council's decisions incorporate climate change. The potential implications of these responses will be reported to Council as part of the Annual Plan deliberations process.

6 Potential Regional Forum

Recently a number of discussions have occurred around the potential for some type of forum or group to assist Council in understanding and/or responding to climate change issues for the region. Staff have to date been focused on developing the Draft Climate Change Action Plan and there are a number of groups that staff have engaged with – such as meeting with colleagues from the local authorities within the Bay of Plenty. Staff are also monitoring the “evolution” of groups such as Collaboration Bay of Plenty (CoBOP) and Bay of Connections, both of which have undergone recent reviews and have identified climate change as an important focus.

The idea of a group or forum to link more directly with the community and sectors/industry has merit however it is not currently certain where its “purpose” is best directed, particularly given Council is still working out its role in terms of community outreach.

Two options have been discussed by staff in relation to potentially forming a group:

1. Holding a larger forum-type event, perhaps focused around the Climate Change Response Amendment Bill, which could naturally extend into an ongoing working group (potentially as part of the forum’s agenda). This approach might suit a more exploratory process. The forum would provide a wider initial view and may create more of a collective perspective.
2. Establish a working group by invitation/expression of interest. This approach might suit delivery of a more defined purpose and its success would be highly dependent on identifying the right people to be involved.

In terms of “purpose” there are a range of matters that could be useful to consider and would influence membership. The purpose could include:

- How Council could engage with the community (mitigation and adaptation)
- Defining Council’s role in facilitating sector/industry responses (mitigation and adaptation)
- Building Council’s understanding of the climate change impacts (adaptation)
- Establishing priorities for Council actions (mitigation and adaptation)
- Informing the establishment of Bay of Plenty regional emissions targets (mitigation).

It would be expected that Councillor representation would be part of any group. The timing of establishing such a group also merits consideration - following consideration of the Draft Climate Change Action Plan in June, Council will be in a better position to clarify what role such a group could play. This will also tie in with the likely timing of the Climate Change Response Amendment Bill submissions process.

To help inform this idea it would be useful for Councillors to provide their views on the idea and possible usefulness of a group and potential purpose.

7 Budget Implications

7.1 Current Year Budget

Current climate change actions are within current budgets. Specific budget was provided within the current Annual Plan.

7.2 Future Budget Implications

If the implementation of a group/forum is supported, budget would be available under the Draft Annual Plan (as currently drafted). Specific costs would be developed when the specific form and function of a group is defined.

8 Community Outcomes

This item/project directly contributes to the *Safe and Resilient Communities* Community Outcome in the Council's Long Term Plan 2018-2028.

Stephen Lamb
Environmental Strategy Manager

for General Manager, Strategy & Science
General Manager Integrated Catchments

20 May 2019



Receives Only – No Decisions

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: Chris Ingle, General Manager, Integrated Catchments

River Scheme Sustainability - Update for Rangitāiki Catchment

Executive Summary

This report provides an update on the current status of the River Scheme Sustainability Project, including proposed and already implemented options assisting with flood mitigation in the Rangitāiki-Tarawera catchment.

Good progress has been made since the last report was presented to RDD at the end of 2015, in Phase 2 of the project. Currently the project is in phase 3 (analysis) in which each catchment is being assessed in detail with the focus currently being on the Rangitāiki-Tarawera catchment.

The detailed assessment incorporates hard and soft engineering solutions, which contribute to flood risk reduction while bringing together different parts of the organisation working together, guided by the same principals.

A large number of solutions have already been identified for the Rangitāiki-Tarawera catchment. While some are promising and being further assessed, many of them have been discarded due to different reasons (cost, environmental effects, cultural effects, feasibility etc).

Once the final long-term flood mitigation options have been developed and approved, an economic and affordability assessment will be undertaken and the process will be repeated for the other 3 catchments. Once all results are finalised the RSS Framework will be developed to guide the long term management of our schemes.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 Receives the report, River Scheme Sustainability - Update for Rangitāiki Catchment;**

1 Background

Floods have historically caused significant damage with unpredictably high costs to River Schemes. This issue was raised by the Councillors after flood damage to Rivers Schemes in 2010 and 2011, which added to on-going mitigation for the 2004 major flood event. It is not sustainable to build ever higher stop banks and the long term impact of our flood protection works have to be considered. The question was asked whether the current levels of service, scheme management and escalating scheme funding requirements are sustainable. As part of the Ten Year Plan process Council asked that priority be given to addressing these key questions and concerns.

1.1 Project Goal

The River Scheme Sustainability project's goal is to set direction for sustainable management of the five major River and Drainage Schemes (Kaituna Catchment Control Scheme, Rangitāiki-Tarawera River Scheme, Whakatāne–Tauranga River Scheme, Waioeka-Otara River Scheme,) for the next 100 years. Our goal is to reduce long-term risk of flood hazards while encouraging environmentally and economically sustainable land-use practices and raising awareness, changing attitudes and behaviour in the communities.

1.2 Project Development

In February 2013 a workshop was held with the Councillors which lead to the development of a project plan that included four work streams (Economic Analysis, Flood Risk Gap Analysis, Rating Assessment and Communications). A business plan was approved in 2013 consisting of four phases

- Phase 1 - Philosophy and Vision,
- Phase 2 - Investigation,
- Phase 3 - Analysis
- Phase 4 – Framework

2 Project Achievements of First 2 Phases

2.1 Philosophy and Vision

Have a 100 year Sustainable River Management Strategy which achieves

- A reduction in flood risk for Bay of Plenty region
- Environmentally and economically sustainable land use practices
- Adaptability to climate change
- Community stakeholders support and engagement
- Affordability

The work in Phase 2 had a significant impact on the Rivers and Drainage Asset Management Plan, 30-year Council Infrastructure Strategy and the 2015-2025 LTP. Achievements of each of the specific work streams in this phase are included in the previous report to RDD in the appendix.

A set of RSS principles have been developed to guide future RSS work and to keep the 100-year sustainable focus in mind when updates are made to Asset Management Plans, the Infrastructure Strategy and future LTPs and also to assist with the integration of the RSS work into the Catchment and Spatial Planning Programmes. These principles are listed in the previous report to RDD in the supporting documents.

Phase 2 undertook investigations into factors affecting the schemes and to establish the foundations of the project. Four initial work streams (Economic Analysis, Flood Risk Gap Analysis, Rating Assessment and Communications) were subsequently expanded to seven to include Optioneering, Climate Effects, and Ownership and Governance (requested by Council).

Phase 2 of the River Scheme Sustainability Project highlighted the strong need for integration, across organisational projects and programmes.

During Phase 2 of the RSS project 33 different flood mitigation options were identified, including both structural and non-structural solutions. A Consolidated Optioneering Report, which contains national and international examples of the 33 flood mitigation options is currently under review.

3 Options Investigated in Phase 3

To expand upon the possible flood mitigation options developed in Phase 2 the 33 options were grouped into 11 themes and were carried forward into phase 3 and are being implemented in the catchments by different departments of BOPRC. Some of the work on the themes are Rangitāiki River Catchment specific where others can be applied across all catchments.

3.1 Retention and Detention (Rangitāiki River Catchment)

Flood attenuation and storage options have been investigated in the upper catchment, above Matahina Dam.

The aim was to investigate possible benefits of combining flood mitigation storage in the upper Rangitāiki Catchment with economic development, primarily through the provision of irrigation water for agricultural production. The options considered were:

- **On line storage dams** -These were discounted due to significant size requirements, high costs, environmental and cultural impacts and high levels of sediment load.
- **Raising Aniwhenua Dam** – This would result in large areas of land being inundated during floods but, is still being considered as one of the possible options. This option would have a large impact on the surrounding land and the community.
- **Off-line water storage** - Flood water from the upper catchment is collected and then transferred to a location where it can infiltrate into the ground through specially designed infiltration beds. The estimated cost of this pilot option was \$39million. This pilot option only provides 20% of the storage needed for flood mitigation. Due to its high cost and iwi concerns this option was discounted.
- **Multiple detention dams** - Further investigation was carried out to use detention dams and progressively implement them through the next 100 years.

The estimated cost of these was assessed as \$150 million. This option has been parked while other options are assessed.

3.2 Ponding Areas (Rangitāiki River Catchment)

The option of creating a ponding area to help manage flood waters is being assessed for the Rangitāiki Floodway Project. There are many difficulties to overcome.

The learnings from this process will be applied for other opportunities both within the Rangitāiki River catchment and other catchments.

It is apparent that provision of ponding areas will be an important component of flood management into the future.

3.3 Flow Diversion (Rangitāiki and Tarawera Catchments)

Flow diversion takes place when some of the water during high flows gets diverted into a relief channel to reduce the peak flows heading downstream.

One of the options investigated was to divert flows to the Tarawera River from the Rangitāiki River. The spill structure would be located upstream of Edgecumbe with a bund constructed around Edgecumbe. A designated floodable zone would need to be established. This option was discarded due to high risk and cost.

A spillway and channel to Whakatāne River was also considered but found to be impracticable due to the topography of the land.

3.4 Room for the River (All Catchments)

The room for the river is a Dutch flood mitigation initiative that focuses on creating “room for the river” by increasing the depth of rivers, storing water, relocating dikes (stopbanks), creating high water channels, lowering floodplains (silt build up), lowering groynes and removing polders (land pockets).

This initiative has been engrained within the Engineering and Rivers & Drainage teams. These teams continually look for opportunities to “make room for the river”. Examples include:

- Rangitāiki Floodway
- Rangitāiki Floodway Widening
- College Road Stopbank Realignment
- Rangitāiki Floodway Ponding Areas
- Rangitāiki Floodway Bifurcation
- Waioeka and Otara Rivers Floodways

There are many hurdles to enacting this initiative. Many rivers and streams are constrained by, properties in private ownership, infrastructure, urban development and cultural sites. The teams will continue to seek opportunities but ultimately this initiative will cost a lot of money to enact. It will also need support from local government and before too long support from central government.

3.5 Pasture to Wetlands (All Catchments)

Wetland creation and enhancement provides an area for water retention, storage and biodiversity for birds, insects and fish species. While the main purpose of the wetland is not flood detention, it does provide a low level of flow attenuation in addition to the other environmental benefits. Wetlands are very good at removing suspended solids, processing carbon and other nutrients and stabilising river margins.

Promotion of wetlands is certainly a theme of the RSS project. Marginal farmland next to rivers and streams provides an opportunity for wetland creation or enlargement.

Wetlands are incorporated within projects whenever possible. Examples include:

- Rangitāiki Wetlands Project: Restoration of 3 priority biodiversity sites above Lake Aniwanui; all on private land. All costs for each restoration will be covered by the Freshwater Improvement Fund (received from Ministry for the Environment) in partnership with Bay of Plenty Regional Council. The works are planned over the next five year period and will include pest plant control, planting and pest animal control.
- Maramara a Tawa wetland: This wetland in Waiohau is in its third year of a five year restoration. This is a fully funded BOPRC project on LINZ land. The key outcome is to turn the exotic dominant wetland into an indigenous dominant land. To date most weed species have been controlled and some planting undertaken; future work will include more planting and then ongoing maintenance.
- Rangitāiki Floodway Widening: A new wetland area is being created in the low lying land next to the new bifurcation canal.
- Rangitāiki Floodway: A wetland was enhanced during stage 2 of the project.
- Kaituna Diversion: A major component of the project is the creation of the Te Paika wetland.

3.6 Landuse Control (All Catchments)

Changes in land use and land use activities may have an influence on flooding. In particular, the removal of vegetation and soil, excavation, contouring and compacting of the land surface, increasing the area of impervious surface and constructing drainage networks can alter the flow rates, volumes, timing and duration of peak flows in receiving waters. Even small changes can incrementally lead to significant cumulative downstream effects.

The solution proposed is to recommend changes to operative and proposed plans within the Bay of Plenty Region. This includes small amendments to existing, and introduction of new objectives, policies and rules. It was also recommended to introduce and develop runoff control area(s), which are areas of land, typically located in upper catchments, where a change in land use could significantly affect flooding and sedimentation (either positive or negative).

The Landuse control project is in the draft final stage and currently feedback is being sought within BOPRC around the recommendations.

3.7 Managed Retreat (All Catchments)

In some situations, after risk has been assessed and evaluated, policy may require risk to be reduced. This will require examination of a range of options. On occasion, it is necessary to address the interaction of a land use activity and a hazard event, such as flooding, by changing the land use to reduce the consequences of the hazard event when it occurs. In situations where the severity of the hazard event is changing over time, for example due to climate change increasing the frequency of flood events or raising groundwater (associated with sea-level rise), withdrawal of a land use activity may be called for. Withdrawal from a hazardous situation in anticipation of an event occurring is known as managed retreat.

Over time, those undertaking land use activities may make a business decision to change land use. In some situations of high risk, it may be necessary to regulate against specific land use activities being allowed to continue. Consideration could be given to encouraging voluntary retreat decisions with financial contributions, for example, to recognise a wider society benefit of the land use change being brought forward. In the extreme, it may be necessary to effect land use change through a regional rule to extinguish existing use rights that would otherwise be protected from a rule in a district plan.

The descriptions above describe the process that might be undertaken for small or isolated communities. In the cases of more widespread exposure to hazards, for example entire coastlines subject to rising sea levels, other drivers for retreat may come into play.

An example of this is insurance driven retreat. The insurance industry refers to the following:

- Voluntary retreat – insurance premiums are increased in response to risk to a point where the property owner can no longer afford to occupy
- Forced retreat – insurers will no longer insure the property due to unacceptable risk.

Managed retreat is a new concept to New Zealand. Various attempts have met with resistance. It is likely that any managed retreat will be costly and emotional.

3.8 Ecological Corridors (All Catchments)

Creation of enhancement of ecological corridors involves planting, with appropriate plants, within and on margins of waterways. This planting not only allows water to be slowed down and be held in storage but also provides improved habitat enhancement for birds, fish, and invertebrates.

Over the years many properties throughout the Bay of Plenty have fenced off wet areas, seeps and waterways. The size of the retired areas range from a few square metres to several hectares. These are generally funded at a 50% cost share unless they have significant biodiversity values and BOPRC pay a greater proportion of the costs up to 75%. While many waterways have been fenced and protected under Environmental Programmes with BOPRC assistance, a number have been protected independently by the landowners.

3.9 Farm Management Practices (All Catchments)

The Land Management Teams at BOPRC have been working with rural landowners to improve farm management practices. The focus has been to:

- Prevent stock entering waterways
- Improve stream crossing points
- Provide riparian vegetation to waterways
- Promote fish passage
- Retire marginal land

Examples include:

- Increase the proportion of waterway margin protected from stock access. It is estimated that around 75% of the waterways in the Rangitāiki catchment are permanently fenced to remove stock; over the last three years over 40 km of riparian fencing has been undertaken and more is planned for the future.
- Riparian Management Plans include co-funding with the landowners at a 50-50 cost share. Depending on the buffer width and steepness of adjacent slope these initiatives reduce the speed of surface run-off (and therefore reduce peak flows) but also intercept a proportion of contaminants (including sediment and pathogens) from entering waterways.
- Land Management Officers, supported by the Engineering Team, provide advice and practical solutions for bridge and culvert construction and culvert sizing. Advice often includes outcomes that will cope with peak flows while also including fish passage.
- On farm fencing to permanently remove stock from waterways is often complemented with a planting programme. Seven programmes in the Rangitāiki catchment will have riparian planting this financial year

3.10 Sediment Management (All Catchments)

Sustainable sediment management is a balancing act within river and stream systems. Rivers and streams need a continuity of sediment transport for channel form and aquatic habitats. However, due to land use change, more sediment now enters our rivers and streams than is desired.

Various measures are used to help manage sediment runoff:

- Erosion and sediment is controlled within construction and earthworks projects via resource conditions, guidelines and education programmes
- Retirement from pasture and replanting of steep sloped areas
- Diversion of Stormwater runoff away from steep slopes
- Creation of detention bunds on private land. A recent detention bund in the Whirinaki catchment was created so that when the allocated water level is reached water will flow over a spillway and then back into the waterway further downstream. Work such as this helps to relieve hydrological pressures on gully heads and reduces stream bank erosion. This work was co-funded at a 50-50 rate between the landowner and BOPRC.

3.11 Gravel Management (All Catchments)

In order to maintain flood conveyance capacity, accumulations of river gravel need to be monitored and maintained.

A river and stream channel monitoring programme allows analysis of the surveyed rivers and streams by comparison of cross-section surveys from previous surveys. This helps BOPRC to gain better understanding of the movement of gravel in the river systems of the Bay of Plenty region.

Gravel extraction and river bed maintenance is undertaken for river management purposes on all of our rivers. A recent development is the use of drone surveys to assess more accurately the quantum of river gravels in our rivers.

4 Actions Currently under Development

Our current work programme includes progressing further work streams of Phase 3.

- **Optioneering**

Currently we are concentrating on maximising the flood attenuation capacity of the Matahina dam, within the Rangitāiki River Catchment, by improving operation, flood management procedures and flood forecasting.

The current modelling work includes refinement of proposed solutions including retreat as well as detention, retention and diversion. This work includes resolving uncertainties in the flood forecasting model and incorporates the knowledge gained from the major April 2017 flood.

In addition to the optioneering work stream an additional two new work streams were developed:

- **Groundwater Investigation**

This work stream is in the process of finding a suitable Consultant who can carry out an analysis of the effect of salinity increase in the aquifer in the Rangitāiki Plains. This may determine when it is no longer feasible to dairy farm in the lower flood plains.

The results of this work could be applied across to other similar catchments throughout the Bay of Plenty and New Zealand.

- **Alternative Land Use Options**

This work stream investigates alternative uses of the land once the rise in the salinity of the ground water starts affecting the current land use practices. Approaches have been made to different experts in the field to find background information. Currently we are in discussion with NIWA around the possible options and this work stream needs further development.

Both of the latter two work streams will help us determine when flood protection of the lower plains is no longer required.

5 Forward Work Programme

The forward work programme includes:

- Completion of Phase 3 work in the Rangitāiki-Tarawera Catchment (inclusive of the Rangitāiki Drainage Scheme) by 2020.
- Economic and affordability assessment of the approved Rangitaki options by 2022.
- Completion of Phase 3 work in the Whakatāne catchment 2020-2022.
- Economic and affordability assessment of the approved Whakatane options by 2024
- Follow the same process with the Kaituna and Waioeka-Otara Catchments.
- Develop the River Scheme Sustainability framework for all catchments by 2030.

6 Budget Implications

6.1 Current Year Budget

This work is being undertaken within the current budget for the Flood Risk Control Activity in Year 1 of the Long Term Plan 2018-2028.

6.2 Future Budget Implications

Future work on the River Scheme Sustainability Project is provided for in Council's Long Term Plan 2018-2028.

7 Community Outcomes

This project directly contributes to the Safe and Resilient Communities Community Outcome in the Council's Long Term Plan 2018-2028.

Katalin Maltai
Senior Projects Engineer

for General Manager, Integrated Catchments

20 May 2019

APPENDIX 1

2-07-2015 RDD-RSS Project Update report

File Reference: 6.00206
Significance of Decision: Receives Only - No Decisions



Report To: Regional Direction and Delivery Committee
Meeting Date: 02 July 2015
Report From: Ken Tarboton, General Manager Technical Services

River Scheme Sustainability-Project Update Report

Executive Summary

This report provides an update on the current status of the River Scheme Sustainability Project and a proposed way forward for the next phase of the project.

Good progress has been made on the first two phases of the River Scheme Sustainability Project with key information feeding into the draft 2015-2025 Long-Term Plan, Rivers and Drainage Asset Management Plan and the 30-year Infrastructure Strategy. This project introduces a new way of managing the provision of flood protection services for our rivers and drainage schemes over a 100-year focus period. It is proposed that the river scheme sustainability project be incorporated into integrated catchment-wide sustainability projects.

The investigation phase of the project has delivered a Rating Assessment, Economic Analysis, Flood Risk Gap Analysis, a review of ownership and governance, an assessment of Climate Effects and a consolidated Optioneering Report.

The River Scheme Sustainability project has also developed a set of principles to guide future work. It is proposed that the River Scheme Sustainability Project philosophy and principles are used to assist with incorporating River Scheme Sustainability into integrated catchment management and to guide individual projects associated with river schemes. The consideration of River Scheme Sustainability in specific projects is demonstrated by the Rangitāiki Floodway example.

1 Recommendations

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, River Scheme Sustainability-Project Update Report.**
- 2 Endorses the proposed way forward, where the River Scheme Sustainability is incorporated into integrated catchment planning and applied to appropriate individual projects.**

2 Introduction

2.1 Project goal

The purpose of River Scheme Sustainability is to develop a strategic framework and actions to guide management of Bay of Plenty River Schemes across future generations stretching out to the year 2100.

This strategic approach will be used to guide both operational and governance decision making to ensure “no surprises” are encountered. Short-term decisions will need to align with the long-term goal.

2.2 Project development

In February 2013 a workshop was held with the Councillors which lead to the development of a project plan that included four workstreams (Economic Analysis, Flood Risk Gap Analysis, Rating Assessment and Communications). A business plan was approved in 2013 consisting of four phases, Phase 1 - Philosophy and Vision, Phase 2 - Investigation, Phase 3 - Analysis and Phase 4 - Framework.

The aim of Phase 1 of the project was to set a philosophy and vision and also to initiate the project including project planning and setup.

The aim of Phase 2 was to undertake investigations into factors affecting the schemes and to establish the foundations of the project. Four initial workstreams (Economic Analysis, Flood Risk Gap Analysis, Rating Assessment and Communications) were subsequently expanded to seven to include Optioneering, Climate Effects, and Ownership and Governance (requested by Council). Additional workstreams were initiated to fill strategic gaps and to accommodate Council requests. Scope expansion led to the completion date for Phase 2 being extended from 2014 to 2015. Phase 2 is planned for completion in June 2015.

Phase 3 was proposed to undertake an analysis of key activities needed to create a 100-year framework and was scheduled to commence in July 2015. Building on the outcomes of the analysis a comprehensive 100-year River Scheme Sustainability Framework for each of the river schemes was proposed to be developed within Phase 4 of the project.

The project was recognised as a priority Council project which lead to establishment of a Project Steering Group. Project roadshows have been held with the four River Scheme Liaison Groups and also with council staff across the organisation.

Phase 2 of the River Scheme Sustainability Project highlighted the strong need for integration, across organisational projects and programmes.

There is some degree of flexibility around the extent of work to be undertaken in the upcoming phases of the project, which is limited by the relatively small budget of \$100,000 per annum plus staff time for each year of the Long-Term Plan. Future work is discussed later in this report.

Achievements of the project to date and proposed project plans are discussed below.

3 Project achievements

Phase 2 has had a significant impact on the Rivers and Drainage Asset Management Plan, 30-year Council Infrastructure Strategy and the 2015-2025 LTP. Achievements of each of the specific workstreams in this phase are noted below. Workstream reports have been placed in the Council Portal.

3.1 Rating Assessment

The Rating Assessment identified that the review of the current river schemes targeted rates is recommended. An Executive Summary Report was presented to Council on 31 July 2014. While recommendations were made by the Project Team to carry out a full rating review, during the development of the draft 2015-2025 LTP, Council opted not to include funding within the draft LTP to carry out river scheme rating reviews. Risks associated with not undertaking a review of river schemes rating have been included in the organisation's Key Risk Register. This workstream is now complete.

3.2 Economic Analysis

Benefit cost analysis confirmed that the schemes are currently economically beneficial to the region when compared to the operation and maintenance costs of the schemes. The present-day benefit cost ratios ranged from 5:1 to 34:1. It is important to note that future benefit cost ratios were not determined or predicted. The report – "Benefits and Costs of Bay of Plenty Flood Protection Schemes" by Sapere Research can be found on the Council Portal. The economic model and results of this work will feed into rating reviews, optioneering, flood risk analysis, level of service and affordability discussions with the community. (Hydraulic modelling undertaken for the economic analysis and lessons learnt was presented at the Water New Zealand's 2015 Asia Pacific Stormwater Conference and will be made available on request following the 2 July 2015 RDD Committee meeting.)

3.3 Flood Risk Gap Analysis

Results from the Flood Risk Gap Analysis were workshopped with Council through the LTP development process. Prioritised projects and actions designed to reduce flood risk have been included in the draft LTP 2015-2025.

3.4 Climate Effects

Work related to Climate Effects highlighted that in the future there is an increased likelihood of more frequent and more intense storms and sea level rise. It will therefore not be prudent to defer flood mitigation measures during so-called benign weather cycles. A consolidated report has been produced which incorporates climate change and climate oscillation.

This work provides guidance on the current research aimed to increase knowledge on climate change science within BOPRC. It will provide assistance when considering climate change risks through a collaborative learning process incorporating other projects and programmes and will help with decision-making.

3.5 **Optioneering**

In May 2014 optioneering roadshows were carried out in discussion with the River Scheme Liaison Groups and internal staff. High-level optioneering reports were obtained for each of the four major rivers and drainage schemes. These Reports can be found on the Council Portal. Over 33 different flood mitigation options have been identified, including both structural and non-structural solutions. A Consolidated Optioneering Report , which incorporates national and international examples of 33 flood mitigation options is currently under review.

3.6 **Ownership and Governance**

The results of this workstream were presented to Council in 2014 and helped the Council confirm retention of the 'in-house' position for ownership and governance of rivers and drainage schemes. The Ownership and Governance Review Report can be found on the Council Portal.

3.7 **Communication**

The communication workstream was implemented to ensure the RSS Project is linked to and joined up with other Council projects such as the Water Programme. Presentations of the RSS project at national and international conferences have been well received.

4 **River Scheme Sustainability Principles**

A set of RSS principles have been developed to guide future RSS work and to keep the 100-year sustainable focus in mind when updates are made to Asset Management Plans, the Infrastructure Strategy and future LTPs. The following principles will also assist with the integration of the RSS work into the Catchment and Spatial Planning Programmes:

Principle 1

Flood risk management is a long-term 100 year process requiring a long-term strategic viewpoint in order to achieve outcomes. Given the long life and ongoing costs associated with this flood protection infrastructure we need to look at a range of factors, to enable a long term sustainable outcome. This will enable the best possible decisions to be made today considering an uncertain future tomorrow.

Principle 2

Long-term strategic thinking requires acceptance of uncertainty.

Forecast uncertainty can be managed by the development of alternative scenarios to accommodate different possible future needs. Over a 100-year planning framework there is considerable uncertainty of exact flood levels.

Principle 3

Community agreed levels of service may change over time. Do not assume present day values will not change. People change their minds, circumstances change, and society becomes wiser and learns from the past.

Principle 4

Long-term decisions require a particular focus on inter-generational equity. Consider not only the present day benefit but also the long-term costs and benefits of these schemes. Benefits would also include social, environmental, cultural and economic factors.

Principle 5

Climate change is a significant factor in determining service levels for managing flood risk. Effects of climate changes such as sea level rise, more intense storms, salt intrusion, erosion, change in ground water levels in the coastal areas and land use change need to be considered as updated scientific data becomes available, and made meaningful in policy and plans so people have functional tools to manage flood risk.

Principle 6

Good quality decisions require an integrated catchment management approach to ensure factors across the whole catchment are taken into account.

Principle 7

Quality solutions will only be found after considering a mix of soft and hard engineering options.

Principle 8

Effective flood management is a community challenge requiring consultation and collaboration. Through this communities may learn to live with floods and be resilient as they adopt the measures of avoidance, mitigation and acceptance associated with flood management.

Principle 9

Flood mitigation measures are affordable and equitable to the communities they serve now and over the long-term.

Principle 10

Effective flood management delivers restorative outcomes across all well-beings. An holistic approach to flood management ensures that the four well-beings of environmental, social, cultural and economic are enhanced.

5 Rangitāiki Floodway Optimisation: Example project using RSS principles

After the 2004 stopbank breach near Edgecumbe the Rangitāiki Floodway Project was identified for upgrade to reduce the flood water pressure on the river stopbanks. For a 1% AEP flood event the project would divert 190 m³/s of flood water down the floodway leaving 610 m³/s to flow down the Rangitāiki River.

The current estimated project cost of the floodway is \$21.5m. The estimated cost of the remaining work to complete the project is \$14m with completion due in 2018/2019.

Applying the RSS principles, optioneering has been undertaken to an opportunity to see if alternatives may reduce the cost of the project and provide for the same outcome. Preliminary results indicate that better flood forecasting techniques combined with improved operating rules at Matahina Dam, and perfect operation according to these rules could reduce flood peaks to levels that can be accommodated within the current flood protection infrastructure. This is a soft engineering solution costing considerably less than the base proposal.

Other options such as upper catchment storage, alternative preferential floodable areas and managed aquifer recharge may also prove to be cheaper or more suitable flood protection alternatives. The findings of the investigations can be found in the Rangitaiki Spillway Optimisation report on the Council Portal.

In response to submissions the Rangitāiki Floodway and Spillway Project a deliberation paper on accelerating the works was presented to the 19 May 2015 Council meeting. A decision was made to stay with the five-year work programme with less work to be carried out in the first year. This option allows for the consideration of the results of the River Scheme Sustainability optioneering studies discussed above.

6 Future Integration

6.1 Integration of RSS with other Council programmes

In the future it is proposed to integrate the RSS Project into catchment and regional planning projects that incorporate river schemes.

As a first step, it is proposed to use the key organisational projects including the Water Programme and various Council Spatial Planning processes, to assist with prioritising and decision-making for flood management over the next 100 years. Cross Council teams involved in these projects will need to explore how to best use the RSS principles in integrated and catchment planning moving forward.

Each Council programme or project will need to identify a future work plan and highlight the areas in which the RSS principles can contribute to the overall outcomes of the projects. Projects and programmes that the RSS may feed into are as follows:

6.1.1 Water Programme (WP)

The Water Management Programme is the Bay of Plenty Regional Council's long-term programme for managing and protecting our freshwater rivers, lakes, streams, wetlands and groundwater - for generations to come. This is in line with central government's National Policy Statement (NPS) for Freshwater Management. The NPS requires us to set values, objectives and limits to manage our water quantity, water quality, provide for integrated management and involve tangata whenua more in decision making. These actions are to be implemented by 2025.

Between October 2015 and April 2016, the WP is going through a consultation process with community groups to discuss setting values. These values will form the basis of an action plan which identifies the scientific investigations which may be needed. At this point integration with any river scheme future planning using RSS principles will take place if needed.

6.1.2 Priority Catchments

Rangitāiki River Catchment

The Rangitāiki River Forum developed the Pathways of the Rangitāiki River Document "Te Ara Whanui o Rangitāiki" to protect and enhance the environmental, cultural and spiritual health and well-being of the river and its resources for the benefit of present and future generations. This document provides management guidance and indicates actions the Forum anticipates are necessary to fulfil their vision. Two example actions are to "Develop a strategy to manage flood risk" (7.2) and to "Enhance biodiversity" (7.5). Following prioritisation of these actions specific input will be delivered through the RSS Project. There is an opportunity for RSS principles to be used in considering integration of River Scheme objectives with those of the Forum.

Kaituna River Catchment

The Kaituna River and Ongatoro/Maketū Estuary Strategy is a guidance document relating to management of the Kaituna River. "The Strategy sets out why people value this environment, their concerns for it (the issues) and a vision for its future. It then identifies a set of key outcomes that the community wishes to see achieved, and suggests some high-level actions that can be undertaken to help realise these outcomes." (Source: Kaituna River and Ongatoro/Maketū Estuary Strategy) The four main outcomes identified in the document are improving water quality, restoring healthy ecosystems, ensuring sustainable resource use and supporting Kaitiakitanga and Local People's Stewardship. Two example actions are the Kaituna Rediversion Project and creating 100 ha of wetland area. In year one to three in the LTP, the Lower Kaituna Wildlife Management Reserve Extension Project is planned to be carried out. This will need to integrate with the Kaituna Catchment Control Scheme and consider RSS principles in looking at options for both flood protection and environmental enhancement.

6.1.3 Bay of Plenty Spatial Plans

The Bay of Plenty Spatial Plan delivers a set of investment priorities and information to guide long-term decision-making and to facilitate community consideration of significant trends affecting us all. An infrastructure map will be generated showing proposed, prospective and desired infrastructure assessed against agreed community outcomes and a graphically rich short document describing current state, pressure and proposed response. The RSS work will support development of the plan by presenting known challenges and required transformational shifts. The RSS Project will contribute to the delivery of the outcomes of the Bay of Plenty Spatial Plan through the Sub-regional Spatial Plans, listed below.

6.1.4 Eastern Bay Spatial Plan (Eastern Bay – Beyond Today)

Four out of the five river schemes are located in the Eastern Bay. Therefore, a close integration with the Eastern Bay Spatial Plan is beneficial for both projects. "A spatial plan is intended to contribute to the Eastern Bay's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term strategy. It forms the basis for identifying the sub-region's high priority strengths, challenges and opportunities, and is a way of developing a collective voice for the Eastern Bay." (Source: Eastern Bay – Beyond Today- draft document) The draft plan is due December 2015 following public consultation during which the action plan will be further refined and developed. These actions will provide

guidance on future work required to be delivered by the RSS Project to facilitate updating of the 2015 plan. Opportunities for collaborative inclusion of RSS principles in the Eastern Bay Spatial Planning include:

The following draft action points have been developed during consultations between Spatial Planning Team and RSS team:

- The Spatial Plan Team will prioritise areas that need flood hazard/flood risk modelling based on affordability, vulnerability, significant infrastructure, demographics, economic development. The list of priority areas will be included in the actions of the current spatial plan and the RSS Team will be engaged to carry out the analysis and deliver the flood hazard/risk maps for the schemes.
- Catchment-wide flood management solutions to be identified and discussed with communities as needed, while allowing for the effects of climate change and sea level rise.
- During the assessment of flood management solutions the RSS Project may assist with the investigation of harvesting fresh water during dry periods for irrigation. This will be applied on a catchment basis in response to where more intensive rural production is expected.
- The RSS Project may assist with identifying and mapping areas where landuse change may have a significant negative effect on water quality, allocation, flood management and economics.
- Process to be set up by the Spatial Plan on community engagement and decision-making around flood management for the next 100 years.

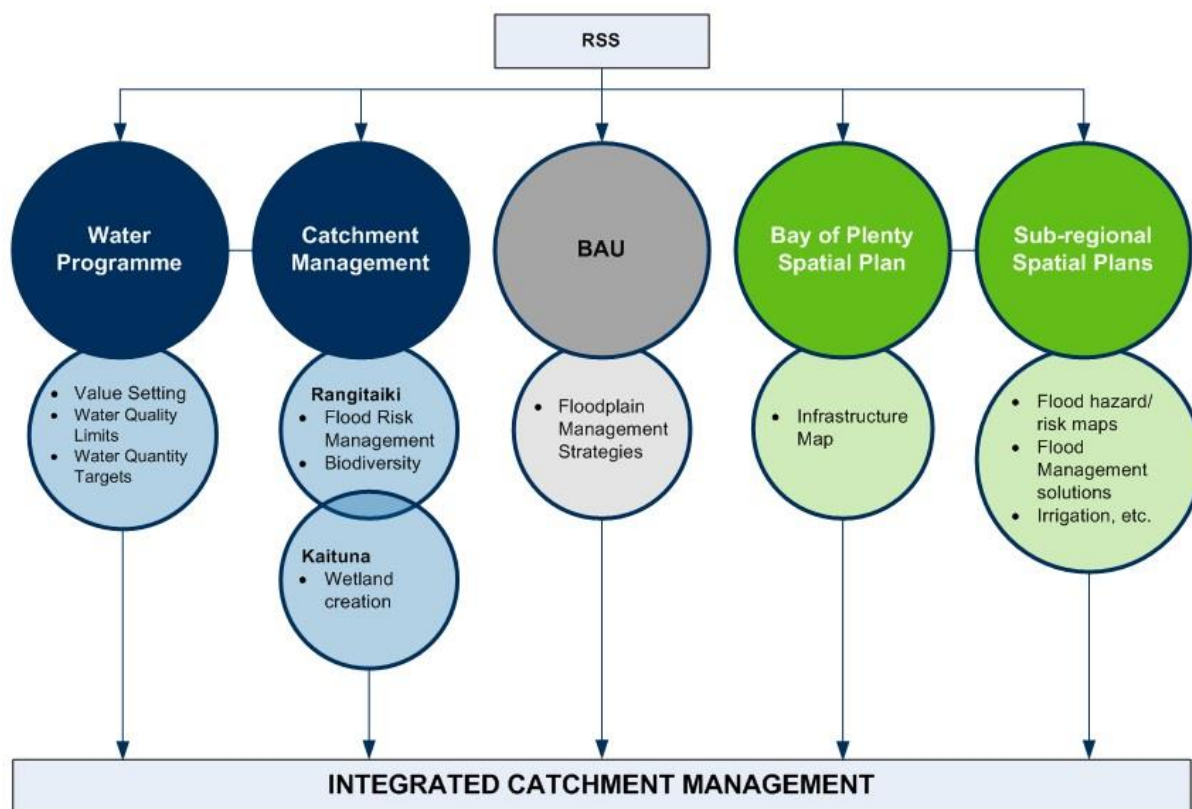
6.1.5 **Western Bay Spatial Plan (Smart Growth) and Rotorua Spatial Plan (Smart Futures)**

The lower part of Kaituna River Control Scheme Catchment is covered by Smart Growth, while the upper catchment by Smart Futures Plan. Similar methods to include integration of RSS principles with spatial planning, described under the Eastern Bay Spatial Plan will be implemented in this area.

6.2 **Challenges of integration**

While there is a clear need for close integration between the different Council projects the main challenge will be the timing and coordination of RSS work to be undertaken to avoid duplication and lost opportunities. Each project is running according to their own project plan, which will most likely generate actions at different times. It is proposed that the RSS coordinator develops written briefs to be circulated to the various project managers to ensure their future needs can be coordinated within the RSS deliverables.

River Sustainability Scheme Integration



7 Community views

Community consultation will be carried out at appropriate times when issues such as affordability and levels of service require discussion.

8 Financial implications

Current

The budget allowance for the RSS Project during the 2014/2015 financial year was \$150,000. Due to additional Council requests, additional model builds, and additional external support the forecast total expenditure for the financial year is \$188 000.

Future

The RSS Project has a relatively small consultancy budget allowance in the LTP of \$100,000 per annum that can be allocated to project specific investigations and integrated planning associated with River Scheme Sustainability. The project will feed into Catchment Management and Strategic Planning Programmes.

Katalin Maltai
Environmental Engineer

for General Manager Technical Services

24 June 2015



Receives Only – No Decisions

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: Julie Bevan, Policy & Planning Manager

Release of National Planning Standards

Executive Summary

On 5 April 2019, the Ministry for the Environment (Mfe) and the Department of Conservation released the inaugural set of National Planning Standards (NPSs). The NPSs are a new form of national direction. In August 2018, the Regional Direction and Delivery Committee approved Regional Council's submission on the Draft NPSs.

The purpose of this report is to introduce the NPSs and; provide an outline of further analysis and guidance required to better understand NPSs implementation requirements.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Release of National Planning Standards.**

1 Purpose of Report

The purpose of this report is to introduce the inaugural set of NPSs and; provide direction on future actions required to fully understand implementation impacts and requirements.

2 Introduction and Background to National Planning Standards

2.1 Overview

The NPSs are a new form of national direction introduced through 2017 amendments to the Resource Management Act 1991 (RMA)¹. NPSs aim to make it easier to prepare, use and understand RMA plans and policy statements. The first set of NPSs is focused on providing nationally consistent:

- structure for all RMA policy statements and plans
- format including spatial layers and mapping

¹ Sections 58B to 58J of the Resource Management Act 1991 apply to National Planning Standards

- definitions
- electronic functionality and accessibility requirements
- noise and vibration metrics

for Regional Policy Statements (RPS), Regional Plans (RPlans), District / City Plans and Combined Plans under the RMA.

2.2 Background to the first National Planning Standards

Mfe consulted with pilot councils, a technical Māori advisory group and industry groups including planning practitioners. Planning Managers have discussed pending NPSs in Policy SIG meetings and planning staff have attended Mfe workshops and provided comments through the Māori Technical Advisory group.

A set of 18 Draft NPS were notified in June 2018, submissions closed on 17 August 2018. In total 201 submissions were lodged and Councils comprised 56 of these. A summary of Regional Councils key submission points and how they have been addressed is provided in **Appendices 1 and 2**.

During consultation a number of Councils submitted that:

- there had been a significant investment in recent plan making
- NPSs implementation will disrupt existing planning priorities
- ongoing plan changes may erode community/ stakeholder goodwill
- Councils should be able to implement NPSs during plan reviews.

Regional Council advocated for flexibility with implementation and sought recognition of its work programme which includes multiple plan changes and considerable work being undertaken to give effect to other instruments of national direction including the National Policy Statement for Freshwater Management (NPSFM).

Councils in this region advocated for timeframes which recognise the RMA plan hierarchy in particular the requirement to 'give effect' to the RPS by district / city plans). As this would provide Territorial Authorities with a degree of certainty to ensure they are 'giving effect' to the RPS.

3 National Planning Standards

The inaugural set of NPSs has 17 individual standards, 11 of these apply to Regional Council:

- NPS 1: Foundation
- NPS 2: Regional Policy Structure
- NPS 3: Regional Plan Structure
- NPS 6: Introduction & General Provisions
- NPS 10: Format
- NPS 11: Regional Spatial Layers
- NPS 13: Mapping
- NPS 14: Definitions
- NPS 15: Noise and vibration metrics
- NPS 16: Electronic accessibility and Functionality
- NPS 17: Implementation

Each standard has mandatory directions detailing how that NPS is to be implemented. With reference to the above list RPS and RPlans must implement the NPSs in accord with multiple directions contained within multiple NPS.

3.1 **NPS 17 - Implementation timeframes**

NPS 17 sets out the implementation timeframes for Regional Council. The implementation date precedes the timeframe requirement:

- by April 2020: Baseline electronic accessibility and functionality requirements
- by April 2022: RPS adoption of NPSs or notification of a Proposed RPS
- by April 2029: Regional Plan adoption (or at the time of a full plan review)
- by April 2029: ePlan requirements to align with Regional Plans (above)

NPSs timeframes have been amended to encourage an approach that provides for the inclusion of mandatory NPSs definitions at the time of a full RPS or RPlan review.

Territorial Authorities have 5 years to implement the NPSs in an online interactive plan (ePlan) by April 2024 with an additional two years to for NPSs definitions. There are some exceptions to these timeframes and requirements.

4 **Implementation Requirements**

4.1 **Electronic accessibility and functionality requirements**

All Councils must meet NPS 16 Electronic accessibility and functionality requirements by April 2020. This standard requires conformity with national data standards (e.g digital datasets, datum requirements) in addition to ensuring:

- An RPS or RPlan is no more than 3 clicks from a Councils homepage.
- Up to date website addresses for RPS and RPlans are provided to Mfe.
- RPS and RPlans have keyword functionality.

4.2 **RPS and RPlan implementation requirements**

The RPS and RPlan structures provide Councils with flexibility to consider different options to address resource management matters (e.g. integrated management, domain, topic, area-specific matters). Mandatory directions within multiple NPSs dictate how these options must be included. Additional guidance is required from MfE to better understand how the NPSs should be implemented and best practice for this.

For example:

- What is the best combination of RPS and RPlan structural 'options' based on their current structure given the multiple directions that apply.
- What is the scope of a consequential amendment when an NPSs definition changes the intent of a plan rule?
- How can Council ensure a Schedule 1 process is not triggered when Mfe acknowledge it will be challenging for Councils to identify changes that can be made under the umbrella of consequential amendments.

Guidance that would provide a better understanding of NPSs implication effects is listed here (see Appendix 2):

- Tangata Whenua NPSs requirements including additional consultation matters.

- Guidance on best practice for linking and / combining external information to an RPS or RPlan as separate compendiums and/ or other supporting documents.
- The scope of consequential amendments to clarify when a Schedule 1 submission process is required.
- How to best utilise the different resource management 'options' in an RPS or RPlan.

Mfe have advised they will be providing guidance material but are focused on providing 1:1 support to 9 city / district councils as part of their plan reviews. The Councils listed are not in this region. Currently there is no timeframe when further guidance and or case studies will be ready.

5 Next Steps

Additional analysis is required to better understand NPSs implications and MfE guidance will be welcome given the extent of implementation changes and resourcing requirements. In the interim staff will commence the following steps:

- Ensure all Baseline electronic requirements are met by April 2020.
- Compare RPS and RPlan definitions against NPSs definitions and assess what consequential amendments can occur without delay
- Consider prioritising and bringing forward the next formal RPS review from 2024 to allow for notification by April 2022. This will provide more certainty for territorial authorities most of whom must implement NPSs in a district or city ePlan by April 2024.
- Provide an analysis of the NPSs implications on all RPS and RPlan changes as part of any future reports to Council inclusive of relevant recommendations.
- Schedule in and commence RPS and RPlans mapping notation amendments.
- Assess Tangata Whenua consultation requirements implications for existing RPS and RPlan change programme.

Consideration of on-line ePlan interactive requirements should be undertaken after the baseline requirements are met and there is a better understanding of how the NPSs are to be implemented.

6 Implications for Maori

Maori input to Regional Council's RMA policy and plans has been considerable and engagement with Māori as part of an RPS review or adoption of NPSs in the RPS by April 2022 will be required earlier and be more comprehensive than anticipated. The NPSs also requires additional consultation with Māori for example to agree if documentation (for example Hapū/ Iwi Management Plans) relating to their interests are linked to or are referred to in a RPS or RPlan.

7 Budget Implications

7.1 Current Year Budget

The initial review and analysis of NPSs implications is being undertaken within the current budget for Regional Planning Activity in Year 1 of the Long Term Plan 2018 – 2028.

7.2 Future Budget Implications

The National Planning Standards will need to be implemented (either in full or close to) under the Regional Planning activity in Council's Long Term Plan 2018 – 2028. Further analysis is required to determine the extent of potential budget implications.

Moana Boyd
Senior Planner (RIN)

for Policy & Planning Manager

20 May 2019

APPENDIX 1

FINAL APPENDICES 1 & 2 National Planning Standards

Appendix 1:

Overview of the National Planning Standards with a comparison against the Draft National Planning Standards

Overview of the National Planning Standards (NPSs) which were released on 5 April 2019

The NPSs consist of 17 specific standards. NPS 1: Foundation Standards (Table 1) lists NPSs which are relevant to all plan types and those relevant to BOPRC are shown below:

Regional Policy Statement			
Structure	Chapter Standards	Form Standards	Other Standards
2. RPS structure	6. Introduction & General provisions	10. Format 11. Regional spatial layers 13. Mapping 16. Electronic accessibility and Functionality	14. Definitions 17. Implementation
Regional Plans			
3. Regional Plan structure	6. Introduction and general provisions	10. Format 11. Regional spatial layers 13. Mapping 16. Electronic accessibility and functionality	14. Definitions 15. Noise & vibration 17. Implementation

NPS 1 Foundation and NPS 17 Implementation apply to every policy statement or plan.

NPSs 1 Foundation contains the NPSs purpose, an interpretation of NPSs terms and lists of NPSs relevant to each plan type. It has mandatory directions (as do all NPSs) for example NPSs must be used in conjunction with each other where relevant.

Amendments to the Draft National Planning Standards

NPS 17 Implementation has amended mandatory timeframes for BOPRC as follows:

- Baseline electronic requirements (remain 1 year but are significantly reduced in scope)
- Regional Policy Statement (3 years reduced from 5 years)
- Regional plans and ePlan requirements (10 years or when a full plan review is notified, an increase from 5 years)

The Draft NPSs (relevant to BOPRC) were notified in June 2018, these were the subject of submission points. The Draft NPSs have been reconfigured in the new set of NPSs and changes are shown below:

Structure standards	Form Standards
NPS 2. Regional Policy Statement Structure (S-RPS)	NPS 16. Electronic Functionality & Accessibility (F-1)
NPS 3. Regional Plan Structure (S-RP)	NPS 13. Mapping (F-2)
	NPS 11. Spatial Planning Tools (Regional) (F-3)
	Chapter Form (F-5)
	Status of Rule & other Text & Numbering Format (F-6)
	NPS 10. Format (includes F-5, F-6 and S-SAM)
Chapter standards	Content and metrics NES Other Standards
NPS 6. Introduction and General Provisions (S-IGP) now includes Tangata Whenua	NES 14. Definitions (CM-1)
Tangata Whenua (S-TW)	NES 15. Noise and vibration metrics standard (CM-2)
Schedules, Appendices, Maps (S-SAM)	NES 17. Implementation
	NES 1. Foundation

Appendix 2:

A summary of how Regional Council's key *Draft National Planning Standards submission points* have been addressed in the National Planning Standards

Overview for CHAPTER and STRUCTURE submission points

The Draft NPS provided indicative structures for Regional Policy Statements (RPS) and Regional Plans (RPlans). Each structure was made up of parts (shown below).

Regional Policy Statement (S-RPS)	Regional Plan (S-RPlan)
1. Introduction and general provisions	1. Introduction and general provisions
2. Tangata whenua	2. Tangata whenua
3. Significant regional issues	3. Issues and objectives
4. Themes	4. Themes
	5. Catchments
5. Evaluation and monitoring	6. Evaluation and monitoring
6. Schedules, Appendices and Maps	7. Schedules, Appendices and Maps

New NPS 2 (RPS) and NPS 3 (RPlan) structures are shown below. These structures have been reconfigured as 'Parts' have been removed and new chapters added for: integrated management, domains and area-specific matters. In general these changes provide a better level of flexibility.

Regional Policy Statement (NPS 2)	Regional Plan (NPS 3)
1. Introduction and general provisions	1. Introduction and general provisions
2. Resource Management overview	2. Management of Resources: <ul style="list-style-type: none"> - Integrated Management - Domains (air, land & water etc) - Topics (previously themes) - -Area Specific Matters
3. Domains and Topics	3. Appendices and Maps
4. Evaluation and Monitoring	
5. Appendices and Maps	

The NPSs structures advise which headings are mandatory and those that are optional. There are lists of what 'matters' could be included in some introductory chapters and mandatory directions in each NPSs advise how to include and/ or format information.

RPlans have mandatory chapters in Part 1: *Relationships between spatial layers, Definitions, Abbreviations, National Direction* (NPS, NES, Regulation) and *Tangata whenua* (for context and relevant processes). Part 2 (resource management objectives, policies, rules etc.) allow Councils to determine how plan provisions are addressed as long as this is done in accord with mandatory NPSs directions. For example there is flexibility to address resource management issues by: domain, topic, area-specific matter.

The focus in an RPS is more strategic. Part 1 in the RPS structure is similar to an RPlan but it includes cross boundary matters in place of spatial layer explanation. It also better reflects the provisions of RMA s62. *See submission responses for additional comments.*

Draft Submission points on structures with an initial NPSs review below each point:

- 1. BOPRC had concerns regarding the level of detail in opening chapters (headings, subheadings and matters) which is not required by the RMA. Can irrelevant sections be left out of a plan?**

Parts are required and 'headings' which group chapters are required only as necessary. The mandatory chapters are identified and most of the introductory chapters and 'matters' to consider under them are optional (e.g. see the Tangata Whenua section).

- 2. Flexibility to accommodate parts by theme and/ or catchments with an ability to create subordinate sections is needed e.g. to Freshwater Management Unit (FMU) scale.**

Councils can add sections and subsections within chapters where appropriate to organise related provisions. There is more flexibility and consideration of coastal and freshwater management.

- 3. Clarify Councils can choose between theme and catchments to allow for a combination of both within an RPlan. Can catchments or FMU be provided for with subordinate sections within these.**

Part 2 has been amended to include sections for: Domains, Topic chapters (Hazards and Risks, Ecosystems and indigenous biodiversity etc) and Area-Specific matters (FMU, catchments, areas, coastal zones, and coastal precincts). Sections must be included if relevant to a plan and specific directions apply to integrated management and coastal environments. There is an ability to add sections and subsections. Specific directions on how to use different sections apply and best practice guidance or examples on how to combine these different sections would assist.

In summary an RPlan can combine Domain, Topic and Area-specific chapters to address relevant matters (with additional sections, subsections). Regions that rely on activity-based rules to manage a range of interrelated effects can locate provisions within the relevant domain – air, coastal, geothermal or land & freshwater and this must be done if there are multiple topic chapters relating to a domain. Topics can then be utilised for specific resource management issues and area-specific chapters for a catchment based approach.

- 4. BOPRC has recently streamlined the RNRP to limit plan content to mandatory s67 requirements with additional material if deemed necessary. Flexibility to allow issues and objectives to be within resource management themes (now topics) or catchments was requested.**

The requirement for issues and objectives to be placed in their own Part has been removed as part of a reduction of RPlan structure requirements. A new integrated management section has been provided for objectives and policies that provide strategic direction. NPS 10 Format also applies to this request as it contains requirements for policy and plan provisions.

For RPlans the following requirements apply: Issues (if stated), Objectives, Policies, Rules (if any), Methods other than rules (if stated), Principal reasons (if stated), Anticipated environmental results (if stated). This is a better alignment with s67 but there are a few non-mandatory s67 requirements e.g. chapters on national direction instruments and another on relationships between spatial layers.

5. **BOPRC requested flexibility to create RPS or RPlan sections which include under them separate subsections each with their own cascade of objectives, policies, methods and rules. This would keep related content together. A geothermal example was provided, it had a ‘general chapter’ with subchapters underneath for different geothermal fields (Rotorua, Tauranga...). Each field had its own cascading provisions.**

A new optional geothermal domain has been provided. Mfe guidance refers to an ability to locate most provisions within topic-specific chapters with the ability to consider if additional sections or subsection headings should be provided. Additional flexibility for RPS and RPlan structures is an improvement but best practise illustrations for combining options could assist with implementation.

6. **BOPRC supported testing RPS and RPlans with both themes and catchment provisions before finalising the NPSs and this could include usability sought above for separate policy cascades.**

Mfe referred to testing with: pilot councils, unitary authorities, a Regional Council subgroup and a Māori Advisory Group.

7. **The Proposed Regional Coastal Environment Plan (PRCEP) has policies grouped under headings: Natural Heritage, Water Quality, Iwi Resource Management... BOPRC requested flexibility to create subordinate chapters for the coastal environment or, to allow these matters to be in other themes.**

The Coastal Environment was a ‘theme’ in the Draft NPS it is now a ‘domain’ which must demonstrate the approach to managing the coastal environment and; set out how the NZCPS is given effect to if the RPlan includes coastal plan provisions. The RPS and RPlan can now locate coastal provisions in other topics as long as they are cross-referenced back to the domain. A separate coastal marine section is required in the absence of a separate regional coastal plan (proposed or operative) and additional / subordinate chapters can be provided.

8. **BOPRC requested sections which correlate to s30 (Land, Freshwater, Discharges, Activities in beds of waterbodies and wetlands, natural hazards). A request was also made to create an ‘integrated management’ theme if land and water were combined.**

New RPS and RPlan sections for integrated management and domains have been provided. A domain allows for the grouping of like topics and one of the four listed is entitled ‘land and water’. Freshwater has not been provided for separately but there is an ability to address FMU’s separately under area-specific matters. Is it unclear if a new domain could be created for ‘discharges’ or if this activity would fall under the relevant ‘domain’ as a subchapter (e.g. discharge to land, to water, to air...). Another option might be a discharge topic with subordinate chapters representing the receiving environment.

9. **Evaluation and monitoring is mandatory under s35 of the RMA but it is not required under s62 (RPS) or s67 (Regional Plan). BOPRC requested that this be an optional requirement.**

This requirement has been retained in the RPS structure. The recommendation states this should be required for robust and transparent resource monitoring with a suggestion that links to monitoring strategies and other documents be provided in this part. The Chapter heading is ‘Monitoring the efficiency and effectiveness of the policy statement’.

BOPRC Draft Submission points on CHAPTERS with an initial NPSs review below each point

NPS 6 Introduction and General Provisions is a combination of two Draft NPSs: S-IGP Introduction and General Provisions and S-TW Tangata whenua. These were shown in the Draft NPSs structures as Parts 1 and 2 and they included chapter headings with long lists of potential 'content' if addressed. The level of detail was concerning as these were mostly non-mandatory RPS and RPlan provisions.

Draft-SAM is included here but it is now in NPS 10 Format.

S-IGP: Draft Introduction and General Provisions Standard

- 1. BOPRC has recently streamlined the RNRP to limit plan content to mandatory s67 requirements with additional material if deemed necessary. A request was made to allow optional content to be located in a supporting document.**

The matters listed under 'How the plan or policy statement works' remain the same with additional tangata whenua options. These indicative chapters are optional in RPS and RPlan structures with the exception of 'cross boundary matters' in an RPS and 'relationships between spatial layers in a RPlan'.

NPS 1 allows references or links to be provided to external material unless otherwise directed. Guidance encourages the inclusion of some content sitting outside of RPS and RPlans.

- 2. The Draft 'Interpretation Chapter' included Definitions, Abbreviations and a Glossary of te reo Māori. BOPRC supported a glossary for te reo Māori terms but only in regard to objectives, policies and rules. As this would allow for flexibility to have bilingual provisions without defining each word and it would acknowledge regional and iwi variation/ dialect.**

The glossary for te reo Maori is now optional. This mandatory requirement was removed to ensure te reo Maori terms are appropriate to local dialects and cultural beliefs. The exception is te reo Maori terms which are used in rules - these must be defined or translated in English in the Definitions chapter.

- 3. The 'National Direction Instruments' section for NPS, NES and regulations conflicts with RMA s67 which only requires objectives, policies and rules in RPlans. BOPRC were concerned about the extent of detail required. Amendments were sought to allow new instruments to be updated without a Schedule 1 process. A request was made to remove cross-referencing requirements.**

NPS 6 requires mandatory listing of NPS, NES and Regulations with a requirement to update and provide links to them. The requirement to cross-reference to rules which are more lenient or stringent than an NES has been removed. The NPSs now requires that dates are provided for when any reviews have been undertaken to 'give effect' to NPS and to name the relevant plan change. A new table for Water conservation orders is included. This is less onerous than Draft S-IGP.

S-TW Draft Tangata Whenua Structure Standard

BOPRC's submission highlighted a complex cultural landscape that is dynamic and evolving given the large number of iwi (37) and hapū (over 250) in our region. In addition to Māori Land Trusts wanting recognition as iwi authorities, co-governance agreements, treaty settlements (at different stages) and Takutai Moana applications etc.

BOPRC requested or queried the following with regard to Tangata Whenua provisions:

- **To recognise that the RMA s35 requires (only) that Councils keep a record of Iwi and Hapū.**
- **To allow for separate compendiums for Iwi/ Hapū resource management plans, co-governance agreements, applicants under the Marine and Coastal (Takutai Moana) Act, Te Mana o te Wai etc.**
- **To clarify if matters listed under chapters for Tangata Whenua are mandatory.**
- **To allow discretion to include Tangata Whenua relationship agreements (only if agreed) in a compendium rather than listed in a RPlan.**
- **Support an effective cost benefit analysis of the actual overall costs relative to implementation of the NPSs.**
- **Clarify how MfE and central government will support Councils to meet these requirements.**

*The focus of Tangata Whenua provisions has been changed. Part 1 RPS and RPlan matters to consider are optional and limited to **context and process** related information, as substantive provisions should be included in other chapters.*

NPS 6 requires Council to consider Tangata Whenua matters for inclusion after engaging with tangata whenua and these provisions may include links to material outside of the RPS or RPlan.

The 'optional matters' could however still be problematic if part but not all of a matter warrants inclusion for example it is not clear if all of this is 'matter' is required (it has 3/4 parts):

a list of statutory acknowledgements for the district and region, and a brief explanation of how they affect the policy statement or plan and are reflected in a policy statement or plan provisions. Where possible this should include a link to the relevant statutory acknowledgement.

An updated Cost-Benefit economic analysis for the NPSs informed the implementation timeframe changes to allow regional councils more time and allow for adoption of the NPSs at the time of RPlan review given multiple plan changes needed for other instruments of national direction (e.g. NPSFM).

1. In relation to 'Schedules' BOPRC considered these are generally used for 'spot zoning' for district plans but the reference to ONFLs confuses this as these should be listed in an Appendix.

Amendments were sought to:

- clarify the difference between appendices and schedule requirements
- clarify if schedules are available to regional planning documents or just district plans
- to amend the requirement for site specific study material references by allowing references to be provided at the beginning or end of a Schedule.

The RPS and RPlan do not explicitly require schedules. NPS 10 Format sets out how Appendices and Schedules must be named and it does not specify that this only applies to district councils. Rather, it states schedules can be located in chapters, sections or sub-sections and schedules grouped as appendices must be included in the Appendices and Maps part which implies (also see below) schedules can be included in a RPlan or RPS.

2. The Draft NPS states each appendix must address a different 'topic' and must be provided as a separate section. It then states except for the allowance for appendices to include more specific maps appendices may only include technical and/ or descriptive specifications required to meet a rule. The description given could apply to regional plans which have schedules which may be appendices.

BOPRC sought:

- Clarification or further guidance about what should be in a schedule versus an appendix
- An interim ability to have material outside of s67 content requirements within a Schedule or Appendix until it can be moved to a supporting document.

Plans are not required to be updated if a proposed policy statement or plan implements NPSs requirements within the set timeframes. For RPS it is 3 years, for RPlans it is 10 years.

A list of 'matters associated with schedules' is provided in NPS 10 Format. It requires the following information for each site or item identified:

- unique identifier, site identifier, site type, map reference or link.

Guidance for the RPS/ RPlan structures states 'appendices can include schedules that are not included within the relevant chapter' and Councils can add more detail to schedules if considered appropriate.

NPS 10 Format guidance advises schedules can be included in relevant chapters and be grouped in an appendix.

Submission points on Draft F-1 Electronic Accessibility and Functionality Standard

Draft F-1 had a Baseline requirement which has reduced in scope in NPS 16 Electronic Accessibility and Functionality Standard. NPS 17 Implementation has extended the implementation timeframe for Regional Councils *Online interactive policy statement or plan* (ePlan) as shown below:

	Draft F-1	NPS 17
Baseline accessibility and Functionality	1 year	1 year
ePlan requirements for BOPRC	5 years	10 years or when a full plan review is undertaken and a proposed plan notified

The NPSs s32AA report includes an updated Cost-Benefit economic analysis which informed implementation timeframe changes.

Draft F-1 Baseline accessibility had 12 plan requirements in addition to data (e.g dataset compliance with national principles) and plan text (to differentiate between proposed, decisions made and appeal versions) requirements. A number of these requirements were onerous for example to provide cross-linkages between a regional plan and multiple district/ city plans under it:

- *to provide a 'note' in any rule (with a hyperlink to the relevant plan) that clarifies an activity may also require consent from another plan (eg, note and hyperlink from a regional plan rule relating to earthworks to relevant district plan chapters relating to earthworks).*

Submission summary for Baseline accessibility and functionality

- 1. BOPRC had concerns regarding the timeframe and mandatory requirements for Baseline accessibility. Requests were made to move some of this to the ePlan. Amendments were sought and additional resourcing requested if these requirements remained.**

A one year timeframe is still required but the list of requirements has significantly reduced in NPS 16. It now only requires data standards (which were supported for consistency in New Zealand) and:

- *An RPS or plan must be no more than 3 clicks from a Councils homepage.*
- *Up to date website addresses for RPS and plans must be provided to Mfe.*
- *Policy statement and plans must have keyword functionality.*

Submission summary for ePlan requirements now *Online interactive policy statement or plan*

- 2. BOPRC highlighted concerns that ePlan requirements (required by 2024) would be a significant undertaking alongside a full policy work programme including: multiple plan changes, rolling plan reviews and changes to implement the NPSFM etc. This would require reworking the work programme and potential re-litigation to accommodate standardised definitions.**

The timeframe has been extended to 10 years to meet full ePlan requirements or, at the time a full plan review is carried out.

- 3. Clarification was sought to ensure ePlan requirements only apply to operative policy statement and plans (not retrospectively).**

NPS 16 requires the policy statement or plan version to be shown from the date it is in the ePlan.

Draft Submission points on Other FORM Standards (F-2, F-3, F-5 and F-6)

Draft standards (F-2-Mapping, F-5 Chapter Form and F-6 Status of Rules and other Text and Numbering Form Standard) have been combined into NPS 10 Format. Draft F-3 Spatial Planning Tools Regional is now NPS 11 Regional Spatial Layers. Draft F-2 Mapping is NPS 13 Mapping.

Draft F-2 Mapping Standard

BOPRC requested additional consideration of identified symbols. For example, this region has multiple hazards and one symbol was provided for Coastal, Flood, Volcanic and Fault Hazard. Amendments were sought to consider additions to colours and symbology and; to consider additional overlays for s6 matters and NPSFM implementation.

NPS 13 contains a symbology table and these symbols must be applied for these features in RPS and RPlans but if required an alternative vector type can be used and symbols may be labelled on maps. The symbols included do not include s6 or NPSFM additions and the Draft NPS Hazard symbol has been removed.

NPS 13 does not expressly state additional symbols can be used only that these symbols must be shown if they apply. The recommendation acknowledges that further work and testing if required before additional symbols are standardised.

Draft F-3 Spatial Planning Tools (Regional) Standard

BOPRC acknowledged changes to recognise FMU and supported amendments which further standardise the way freshwater features are mapped or identified. Additional spatial layers were requested for freshwater to assist with implementation of the NPSFM.

NPS 11 Regional Spatial Layers has an additional spatial layer for precincts which can be seaward or landward of MHWS. For RPlan purposes this aligns with coastal precincts. NPS 11 clarifies that additional spatial layers can be used provided they do not overlap with layers identified in this standard.

Draft F-6 Status of Rules and Other Text and Numbering Form Standard

BOPRC had concerns with requirements to highlight text with potentially six different shading boxes for different reasons for example until provisions were operative, if required for an NPS, NES, NPSs etc.

NPS 10 has a number of requirements relating to differentiation of the status of rules in proposed plans, defined terms, policy statement or plan text changes. The use of highlighting, italicising or similar in addition to side-bar annotations are referred to.

For example, a side-bar annotation or similar is required to differentiate the status of policy statement or plan provisions and this includes provisions subject to a plan change, variation or appeal.

Draft Submission points on CM-1 DEFINITIONS (now NPS 14 Definitions)

Draft CM-1 required mandatory incorporation of definitions within 5 years but it did allow for additional subcategories and narrowing of definitions (e.g quarries – farm quarries). 109 definitions were listed, 61 of which were new (not from legislation). BOPRC supported legislative definitions but had concerns that new definitions could require re-writing of the RPS and RPlans and require further Schedule 1 processes at a substantial further risk and cost.

NPS 14 has reduced the number of definitions to 99. Seven terms are new, eighteen were removed and others were amended. An RPS or RPlan can include definitions for terms that are not in NPS 14 as long as they are not synonyms of those listed. All definitions are mandatory and te reo Maori terms used in rules must be defined. NPS 14 guidance includes drafting principles for example to avoid definitions containing or becoming de facto rules, to ensure lists are exhaustive where they contain the word ‘include’ or ‘exclude’.

- 1. BOPRC requested that new terms be tested or reviewed in regional planning documents before inclusion in an NPS and/ or to amend new terms so they are non-mandatory for regional documents.**

Mfe was satisfied there had been sufficient testing of terms as they had been through a series of workshops, discussion documents, iwi and industry group feedback, practitioners advise and pilot councils. There are only 2 definitions that do not apply to regional documents (ground level and site).

- 2. BOPRC requested more direction and guidance on the threshold for consequential amendments under a non-Schedule 1 process including what is beyond the scope of a consequential amendment.**

NPS 14 recognises that a mandatory definition may require consequential amendments to the policy statement or plan to ensure that the application of the definition does not alter the effect or outcomes of policy statements or plans.

The NPS 14 recommendation acknowledges it will be challenging for Councils to identify changes that can be made under the umbrella of consequential amendments. NPS 14 guidance anticipates that most Councils will include definitions as part of a fuller plan review process and that approach is encouraged. For Councils intending to implement NPSs definitions outside of a broader plan there is no intention to change the meaning or application of rules. In that instance changes are likely to be considered consequential. It then advises further guidance on the scope of consequential changes will be provided.

- 3. This is a list of specific BOPRC definition requests with the NPS response:**

Definition submission request	Definition response
To amend <i>cleanfill</i> as it focuses on the land use activity (area) rather than the type of material considered to be cleanfill material.	<i>Cleanfill has been separated into two definitions one for cleanfill area and one for cleanfill material.</i>
<i>Coastal Marine Area</i> has the same meaning as RMA s2 which does not include ‘mouth’ in relation to where the mouth of a river has been agreed with territorial authorities and the Minister of Conservation. Sought an amendments to include ‘mouth’ or provide a new definition for ‘mouth’.	<i>The Coastal Marine Area definition has been removed and this avoids the need to define ‘mouth’.</i>

<p><i>Earthworks</i> was defined as any <i>land disturbance</i> that changes the existing ground contour or ground level. This focuses on land disturbance rather than processes and activities involved.</p> <p>BOPRC's regional plan lists types of land disturbance and excludes many earthwork types. This definition would change the intent of earthwork activities for example levelling a vegetation garden would be caught. It would require re-writing of the plan in multiple places which would be cumbersome and costly with little overall benefit.</p>	<p><i>The earthworks definition has been amended to read:</i></p> <p><i>Means the alteration or disturbance of land, including any moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts.</i></p>
<p><i>Land disturbance</i> means the alteration to land, including by moving, cutting, placing, filling or excavation of soil, <i>cleanfill</i>, earth or substrate land.</p> <p>Sought an amendment to address earthwork concerns.</p>	<p><i>Land disturbance was amended to read:</i></p> <p><i>means the alteration to land or disturbance of land (or any matter constituting land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land.</i></p>
<p><i>Landfill</i> means the use, or the previous use, of <i>land</i> for the primary purpose of the disposal of waste.</p> <p>An amendment was sought to take into account the potential for successful remediation of land in accord with the NESCS.</p>	<p><i>The definition of landfill was amended to exclude cleanfill areas but it did not recognise the ability for successful remediation under the NESCS.</i></p>
<p><i>Site</i> refers to five descriptions of land for example an area of <i>land</i> comprised in a single freehold register. This definition would require a substantial re-write for BOPRC as the ordinary use of 'site' is applied in regional documents.</p> <p>An amendment was sought to limit this to district plans.</p>	<p><i>The definition of 'site' is one of two terms to be limited to district plans.</i></p>
<p><i>Stormwater</i> means water from natural precipitation (including any contaminants it contains) that flows over land or <i>structures</i> (including in a network), to a <i>waterbody</i> or the <i>coastal marine area</i>.</p> <p>An amendment was sought to include diversion and discharge and to widen the receiving environments to land and water.</p>	<p><i>Stormwater is now defined as: means run-off that has been intercepted, channelled, diverted, intensified or accelerated by human modification of a land surface, or run-off from the surface of any structure as a result of precipitation and includes any contaminants within.</i></p>
<p>The definition of <i>Structure</i> goes beyond the RMA definition and would capture structures not currently included. Requested further review of this term.</p>	<p><i>The RMA s2 definition has now been included.</i></p>
<p><i>Wetland</i> has the same meaning as s2 of the RMA but this is too broad and could capture unintended areas (e.g. wet pasture). BOPRC use a variation of the wetland definition and reverting to the RMA definition would require extensive re-writing.</p> <p>Requested an amendment to make wetland a non-mandatory term or to exclude wetted pasture, artificial water bodies used for wastewater and stormwater etc. An amendment to allow photos to assist with interpretation was also requested (alongside diagrams).</p>	<p><i>The definition for wetland remains as per the RMA s2 definition.</i></p> <p><i>Mfe have advised that a photo can be used to aid in the interpretation of a definition.</i></p>



Receives Only – No Decisions

Report To: Regional Direction and Delivery Committee

Meeting Date: 28 May 2019

Report From: David Phizacklea, Regional Development Manager

Urban Form and Transport Initiative Update

Executive Summary

The Urban Form and Transport Initiative (UFTI) was formally launched by the SmartGrowth Leadership Group on 20 March 2019, focused on the western Bay of Plenty sub-region. Phase One of the initiative is now complete.

Key updates over the past two months since the last Committee meeting include:

- The Terms of Reference signed by the three councils and NZTA on 11 March 2019.
- Reporting of Phase One; including completion of draft project plan and issues briefing papers to the SmartGrowth Leadership Group on 20 March 2019 and approval of project principles at the 17 April 2019 meeting.
- Appointment of Project Director, Project Manager and Technical Coordinator roles.
- Commencement of Phase 2 with a key deliverable being a Foundation report in July 2019, setting out the land use pattern and transport requirements for the western Bay of Plenty subregion under current scenarios based on agreed assumptions.
- Minister Twyford (Minister for Housing and Transport) visiting Tauranga on 15 May 2019 and meeting with Mayor Brownless, Mayor Webber and Deputy-Chair Nees to discuss expectations for future transport and urban form.
- A focus on the near-term transport projects required to support housing capacity, including multi-modal approaches to new infrastructure, mode shift and implementation of the Western Bay of Plenty Public Transport Blueprint.

Recommendations

That the Regional Direction and Delivery Committee:

- 1 **Receives the report, Urban Form and Transport Initiative Update;**

1 **Background**

The Urban Form and Transport Initiative (UFTI) is a project supported by a refreshed partnership between NZTA and the three SmartGrowth partner councils; Bay of Plenty

Regional Council, Western Bay of Plenty District Council and Tauranga City Council. The Terms of Reference were signed on 11 March 2019, and state that the parties have agreed to work together to identify an integrated strategic approach for the development of the western Bay of Plenty's urban form and transport system.

The formal launch of UFTI followed the 20 March 2019 SmartGrowth Leadership Group meeting. More information, including the Terms of Reference, is available on the new UFTI website <https://ufti.org.nz/> and on the SmartGrowth website. The project is integrated with the Future Development Strategy and Tauranga Urban Strategy.

A change to the operative Bay of Plenty Regional Policy Statement is expected to be required to implement UFTI, including for example amendments to the urban limits and more directive polices for multi-modal transport requirements for development.

2 UFTI Phase One

The first phase of work has been completed, including completing a draft project plan and establishing project governance and key resources required to deliver the remainder of the project.

The following appointments have been made to lead the delivery of the project and were introduced to the 17 April 2019 SmartGrowth Leadership Group meeting:

- Project Director – Robert Brodnax (Beca Consultants, Hamilton)
- Project Manager – Janeane Joyce (Channelled Consulting, Tauranga)
- Technical Coordinator – Ben Peacey (NB Consultants, Wellington).

David Cunliffe (Stakeholder Strategies) gave several presentations on behalf of the UFTI partnership on UFTI and the Phase 1 work. This has included to Greater Tauranga on 29 March, SmartGrowth Forums on 17 April and Sustainable Business Network members on 18 April 2019. He also presented to the Regional Transport Committee at its 15 March 2019 meeting.

3 UFTI Phase Two

The project is now moving into the second phase where the project plan will be finalised and the Foundation Report completed.

The Foundation Report will confirm the operating context; objectives for the project; baseline programme (including gaps); how options to complete a network master plan will be evaluated; and how success against the objectives will be measured. This will set the 'foundation' for evaluating options for the short/medium and long term in the next phase of the project. Content from the Proposed Future Development Strategy and Tauranga Urban Strategy is being incorporated in the Foundation Report, including the key themes from the engagement process.

4 Next Steps

The next steps are:

- Phase Two (the Foundation Report) is being progressed. A draft of the Foundation Report will come to the 17 June 2019 SmartGrowth Leadership Group meeting for discussion and feedback. A revised version will then be

presented to the 19 July 2019 SmartGrowth Leadership Group meeting for adoption.

- Completion of a final UFTI Project Plan, including resourcing and budget.
- Engagement with key stakeholders through targeted workshops. These are being planned to commence in June through a newly established Stakeholder Advisory Group.
- Phase Three (testing and evaluation of urban form and transport options) and Phase Four (completion of the Final Report) will progress according to the Project Plan.

UFTI is a standing agenda item for the Regional Transport Committee, who will have specific input to the regional flows component, focussed on the movement of freight, economy and people across the region. The Regional Transport Committee received an update at their most recent meeting on 24 May from the UFTI Project Director.

5 Statutory requirements

One outcome of UFTI will be the revision of the Proposed Future Development Strategy (FDS). An FDS is a requirement under the National Policy Statement for Urban Development Capacity for high growth areas.

An amendment to the Regional Land Transport Plan is also expected, and will need to include the relevant implementation actions of the UFTI in due course.

6 Implications for Māori

The Final UFTI report will contain recommendations for action and implementation through specific investment opportunities and/or new work programmes. Some of these recommendations may affect how housing for Māori is enabled and incentivised throughout the sub-region.

Tangata whenua are a SmartGrowth partner and have governance representation at the SmartGrowth Leadership Group. Input from iwi and hapū representatives is primarily gained through the SmartGrowth Combined Tangata Whenua Forum. All tangata whenua feedback on the Proposed FDS and Tauranga Urban Strategy will also be used during the UFTI project.

A communications and engagement plan is being prepared by the new UFTI project leadership team in order to ensure an appropriate level of ongoing tangata whenua contribution.

7 Budget Implications

7.1 Current Year Budget

The three councils had committed \$300,000 towards an integrated approach in Year 1 of their long term plans. BOPRC's budgeted \$126,000 as its contribution.

The UFTI costs for the current financial year are being accommodated within the existing Regional Planning activity budget. These costs are additional to Council's annual SmartGrowth contribution of \$300,700.

7.2 Future Budget Implications

There is no budget set aside in Year 2 (2019/20) of the LTP for UFTI. The Draft Annual Plan 2019/20 has proposed funding of \$400,000, being BOPRC's share of the costs.

7.3 Summary of Financial Implications

A multi-party funding agreement for UFTI was signed by all parties in April 2019. NZTA will fund 43% of project costs with 57% to be funded by the SmartGrowth partners. That share is split 40% BOPRC, 40% TCC, and 20% WBOPDC.

8 Community Outcomes

This project directly contributes to 'A Healthy Environment' and 'Vibrant Region' community outcomes in the Council's Long Term Plan 2018-2028.

Adam Fort
Senior Planner

for Regional Development Manager

17 May 2019