

# Strategy and Policy Committee

## NOTICE IS GIVEN

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

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**Tuesday, 18 February 2020 commencing at 9.30 am**

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Fiona McTavish  
Chief Executive  
11 February 2020





# Strategy and Policy Committee

## Membership

<b>Chairperson</b>	Cr Paula Thompson
<b>Deputy Chairperson</b>	Cr Stuart Crosby
<b>Members</b>	All Councillors
<b>Quorum</b>	Seven members, consisting of half the number of members
<b>Meeting frequency</b>	Six weekly rotation between committee meetings and strategic sessions

## Purpose

- Inform the strategic direction for the Council and implement through approved planning and policy frameworks.
- Identify regional issues resulting from emerging trends, providing thought leadership on matters of regional significance, analysing implications and developing a strategic response.

## Role

- Develop, implement and review best practice strategy, policy and planning framework for decision making which enables connection across committees of Council.
- Consider emerging environmental issues and provide advice on the implications for effective resource management within the region.
- Inform Council's strategic direction, including prioritisation and policy responses.
- Enhance awareness and understanding of emerging issues and trends relating to meeting Councils strategic direction.
- Develop Council's position on regionally significant issues and provide guidance on sub-regional and regional strategy matters such as spatial planning and SmartGrowth.
- Approve submissions on matters relating to the committee's areas of responsibility that are not delegated to staff.
- The provision of governance oversight into the development and review of policies, plans, and strategies.

- Approve statutory and non-statutory plans, strategy and policy other than those required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Develop, review and approve Council's position on regional economic development.
- Consider any issues delegated by Council that have a regional, environmental, social or economic focus.
- Develop and review bylaws.
- 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 committee.

## **Power to Act**

To make all decisions necessary to fulfil the role and scope of the committee subject to the limitations imposed.

The Strategy and Policy Committee is not delegated authority to:

- Approve the Regional Policy Statement and bylaws;
- Review and adopt the Long Term Plan and Annual Plan;
- Develop and review funding, financial, Risk and Assurance Policy and frameworks;
- Approve Council submissions on Maori related matters;
- Develop, approve or review non statutory policy for co-governance partnerships.

## **Power to Recommend**

To Council and/or any standing committee as it deems appropriate.



## Public Forum

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



# Membership

<b>Chairperson:</b>	P Thompson
<b>Deputy Chairperson:</b>	S Crosby
<b>Councillors:</b>	N Bruning, W Clark, T Iti, D Love, M McDonald, S Rose, L Thurston, A von Dadelszen, T White, K Winters, D Leeder, J Nees
<b>Committee Advisor:</b>	S Kameta

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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 - For Information Only**
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**Resolution to exclude the public**

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

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

<b>General Subject of Matter to be Considered</b>	<b>Reason for passing this resolution in relation to this matter</b>	<b>Grounds under Section 48(1) LGOIMA 1987 for passing this resolution</b>
<b>9.1 Public Excluded Regional Direction and Delivery Committee Minutes - 17 September 2019 - For</b>	<b>Please refer to the relevant section in the open minutes.</b>	<b>Good reason for withholding exists under</b>

<b>Information Only</b>		<b>Section 48(1)(a).</b>
<b>9.2 Public Excluded Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 16 January 2020 - For Information Only</b>	<b>Please refer to the relevant section in the open minutes.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>

- 9.1 Public Excluded Regional Direction and Delivery Committee Minutes - 17 September 2019 - For Information Only 213**
- 9.2 Public Excluded Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 16 January 2020 - For Information Only 217**
- 10 Confidential Business to be Transferred into the Open**
- 11 Readmit the Public**
- 12 Consideration of Late Items**
- 13 Consideration of General Business**



# Previous Minutes - For Information Only





# Minutes of the Regional Direction and Delivery Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Tuesday, 17 September 2019 commencing at 9.30 am

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## Present:

**Chairman:** Paula Thompson

**Deputy Chairman:** Andrew von Dadelszen

**Councillors:** John Cronin, Tīpene Marr, Lyall Thurston, Bill Clark, Arapeta Tahana, Norm Bruning, Jane Nees, Chairman Doug Leeder, Stuart Crosby, Kevin Winters

**In Attendance:** Sarah Omundsen - General Manager Regulatory Services, Namouta Poutasi – General Manager Strategy and Science, Chris Ingle - General Manager Integrated Catchments, Fiona McTavish – Chief Executive, Julie Bevan – Policy & Planning Manager, James Low – Team Leader (Freshwater), Stephen Lamb – Environmental Strategy Manager, Gemma Moleta - Policy Analyst (Water Policy), Andy Bruere - Lakes Operations Manager, Reuben Fraser - Consents Manager, Greg Corbett – Biosecurity Manager, Shane Grayling – Biosecurity Team Leader, Nassah Steed – Principal Advisor, Policy & Planning, Stephanie Macdonald – Community Engagement Team Leader, Eddie Sykes – Community Engagement EEF Coordinator/Māori Policy Advisor, Alex Miller – Compliance Manager – Primary Industry & Enforcement, Ryan Standen – Regulatory Compliance Team Leader, Heidi Fraser – Programme Coordinator, Paul Greenshields – Land Management Officer, Laverne Mason – Rotorua Catchments Manager, David Phizacklea – Regional Development Manager, Shari Kameta – Committee Advisor

**Apologies:** David Love, Matemoana McDonald

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## 1 Apologies

### Resolved

That the Regional Direction and Delivery Committee:

- 1 Accepts the apologies from Councillors David Love and Matemoana McDonald and Cr Bruning for lateness tendered at the meeting.

Thompson/Crosby  
CARRIED

## 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 Direction and Delivery Committee Minutes - 06 August 2019**

**Resolved**

That the Regional Direction and Delivery Committee:

- 1 Confirms the Regional Direction and Delivery Committee Minutes - 06 August 2019 are a true and correct record.

von Dadelszen/Winters  
CARRIED

7.2 **Region-wide Water Quantity - Proposed Plan Change 9 Appeals Subcommittee Minutes - 04 March 2019**

**Resolved**

That the Regional Direction and Delivery Committee:

- 1 Receives the Region-wide Water Quantity - Proposed Plan Change 9 Appeals Subcommittee Minutes - 04 March 2019.

Nees/von Dadelszen  
CARRIED

7.3 **Regional Coastal Environment Plan Appeals Subcommittee Minutes - 12 August 2019**

**Resolved**

That the Regional Direction and Delivery Committee:

- 1 Receives the Regional Coastal Environment Plan Appeals Subcommittee Minutes - 12 August 2019.

Thompson/Cronin  
CARRIED

## 8 Operating Environment: Verbal Update

Reference was made to the complexity of the current operating environment in relation to the recent release of the Government's freshwater proposals, which a verbal update would be provided under the Freshwater Futures update report.

## 9 Reports

### 9.1 Key Highlights from the 2016-2019 Triennium

General Manager Strategy and Science Namouta Poutasi summarised key highlights for the Regional Direction and Delivery Committee over the 2016-2019 Triennium.

#### Members Comments:

- The Chair acknowledged the substantial work achieved by the Committee and commended staff who had worked incredibly hard.

## Resolved

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

- 1 Receives the report, Key Highlights from the 2016-2019 Triennium.**

Winters/Thompson  
CARRIED

### 9.2 Freshwater Futures Update

General Manager Strategy and Science Namouta Poutasi, Team Leader Freshwater James Low and Policy & Planning Manager Julie Bevan presented the report. A verbal update was provided on the recent release of the Government's national direction for freshwater discussion document, 'Action for healthy waterways'.

#### Key points

- Ministry for the Environment (MfE) were holding engagement hui in the region and during the week for Council and the public, of which two hui had been held on 16 September in Tauranga.
- A wide range of questions were raised at the public meeting in relation to implications for farming, social and economic impacts, cost implications and the time constraints for people to consider the implications and make submissions.
- The submission period had been extended to 31 October 2019.
- Staff would be holding three information sharing sessions for stakeholders and the public to provide an overview and understanding of the proposal. Proposed dates for these sessions were: 30 September (Rotorua), 1 October (Whakatāne) and 2 October 2019 (Te Puke).

#### Members Comments

- The comprehensive discussion document outlined an impact statement on a range of effects, which was not being covered at the public engagement meeting.
- The Regional Sector water subgroup had released a high level economic impact assessment report on the Essential Freshwater proposal, which was available on the LGNZ website.

9:54 am – Cr Bruning **entered** the meeting.

- Information sharing sessions would provide Council the opportunity to interact with the community on the implications of the Government's freshwater proposals.
- Council's position on the Government's freshwater proposal at the regional sector level shared the high level aspirations of the Government and Māori community to improve freshwater quality, but would need to consider the issues and implications of its local communities which needed to be further addressed.
- Councillors needed to ensure they had a sound understanding of the freshwater proposal in terms of Council's position and implications for the region.

#### Staff - In Response to Questions

- Stakeholder and public information sharing sessions to be facilitated by staff would provide an overview of the potential implications of what was being proposed from a local context and to receive feedback on key issues identified, which would be provided to MfE and the Committee's workshop on 3 October 2019.
- A Council submission outlining Council's position on the freshwater proposals would be prepared following the Committee workshop on 3 October 2019.
- An Independent Freshwater Advisory Group had been established comprising Judge Shepherd (Chair), Andrew Fenemor, Antoine Coffin, Tracey Brown and Maree Baker-Galloway.
- Provided clarification that the memorandum filed with the Environment Court in relation to Plan Change 9 was a procedural matter to seek further time to respond.

#### Actions for Staff Follow-Up

- Requested appropriate briefing information for councillors prior to the stakeholder information sharing sessions.

## **Resolved**

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

- 1 Receives the report, Freshwater Futures Update;**
- 2 Revokes resolution 2 of its resolutions of 19 February 2019, relating to the composition of the Plan Change 9 Appeals Subcommittee.**
- 3 Establish a Region-wide Water Quantity Proposed Plan Change 9 Appeals Subcommittee given delegated authority to guide the resolution of the Environment Court appeals on Proposed Plan Change 9 comprising in total three members being Accredited Hearing Commissioners Jane Nees, Paula Thompson and Matemoana McDonald.**

**Nees/Crosby  
CARRIED**

## **9.3 Expiring Pre-Resource Management Act consents**

Consents Manager Reuben Fraser presented the report.

#### In Response to Questions

- Regarding cultural flows:
  - Key aspects related to the portion of flow that needed to remain in the waterbody to maintain cultural values and for tangata whenua resource utilisation in whichever way they decided.
  - Cultural flows was one aspect of Council providing for Te Mana o Te Wai.

- Cultural flows frameworks would need to be informed by tangata whenua and established at the regional level by Council. Any cultural flows framework could vary by area and by iwi/hapū.
- Overall rights and interests of water would need to be addressed at the national level.
- Addressing expiring consents by sub-catchment could be explored where allocation issues existed.
- Current resource consent information was available for over-allocated catchments under the current allocation frameworks. However, what the allocation framework would be in 2026 was unknown.
- Plan Change 9 provided preference for consent renewals in over-allocated catchments to ensure efficiency and reduce over-allocation issues.
- Plan Change 9 provisions did not currently conflict with current provisions of the Regional Natural Resources Plan in terms of the current resource consent process.

#### Members Comments

- Considered the new Pūtaiao Mātauranga role could assist with development of a cultural flow framework.

### **Resolved**

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

- 1 Receives the report, Expiring Pre-Resource Management Act consents.**

**Thompson/Winters  
CARRIED**

## 9.4 **Plan Change 10: Policy Response to Science Review**

Environmental Strategy Manager Stephen Lamb, Policy Analyst (Water Policy) Gemma Moleta and Lakes Operations Manager Andy Bruere provided the report.

#### Key points:

- Method 3 of Proposed Plan Change 10 (PPC10) required Council to respond to the science review undertaken under Method 2, in a formal process.
- No issues had been raised through the science review that would change the basis for PPC10 decisions.
- The science review recommendations were workshopped with science staff and advisors and prioritised where benefit could be achieved and working in with available budget and the timeframe for the next science review in 2022.

#### In Response to Questions:

- Science projects spreadsheet within Appendix 2 that were highlighted yellow indicated where timeframes and budget had yet to be confirmed.
- Water conservation impacts on lake water quality was primarily a matter for Rotorua Lakes Council to consider in terms of their wastewater treatment strategy.
- Parties to the Memorandum of Understanding (MoU) on the Lake Rotorua Science and Policy Reviews arose as part of the PPC10 notification and submissions process. It was noted that the Te Arawa Lakes Trust and Rotorua Lakes Council were kept informed of matters as key partners of the lakes programme and Rotorua Te Arawa Lakes Strategy Group.

### **Resolved**

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

- 1 **Receives the report, *Plan Change 10: Policy Response to Science Review*.**
- 2 **Accepts the recommended policy response to the science review and confirms no changes are required to PPC10, the Regional Policy Statement or approved resource consents as a result of the science review.**

Thompson/Winters  
CARRIED

## 9.5 **Proposed Plan Change 10 (Lake Rotorua Nutrient Management): Update and Establishment of an Appeals Subcommittee**

Environmental Strategy Manager Stephen Lamb, Policy Analyst (Water Policy) Gemma Moleta provided the report.

### In Response to Questions:

- Explanation was provided on the Environment Court's interim decision on the allocation method, which would not limit the scope of Stage 2 appeals.

### **Resolved**

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

- 1 **Receives the report, Proposed Plan Change 10 (Lake Rotorua Nutrient Management): Update and Establishment of an Appeals Subcommittee;**
- 2 **Establishes a Proposed Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee for the purpose of guiding the resolution of Environment Court appeals for the duration of the Environment Court Appeals process.**
- 3 **Approves the terms of reference for the Proposed Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee (attached) and appoints Councillor Thompson and Chairman Leeder to the Subcommittee.**

**That the Regional Direction and Delivery Committee recommend that the Regional Council:**

- 1 **Agree to not discharge the Proposed Plan Change 10 (Lake Rotorua Nutrient Management) Appeals Subcommittee following the 2019 triennial local authority election of members.**

von Dadelszen/Thurston  
CARRIED

## 9.6 **2018/19 Annual Report and 2019/20 Operational Plan for the Regional Pest Management Plan**

Biosecurity Manager Greg Corbett and Biosecurity Team Leader Shane Grayling presented the report.

### Key Points:

- The Annual Report 2018/19 was mostly on track however, noted woolly nightshade and catfish was still problematic.

In Response to Questions:

- Council's Long Term Plan Biosecurity budget had been increased in Years 1 and 2 to support community initiatives of pest control, particularly for woolly nightshade and other well established pests.
- Block 1 of the wallaby trial had been completed and was awaiting monitoring results, which an update would be provided once available.
- Staff were waiting for approval from the Ministry of Primary Industries (MPI) for an experimental permit to use pindone for wallaby control in the second block.
- Council was still operating under the current Regional Pest Management Plan 2011 – 2016 (RPMP) while the review was underway.

10:45am – Cr Cronin **withdrew** from the meeting.

- Council did not have sufficient operating budget to extend the catfish net operation over the whole year, therefore operations were prioritised in the summer months.
- MPI were working on preparing controls to mitigate against the Brown Marmorated Stink Bug (BMSB) incursions. At the local level, the Tauranga Moana Biosecurity Capital were commencing a local campaign in the coming week to raise awareness of the BMSB.
- A workshop would be held with councillors in the new triennium to receive guidance on submissions received on the RPMP to inform next steps.
- Confirmed there was no imminent threat of wallaby within the Kaimai ranges however noted that small populations existed within the southern Mamaku region and near Okere within the Kaituna catchment which was undergoing management control.

Members Comments:

- Highlighted the lack of progress indicator data available within the 2018/19 Annual Report and gaps in information regarding woolly nightshade within the Western Bay of Plenty area.

Actions for Staff Follow-Up:

- Provide information to councillors on the number of catfish nets in operation.
- Follow-up with the respective local authorities regarding woolly nightshade spread along Kennedy and Cambridge Roads in Tauranga.

**Resolved**

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

- 1 Receives the report, 2018/19 Annual Report and 2019/20 Operational Plan for the Regional Pest Management Plan;**
- 2 Approves the 2019/2020 Operational Plan for the Regional Pest Management Plan for the Bay of Plenty 2011 – 2016.**

**Bruning/Nees  
CARRIED**

10:53am – The meeting **adjourned**.

11:09am – The meeting **reconvened**.

## 9.7 District Consent Applications Annual Report 2018/19

Policy & Planning Manager Julie Bevan and Principal Advisor Policy & Planning Nassah Steed presented the report.

### In Response to Questions:

- The low percentage of applications from Tauranga City Council could likely be attributed to fewer Greenfield developments than the previous year. Staff acknowledged there would be some concern if the trend recurred in 2020.
- Agreed protocols between the district and city councils were working well.

11:11am – Cr Marr **entered** the meeting.

### **Resolved**

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

- 1 Receives the report, District Consent Applications Annual Report 2018/19.**

**Thompson/Thurston  
CARRIED**

## 9.8 Update - Community Funding Requests 2018-2019

Community Engagement Team Leader Stephanie Macdonald and Community Engagement EEF Coordinator/Māori Policy Advisor Eddie Sykes presented the report.

### **Conflict of Interest Declared**

Cr von Dadelszen declared an interest in the item as the Chairman of the Kopurererua Valley Rotary Centennial Trust.

### In Response to Questions:

- EEF Projects had planted approximately 11,000 plants during the 2018/19 year. On average 10,000-20,000 were planted annually through EEF.
- Projects by region averaged out over time, but staff were promoting the EEF in the central Bay of Plenty where application numbers were low in 2018.
- EEF was regularly fully allocated without being largely oversubscribed. More pressure had been placed on the Community Initiatives Fund in 2017-2019.

### Members Comments:

- Commended the report and emphasis placed on the programmes and volunteer capital.

### Actions for Staff Follow-Up:

- Requested information on total number of plants that Council planted per annum.

### **Resolved**

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

- 1 Receives the report, Update - Community Funding Requests 2018-2019.**

**Thompson/Thurston  
CARRIED**



## 9.9 2018/19 Regulatory Compliance Snapshot Report

Compliance Manager – Primary Industry & Enforcement Alex Miller and Regulatory Compliance Team Leader Ryan Standen presented the report and showed four short video clips (general overview, dairy discharges, air quality and sedimentation of water) that had been produced for public communication to complement Council's annual compliance report and to improve public engagement and understanding of what regulatory compliance was seeking to achieve.

11:26 am – Chairman Leeder **entered** the meeting.

### In Response to Questions:

- Follow-up phone calls provided feedback to all substantiated complaints as a requirement of Council's key performance indicators.
- Reduction in OSET discharge non-compliance was due to increased inspections with the majority technical issues and a small number failing.
- Lower levels of stormwater compliance could be attributed to a dedicated officer undertaking more detailed inspections.

### Members Comments:

- Queried the absence of follow-up calls made to unsubstantiated complaints.
- Questioned the absence of air monitoring stations within the Judea and Tauriko industrial areas.

11:31 am – Cr Cronin **entered** the meeting.

## **Resolved**

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

- 1 Receives the report, 2018/19 Regulatory Compliance Snapshot Report.**

**Thompson/Winters  
CARRIED**

## 9.10 2018/19 Earthworks Compliance Snapshot Report

Compliance Manager – Primary Industry & Enforcement Alex Miller provided the report.

### In Response to Questions:

- Staff were aware of anecdotal observations regarding earthworks in the Western Bay of Plenty, which may need further attention around monitoring and education.

## **Resolved**

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

- 1 Receives the report, 2018/19 Earthworks Compliance Snapshot Report.**

**Thompson/Winters  
CARRIED**

## 9.11 Integrated Catchment Management Update

*Refer PowerPoint Presentation: Objective ID A3365679*

General Manager Integrated Catchment Chris Ingle presented the report and was accompanied by Land Management Officer Paul Greenshields who provided a presentation on the Kopurererua Focus catchment.

### Key points:

- The Kopurererua catchment had been identified as a focus catchment due to being a high contributor of sediment to the harbour, its importance to tangata whenua and the community and as a future growth area.
- A 12-month monitoring programme was being undertaken over 12 sites across the catchment in collaboration with Tauranga City Council and Western Bay of Plenty District Council to understand spatial variation, seasonality of water quality and to identify the source of sediment contamination at specific sites.
- Specific priority actions had been identified for the upper, mid and lower catchment.
- Acknowledged the large community focus with Ngāi Tamarawaho and the Tauranga Rotary Centennial Trust on enhancement initiatives being undertaken in the lower catchment.

### In Response to Questions:

- Monitoring in the upper catchment started at the top end of Taumata Road.
- Realignment in the lower catchment would reinstate meanders back into the Kopurererua Stream.

### Members Comments:

- Congratulated staff on their work and collaboration with Tauranga City Council, tangata whenua and strategic partners.

### Actions for Staff Follow-Up:

- Requested further information and clarity on sedimentation load variances.

## **Resolved**

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

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

**Thompson/Bruning  
CARRIED**

## 9.12 Tauranga Moana Programme: 2018/19 Annual Report and 2019/20 Annual Work Plan

General Manager Integrated Catchments Chris Ingle and Programme Coordinator Heidi Fraser presented the report.

### In Response to Questions:

- 2018/19 programme financials for Tauranga City Council referenced on page 200 of the agenda related primarily to the southern pipeline.

### Actions for Staff Follow-Up:

- Provide advice to councillors on the Kauri Point groundwater quality.
- Check that the financial information reported for Tauranga City Council is correct.

## Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Tauranga Moana Programme: 2018/19 Annual Report and 2019/20 Annual Work Plan.

Thompson/Marr  
CARRIED

### 9.13 Rangitaiki Integrated Catchment Programme: Annual Report 2018-2019

General Manager Integrated Catchment Chris Ingle presented the report.

In Response to Questions:

- Rangitaiki Wetland Restoration Project – two environmental programme agreements were currently underway with the third awaiting confirmation. A fourth agreement would not be proceeding.
- Confirmed that the upper Rangitaiki catchment had been prioritised as one of the eleven focus catchments.

## Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Rangitaiki Integrated Catchment Programme: Annual Report 2018-2019.

Thompson/Thurston  
CARRIED

### 9.14 2018/19 Annual Report: Rotorua Te Arawa Lakes Programme

*Refer PowerPoint Presentation: Objective ID A3368938*

General Manager Integrated Catchment Chris Ingle and Rotorua Lakes Catchment Manager Laverne Mason presented the report and were accompanied by Lakes Operations Manager Andy Bruere who gave a presentation on the Trophic Level Index (TLI) results for the twelve Rotorua lakes.

Key points:

- None of the lakes had met their TLIs for the 2018/19 year:
  - Ōkaro was supertrophic where improvement would require a change in land use. Regular alum dosing was currently maintaining water quality.
  - Lake Rotorua 3-year rolling average achieved the TLI, but the annual result did not. Generally the lake was showing stable TLI results, with alum dosing still ongoing.
  - Rotoehu was supertrophic which could be attributed to higher rainfall and changes in climatic conditions. Alum dosing within the Waitangi stream had not been effective and so had ceased. The science team had investigated options and were consulting with the community and iwi to alum dose directly into the lake. Preparation was underway to apply for resource consent later this year.
  - Rotomahana was in moderate condition where there was some uncertainty around contributing factors.

- Rotokakahi was in moderate condition. Surrounded by forestry, it was considered that there were no solutions available to improve water quality.
- Rotoiti was in good condition with wastewater reticulation in progress.
- Rerewhakaaitu was in moderate condition and impacted by climatic conditions and lake stratification.
- Okareka was in reasonable condition where land use agreements were being undertaken.
- Okataina was in moderate condition, but affected by forestry harvesting.
- Tarawera was showing in poor condition however, the TLI was expected to reduce with adjustments required following previous laboratory analysis issues.
- Lake Tikitapu was in moderate condition with no significant land use in the catchment.
- Lake Rotoma was sitting slightly above its TLI.
- TLI was not the only factor. The Regional Natural Resources Plan required actions to reduce the occurrence of cyanobacterial algal blooms in the Rotorua Lakes.
- It was also highlighted that lakes needed time to recover from nutrient and climatic cycles and consideration given to geology and groundwater time delays.
- Actions were identified and planned for eutrophic lakes.
- TLI data had been initially set based on data from the 1990s. It was suggested that a review of the science to look at TLI changes and consider what level of annual variation from the target TLI might be acceptable.
- Climate had significant effect on erosion runoff, lake temperature, biochemistry and recycling of nutrients. The Science Technical Advisory Group were currently preparing a statement on the impact of climate change on lake processes and the Rotorua Lakes programme.

#### In Response to Questions:

- Community feedback on the Lake Rotoehu alum dosing was varied.
- Science reviews considered the use of alum dosing was conservative with positive results expected however also noted the potential risk remained due to unforeseen climatic conditions, which needed to be kept in mind.
- Farm environment plans and actions undertaken by Rerewhakaaitu farmers potentially had more significant impact on Lake Rotomahana as opposed to Lake Rerewhakaaitu.
- Groundwater correlations between Lake Rotoehu and Pongakawa/Little Waihi estuary had not been established, but seemed likely to be connected to the Waitahanui Stream.

#### Members Comments:

- Considered clarity and a fundamental reset around the science was needed.
- Questioned Council's ability to deliver on the swimmability targets and lake water quality targets.
- The timeframes for Lake Rotoiti sewerage reticulation had been delayed, which was contrary to what was reported. It was further noted that tenders for on-site systems and Māori land agreements were still ongoing.
- While Lake TLI results had not met their targets, the work that had been undertaken had made a difference to lake water quality and the community.

#### Actions for Staff Follow-Up:

- Requested a councillor workshop on Lake TLIs and science in the new triennium as a matter of priority.

## **Resolved**

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

- 1 **Receives the report, 2018/19 Annual Report: Rotorua Te Arawa Lakes Programme.**

**Cronin/Winters  
CARRIED**

## 10 **Closing Remarks**

Prior to moving into public excluded, the Chair thanked staff for their exemplar effort and professionalism of their reports and to councillors for their substantial commitment and participation.

## 11 **Public Excluded Section**

### **Resolved**

#### **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:**

<b>General Subject of Matter to be Considered</b>	<b>Reason for passing this resolution in relation to this matter</b>	<b>Grounds under Section 48(1) LGOIMA 1987 for passing this resolution</b>
<b>9.1 Public Excluded Regional Direction and Delivery Committee Minutes - 06 August 2019</b>	<b>To protect this information which is subject to an obligation of confidence, so that it doesn't prejudice similar information.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>
<b>9.2 Public Excluded Regional Coastal Environment Plan Appeals Subcommittee Minutes - 12 August 2019</b>	<b>To maintain legal professional privilege.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>

**Thompson/Thurston  
CARRIED**

**The meeting closed at 12:49 pm.**

CONFIRMED 3 October 2019

\_\_\_\_\_  
Councillor Paula Thompson  
Chairperson – Regional Direction and Delivery Committee

\_\_\_\_\_  
Fiona McTavish  
Chief Executive



# Minutes of the Plan Change 13 (Air Quality) Appeals Subcommittee Meeting held in Mauao Room 1, Bay of Plenty Regional Council, 87 First Avenue, Tauranga on Thursday, 16 January 2020 commencing at 9.30 am

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## Present:

**Chairman:** Councillor Andrew von Dadelszen

**Councillors:** Matemoana McDonald

**In Attendance:** Karen Parcell – Team Leader Kaiwhakatinana, Sarah Omundsen – General Manager Regulatory Services, Shari Kameta – Committee Advisor

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## 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

Cr von Dadelszen declared a perceived conflict of interest in relation to Agenda item 8.1 (Ballance Agri-Nutrients appeal).

### 6.1 Public Excluded Section

#### Resolved

#### 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
Plan Change 13 (Air Quality) Updated Direction on Appeal Points for Mediation	To maintain legal professional privilege	To deliberate in private, Council's decision where a right of appeal lies

von Dadelszen/McDonald  
CARRIED

The meeting closed at 10.45 am at the conclusion of the public excluded section of the meeting.

Confirmed DATE

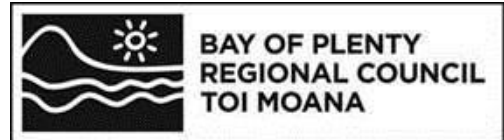
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Cr Andrew von Dadelszen  
Chairperson



# Reports





**Report To:** Strategy and Policy Committee

**Meeting Date:** 18 February 2020

**Report From:** Namouta Poutasi, General Manager, Strategy & Science

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## Operating Environment

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### Executive Summary

This report covers three operating environment areas that influence Council's policy direction and work. It covers:

- National Policy Direction
- Council's Operating Context
- The Strategy and Policy Committee Work Programme

National direction instruments support local decision-making under the Resource Management Act 1991 (RMA). This is provided using national policy statements (NPS), national environmental standards (NES), national planning standards (planning standards) and section 360 regulations. There are a number of national direction instruments currently under development or being scoped which will impact on Council's statutory requirements and work programmes.

Under the National Policy Direction topic, approval is also sought for a submission on the National Policy Statement for Indigenous Biodiversity (NPSIB) which is currently out for consultation until 14 March 2020. The purpose of the NPSIB is to address the current decline in biodiversity in New Zealand. The NPSIB requires councils to identify areas where there is significant vegetation and habitats of indigenous fauna, and to manage their protection through plans and consent processes under the Resource Management Act (RMA). The NPSIB in its current form requires further policy work including changes to our Regional Policy Statement and development of a Regional Biodiversity Strategy. An issue of concern from a staff perspective is the need for greater clarification and guidance on how to fulfil some of the requirements. This report presents Bay of Plenty Regional Council's draft submission on NPSIB for Committee's approval.

This report also provides a summary of Council's current operating context/environment which will be built on in the future. The aim is to coordinate the many streams of information that come into Council, for Councillors to be aware of and to consider against Council activities and policy development. Regular reporting on the operating environment will occur to the Strategy and Policy Committee and this item is also an opportunity for Councillors to inform each other of information that may be relevant from their own networks.

Finally, an 'indicative' work programme has been developed as a forward planning tool for the Committee. The work programme will provide the Committee with a view of its work commitments, will allow linkages across Council to be made, and will assist with prioritisation discussions. The work programme will evolve as issues are identified (such as through strategic directions exercise of the Long Term Plan development process) or as policy scopes become refined or expand. This report seeks confirmation of the 'indicative' Strategy and Policy Committee work programme'.

## Recommendations

**That Strategy and Policy Committee:**

- 1 Receives the report, National Policy Direction Update;**
- 2 Approves the submission on the National Policy Statement for Indigenous Biodiversity (attached as Appendix 1); and**
- 3 Delegates to the General Manager, Strategy and Science the authority to approve any minor changes, including grammatical and formatting, to the Bay of Plenty Regional Council submission on the National Policy Statement for Indigenous Biodiversity prior to it being lodged.**
- 4 Confirms the Strategy and Policy Committee Work Programme (attached as Appendix 2).**
- 5 Notes that a more structured approach to reporting to the Committee on the Council's operating environment will be developed.**

### 1 National Direction Background

Under the RMA most decisions on how resources are managed are made locally by local authorities. In some cases the Government has determined that it is appropriate to have a nationally consistent approach, i.e. national direction.

The reasons for national direction include:

- the issue is of national importance and greater direction should be provided to local authorities at a national level to give certainty
- the issue involves significant national benefits or costs
- the costs of local variation outweigh the benefits
- it is necessary to give effect to other Government policy or regulation (such as the New Zealand Energy Strategy)
- the issue relates to Government obligations including the Treaty of Waitangi and international obligations.

The range of instruments under the RMA that can be used to develop a nationally consistent approach to resource management issues, including:

- national policy statements — which state objectives and policies for matters of national significance that are relevant to achieving sustainable management. They may also include more specific direction on how the objectives and policies are to be given effect to in policy statements and plans.
- national environmental standards — which are regulations that prescribe technical standards, methods or other requirements for environmental matters
- national planning standards — which set out requirements relating to the structure, format or content of regional policy statements and plans
- regulations under section 360 — which generally deal with matters of detail or implementation, of a technical nature and/or are likely to require frequent alteration or updating.

National direction documents currently in effect are:

- New Zealand Coastal Policy Statement 2010
- National Policy Statement on Electricity Transmission 2008
- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement for Freshwater Management 2017
- National Policy Statement on Urban Development Capacity 2016
- National Environmental Standards for Air Quality 2004
- National Environmental Standards for Sources of Human Drinking Water 2007
- National Environmental Standards for Electricity Transmission Activities 2009
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Plantation Forestry 2018
- National Planning Standards 2019
- A range of Regulations under section 360

## 2 National Direction under Development

This table provides a list of resource management matters the Government is developing national direction on.

National Direction Instrument	Lead Agency	Status
Proposed National Policy Statement for Urban Development (NPS-UD)	Ministry for the Environment (MfE) and Ministry of	<ul style="list-style-type: none"> <li>• Replacing the existing National Policy Statement on Urban Development Capacity</li> </ul>

	Housing and Urban Development (MHUD)	<ul style="list-style-type: none"> <li>• Submissions under review – <i>BOPRC lodged a submission</i></li> <li>• The NPS-UD is likely to take effect in mid-2020</li> </ul>
Proposed National Policy Statement for Highly Productive Land (NPS-HPL)	Ministry for Primary Industries (MPI) with support from MfE	<ul style="list-style-type: none"> <li>• Submissions under review - <i>BOPRC lodged a submission</i></li> <li>• The NPS-HPL is likely to take effect in early/mid-2020</li> </ul>
Essential Freshwater work programme: <ul style="list-style-type: none"> <li>• Proposed National Policy Statement for Freshwater Management</li> <li>• Proposed National Environmental Standard for Freshwater</li> <li>• Proposed Stock Exclusion section 360 Regulations</li> </ul>	Cross-government water taskforce	<ul style="list-style-type: none"> <li>• Submissions under review - <i>Bay of Plenty territorial authorities lodged a joint submission and BOPRC lodged a more detailed regional submission</i></li> <li>• The National Policy Statement for Freshwater Management, National Environmental Standards for Freshwater Management and Regulations are likely to take effect in mid-2020</li> </ul>
Proposed amendments to the National Environmental Standard for Sources of Human Drinking Water (NES-DW)	MfE with support from Department of Internal Affairs (DIA) and Ministry of Health (MoH)	<ul style="list-style-type: none"> <li>• These amendments are part of the drinking water regulatory reforms being progressed through the Three Waters Review</li> <li>• Status to be confirmed</li> </ul>
Water Services Regulator Bill	Cross government lead by Minister of Local Govt, DIA	<ul style="list-style-type: none"> <li>• This bill establishes Taumata Arowai—the Water Services Regulator as a new Crown agent and provides for its objectives, functions, operating principles, and governance arrangements. Government has indicated that more detailed drinking water source protection, stormwater and wastewater policy proposals will be consulted on in mid-2020.</li> <li>• Released for public consultation. Submissions close on 4 March 2020.</li> <li>• <i>A brief submission is being prepared.</i></li> </ul>
Proposed National Environmental Standards for Wastewater Discharges and Overflows (NES- WDO)	MfE with support from DIA	<ul style="list-style-type: none"> <li>• These amendments are part of the drinking water regulatory reforms being progressed through the Three Waters Review</li> <li>• Status to be confirmed</li> </ul>
Proposed National Policy Statement for Indigenous Biodiversity	MfE with support from Department of Conservation (DoC)	<ul style="list-style-type: none"> <li>• Public consultation is open 26 November 2019 to 14 March 2020 – <i>refer to draft submission in Appendix 1</i></li> </ul>
Proposed amendments to the National Policy Statement for Renewable	Ministry for Business, Innovation and	<ul style="list-style-type: none"> <li>• The Government is developing amendments to this NPS in response to the Interim Climate</li> </ul>

Electricity Generation (NPS REG)	Employment (MBIE) with support from MfE	Change Committee's recommendations on accelerated electrification (PDF, 567 KB) [Ministry for Business, Innovation and Employment website] and the Productivity Commission's recommendations on low-emissions economy. <ul style="list-style-type: none"> <li>Public consultation likely to be undertaken in 2020.</li> </ul>
Proposed amendments to the National Environmental Standards for Air Quality 2004	MfE	<ul style="list-style-type: none"> <li>Public consultation likely to be undertaken in early 2020.</li> </ul>
Proposed National Environmental Standards for the Outdoor Storage of Tyres (NES-OST)	MfE	<ul style="list-style-type: none"> <li>Finalising instrument. The NES-OST is likely to take effect early 2020.</li> </ul>
Proposed National Environmental Standards for Marine Aquaculture	MPI with support from MfE and DoC	<ul style="list-style-type: none"> <li>Finalising instrument.</li> <li>Cabinet has approved final policy provisions for the drafting of the NES-MA. Following drafting, the NES-MA will be put in front of Cabinet for final decisions. The NES-MA is likely to take effect in 2020.</li> </ul>

### 3 National Policy Statement for Indigenous Biodiversity Background

Aotearoa New Zealand's indigenous biodiversity is in serious decline.

The National Policy Statement on Indigenous Biodiversity (NPSIB) reflects a nationally coordinated response to ensure the decline of indigenous biodiversity is halted and indigenous species, habitats and ecosystems are supported to thrive.

Key aspects of the NPSIB can be summarised as:

- The main objective of the proposed NPSIB is to maintain indigenous biodiversity under the RMA
- A fundamental concept of this NPS is Hutia Te Rito - an overarching framework to achieve integrated and holistic wellbeing of indigenous biodiversity
- The NPSIB specifically acknowledges the role that Māori have as kaitiaki in all aspects of indigenous biodiversity management
- The proposed NPS requires councils to identify areas of significant vegetation and habitats of indigenous fauna, and to manage their protection through RMA plan and consent processes. Specific policy implications for BOPRC include:
  - Determining how and when existing activities can continue
  - The RPS must provide for periodic clearance to maintain improved pasture

- The RPS needs to specify where, how and when controls on subdivision use and development outside SNAs are necessary
- Working with Māori and territorial authorities to identify taonga
- Working with territorial authorities to identify where highly mobile fauna have been and likely to be sometimes present
- The RPS (as well as district plans) must record and map degraded SNAs and connectivity and buffering areas
- The RPS must include targets for increasing indigenous vegetation in both rural and urban areas
- A Regional Biodiversity Strategy (with comprehensive requirements) must be developed
- Working with TAs, relevant agencies and tangata whenua to develop monitoring plans

The NPSIB specifies timeframes for these requirements to be met.

### 3.1 Bay of Plenty Draft Submission on the NPSIB

Staff support the overall intent of the NPSIB, however specific concerns have been raised in the draft submission which can be summarised as follows:

- The overall aim should be to enhance indigenous biodiversity.

Staff consider the emphasis of this NPS should be to enhance indigenous biodiversity rather than maintain its current state.

- The NPSIB requires additional policy development that will have implications for tangata whenua and the regional community.

Examples of additional policy development required include:

- further identification of significant vegetation and habitats of indigenous fauna
- changes to our Regional Policy Statement to support management of indigenous biodiversity
- development of a Regional Biodiversity Strategy.

These steps are to be undertaken by working with territorial authorities and tangata whenua and therefore will have implications for the regional community. The relationship between the NPSIB and other NPSs and practical guidance to implement the NPSIB are required.

Staff consider further guidance is required on how these NPS's align with each other and requests consistency in terms and definitions. While the intent of some new provisions is supported, the practicalities and efficiencies in implementing them need further consideration.

The NPSIB does not include finalised provisions to manage geothermal biodiversity and staff have asked in the draft submission to be involved as this policy develops.

- The first priority of this NPSIB should be to protect remaining indigenous biodiversity.



The NPSIB proposes a blanket approach to protect, maintain and restore biodiversity. Instead of trying to achieve everything at once staff consider prioritisation should focus on protecting threatened and originally rare ecosystem types (not just wetlands) and on maintaining and restoring the full range of ecosystems.

The draft submission is attached to this report as Appendix 1 for Committee's approval.

Staff have met with colleagues from the Ministry for the Environment, the Department of Conservation and territorial authorities within our region to discuss the NPSIB. Councils have decided to lodge separate submissions to ensure their concerns, specific to their territory are fully captured.

### **3.2 Scale of Issue**

The submission on the NPSIB has been assessed against the criteria and thresholds in Council's Significance and Engagement Policy, and is not considered to be significant.

### **3.3 Statutory Requirements**

The NPSIB is an instrument under the Resource Management Act 1991 (RMA). It requires councils to identify areas where there is significant vegetation and habitats of indigenous fauna, and to manage their protection through plans and consent processes under the RMA.

The Bay of Plenty Regional Policy Statement must give effect to the NPSIB.

### **3.4 Next Steps**

If approved by this Committee, this submission will be sent before the closing date, 14 March 2020.

Following consultation, the Minister for the Environment will summarise the submissions, undertake further analysis and testing, and change the policies if necessary. It is expected the proposed NPSIB would be gazetted approximately mid-2020. From this time, all resource consent decision-makers will need to have regard to the NPSIB. Councils will also be required to give effect to the proposed National Policy Statement for Indigenous Biodiversity preparing/updating their planning documents in line with implementation timeframes set out in the proposed NPSIB.

Once the NPSIB is finalised, then report back to this Committee with recommendations on how best to meet the NPSIB requirements.

## **4 Council's Operating Context**

Staff have identified that a more structured internal process will be useful to coordinate the many streams of information that come into Council. This will mean that the matters that are significant in terms of understanding the operating environment can be distilled into a reporting framework. The purpose of this exercise is to provide a source of information for Councillors to be aware of and to consider against Council activities and policy development.

Regular reporting on the operating environment will occur to the Strategy and Policy Committee and this item is also an opportunity for Councillors to inform each other of information that may be relevant from their own networks.

The following information is a summary only of the current operating environment which will be built on and monitored into the future.

### **Environmental reform**

There is a plethora of change/direction to land in 2020: Freshwater NPS/NES, Drinking Water NES, Biodiversity NPS, Highly Productive Land NPS, Air Quality NES and RMA reform underway. This will challenge our existing work programmes and relationships, particularly in freshwater as noted in Section 2 of this report.

### **Infrastructure reform**

Particularly the effect of 3 waters reform on the regulatory environment and relationships with TLAs and the future of Ports of Auckland with potential spill-over impacts on Port of Tauranga operation and structure.

### **Working with Māori**

Expectations as a Treaty Partner and aspirations around involvement in decision making and in the management of natural resources, along with increasing Government direction. The flip side of this is the complexity in the regional iwi landscape and uncertainty over government response to rights and interests. New Treaty Settlements will result in new and varied co-governance arrangements. Time and nuance are needed.

### **Land-use, Growth and Transport**

There is sub-regional and community pressure on land use and transport planning, along with government direction through GPS 2021, Urban Development NPS, and the Urban Growth Partnership. There are potential opportunities for a wider Council integration role e.g. spatial planning.

### **Regional Development**

Government is currently taking a more interventionist approach to regional development bringing opportunities for proactive regions. Many of the pressures on economic development also intersect with other outcomes (natural hazard resilience, climate change adaptation, low carbon economy, freshwater, sub regional variations), there is the opportunity for the region to proactively respond to development challenges and opportunities

### **Climate Change: Central Government Direction**

Over the next three years, Government will establish the first carbon budgets and a National Risk Assessment and National Adaptation Plan. Signs are that none of the above will be at the granularity of regional actions or direction. Council has developed its own action plan and have declared an emergency. Globally we are tracking to overshoot the Paris Agreement targets and the impacts of climate change are already being felt here (e.g. increased peak intensity of extreme rainfall events).

### **New models of community engagement**

There are high expectations of rich and deep engagement from the community and there are new models of engagement such as participatory budgeting. Potential digital disruption is changing how people engage. There is a need to balance rich and deep with broad and wide and balance timelines to meet obligations.

### **Public sector and Well-beings**

With the reintroduction of the '4 well-beings', Central Government is taking a more interventionist role in the Local Government space, seeking more alignment between central and local government in public service provision, including mechanisms for Central Government to engage with local priorities and the opportunity for Local Government influence over central services.

### **Global Megatrends**

A 2019 presentation by KPMG ('Global Mega Trends and Impact on People, Business and or Communities') identified that key forces shaping society. We are facing an increase in the nature and speed of change = Volatility, a lack of predictability and the prospect of surprises = Uncertainty, a multiplex of forces without simple cause and effect = Complexity, and the haziness of reality with mixed meanings of conditions = Ambiguity. They also identified four megatrends:

- 'Demographics and the rise of the individual' with a trend to super aged societies, with more than 20% of the population 65 and older, and a world population of 4.9 billion by 2030.
- 'Digital disruption and enabling technology' such as self-driving vehicles and the internet of things. The rapid adoption rate of digital infrastructure is 5x faster than adoption of electricity.
- 'Artificial Intelligence' the forecast is that 47% of jobs could be automated in 20 years and society could be transformed by machine learning, quantum computing, and robotics.
- 'The future of food' including the reinvention of basic food sources (e.g. impossible burger, cricket flour), new forms of farms (e.g. vertical farms), and new retail models.

Another way of looking at the future is to identify necessary transitions. This is a more integrated view and a shift in thinking from what a trend means, to how do we make the societal transitions that are both necessary and urgent. Relevant examples of these for Council are: the transition to low carbon living and the transition to living in a climate disrupted environment.

## **5 Strategy and Policy Committee Work Programme**

For the new Triennium a work programme has been developed to provide a forward planning tool for the Committee. The work programme will provide the Committee with a view of its work commitments, will allow linkages to across Council to be made, and will assist with prioritisation discussions.

The first iteration of this process is labelled "indicative" at this time to allow work programmes to be considered by the various committees and for cross-committee work to be identified. The work programme will evolve as issues are identified (such as through strategic directions exercise of the Long Term Plan development process) or

as policy scopes become refined or expand. The work programme allows the committee and staff to look at resourcing and timeframe commitments so that strategy and policy advice is robust and informed.

The work programme is attached as Appendix 2.

## **6 Implications for Māori**

Staff fully support provisions in the NPSIB that embed a Māori 'lens' to management of indigenous biodiversity, recognise Tangata whenua as kaitiaki and require their input on how indigenous biodiversity will be managed in the future.

Implementing the NPSIB will have significant resourcing and capability issues for Māori. This concern is raised in Council's draft submission.

On the general aspect of policy development, the implications for Māori are considered through the engagement activities with iwi/hapū/organisations. Council also follows the requirements of the RMA – such as the need to take into account iwi planning documents. Council's operating environment is strongly influenced by the expectations of Māori for better consultation/engagement – and the evolving nature of Treaty Settlement based mechanisms that apply in the Bay of Plenty. There is also a greater consideration about how co-management and co-design apply to the work that Council does.

## **7 Budget Implications**

### **7.1 Current Year Budget**

There are no current year budget implications associated with lodging a submission on the NPSIB.

### **7.2 Future Budget Implications**

If the NPS is gazetted in its current form, there will be implementation requirements it that might not be covered by future budgets.

Long Term Plan and Annual Plan processes will have to consider implementation costs once the NPS is finalised.

## **8 Community Outcomes**

This report directly contributes to the A Healthy Environment Community Outcome in the Council's Long Term Plan 2018-2028.

Lisa Power  
**Senior Planner**

**for General Manager, Strategy & Science**

**11 February 2020**

# **APPENDIX 1**

## **Draft Cover letter and submission for Council approval v2**



Your Ref:  
Our Ref: 7.00341

16 January 2020

Ministry for the Environment  
PO Box 10362  
Wellington 6134

Dear Sir / Madam

**Bay of Plenty Regional Council Submission: Proposed National Policy Statement  
Indigenous Biodiversity**

Thank you for the opportunity to comment on the Proposed National Policy Statement for Indigenous Biodiversity (NPSIB).

Bay of Plenty Regional Council (BOPRC) supports the overall intent of the NPSIB. New Zealand's indigenous biodiversity is continuing to decline and a national response is required to change this.

The NPSIB provides clear direction on identifying areas of significant indigenous vegetation and habitat and ways to manage them. It supports Council's significant role in fulfilling biodiversity obligations under the Resource Management Act 1991 (RMA).

Although regional councils and territorial authorities have different responsibilities, all councils are bound by the common goal of achieving sustainable management of all natural resources.

BOPRC manages people's effects on freshwater, land, air, the coastal environment and indigenous biodiversity. The Regional Policy Statement is the key policy document that promotes sustainable management of our region's natural and physical resources. It is required by the RMA and must give effect to any National Policy Statement (NPS). Council also has statutory functions under the Biosecurity Act 1993 to manage pests, a well-known cause of biodiversity decline.

*BOPRC ID: A3475000*

The Bay of Plenty region encompasses seven city or district councils (in whole or in part). All but one of the territorial authorities within our region have mapped and scheduled Significant Natural Areas (SNA) in their district plans.

In addition to RMA planning provisions, BOPRC and the Department of Conservation (DOC) have an agreed process to maintain, restore and enhance biodiversity in our rohe as outlined below:

- A shared BOPRC/DOC regional goal: "maintaining and/or restoring a full range of the Bay of Plenty's indigenous ecosystems to a healthy functioning state".
- A shared set of Priority Biodiversity Sites (PBS) which were jointly developed by BOPRC and DOC to support the regional goal.
- An Environmental Programme Grants Policy which directs effort and resources towards PBS, particularly towards PBS which contain our most threatened ecosystem types.
- A Long Term Plan Key Performance Indicator to bring four new PBS under active management each year.
- Targets for managing PBS in DOC's draft Conservation Management Strategy.

BOPRC acknowledges the role of Maori, private landowners and volunteer groups in the protection and maintenance of indigenous biodiversity.

This submission considers how the NPSIB provisions will impact our partners with a role in managing indigenous biodiversity. The submission points included in the attached table can be summarised as follows:

*1 The overall aim should be to enhance indigenous biodiversity*

Bay of Plenty Regional Council submits that the emphasis of this NPS should be to enhance indigenous biodiversity rather than maintain its current state.

*2 The NPSIB requires additional policy development that will have implications for tangata whenua and the regional community.*

For councils, a number of steps have been added to the policy development process. For example:

- further identification of significant vegetation and habitats of indigenous fauna
- changes to the Regional Policy Statement and district plans to support management of indigenous biodiversity
- development of a Regional Biodiversity Strategy.

These requirements are to be undertaken by councils and tangata whenua working together and will have resourcing implications for the regional community.

This additional workload comes at the same time Councils have to meet requirements in other recently developed National Policy Statements. Long term



and annual planning processes will need to consider resourcing NPS implementation and for councils with smaller rating bases it may mean that other cost-effective services simply cannot be provided.

The NPSIB requires significant input from tangata whenua and Māori as kaitiaki. Our region has arguably the richest, deepest and most diverse Māori people, culture and heritage of any region in the country. There are 37 iwi, more than 260 hapū and approximately 26% of the population identifies as Māori. Māori often lack the resources to participate fully in resource management processes. Bay of Plenty Regional Council submits further resourcing issues for tangata whenua and Māori will result from this NPS and the accompanying cost benefit analysis does not recognise these costs fully.

*3 Relationship with other NPSs and practical guidance to implement the NPSIB is required*

As alluded to above, Councils are working to fulfil numerous NPS requirements. In addition to resourcing, Bay of Plenty Regional Council considers further guidance is required on how these NPS's align with each other and requests consistency in terms and definitions.

While the intent of some new provisions is supported, the practicalities and efficiencies in implementing them need further consideration.

Council notes the NPSIB does not include finalised provisions to manage geothermal biodiversity and asks to be involved as this policy develops.

*4 The first priority of this NPSIB should be to protect remaining indigenous biodiversity*

The NPSIB proposes a blanket approach to protect, maintain and restore biodiversity. Instead of trying to achieve everything at once Council considers prioritisation should focus on protecting threatened and originally rare ecosystem types (not just wetlands) and on maintaining and restoring the full range of ecosystems.

Council notes it is anticipated the NPSIB will be gazetted by mid 2020 and hopes sufficient time has been allocated to give due consideration to points raised through the submission process. For matters relating to this submission, please contact Lisa Power, Senior Planner, by email [lisa.power@boprc.govt.nz](mailto:lisa.power@boprc.govt.nz) or 0800 884 881 extn 9322.

Ngā Mihi

## DRAFT Submission from Bay of Plenty Regional Council on the Proposed National Policy Statement on Indigenous Biodiversity

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Issue that submission point relates to	Support/Oppose or Seek Amendments	
6	Part 1.5 Application (2) a)	Clarification that clauses 3.16 'Restoration and enhancement' and 3.17 'Increasing indigenous vegetation cover' apply to wetlands.	<p>BOPRC supports NPSIB clauses 3.16 'Restoration and enhancement' and 3.17 'Increasing indigenous vegetation cover' applying to wetlands.</p> <p>In the Bay of Plenty region it is estimated that only 8% of the original extent of wetlands remains. Most wetlands have been destroyed either through drainage activities or diversion of watercourses. Because of their rarity many SNAs identified in plans across the region encompass wetland habitats. Wetlands also contribute to natural character and are recognised under section 6(a) of the Act and the need to preserve them from inappropriate subdivision, use and development.</p>	Retain clause 1.5(2) a) to ensure clauses 3.16 'Restoration and enhancement' and 3.17 'Increasing indigenous vegetation cover' apply to wetlands.
6, 8, 9 and 12	<p>Definition – indigenous biodiversity (in freshwater bodies)</p> <p>Part 1.5 Application (1) b)</p> <p>Part 1.8(1) Definition in this National Policy Statement – indigenous biodiversity</p> <p>Part 1.7(2) Fundamental concept indigenous biodiversity.</p>	<p>The draft NPSIB stated that it does not apply to indigenous biodiversity in waterbodies and freshwater ecosystems as those terms are defined in the proposed NPS for Freshwater Management (NPSFM).</p> <p>The proposed NPSFM did not define 'indigenous biodiversity' in waterbodies, nor 'freshwater ecosystem'.</p> <p>Hence, it is unclear if NPSIB (such as identifying taonga species and highly mobile fauna) will apply to indigenous water fowl, freshwater shellfish, and aquatic plants.</p>	<p>Seek amendment.</p> <p>Either <u>Remove</u> Part 1.5(1) b) or, <u>Amend</u> Part 1.5(1) b) to more clearly define what aspects of freshwater management are excluded from this NPSIB. It also needs to be reflected in the definitions (Part 1.8(1)) to ensure consistency.</p>	Clarify the scope of the implementation for NPSIB and align definitions.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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14	Definitions - SNA or significant natural area	The definition of SNA differs between the NPSIB and the National Environment Standard for Plantation Forestry (NESPF). The intent of the definition used in the NPSIB appears to be broader than that of the NESPF.	Seek amendment.  Although this may not be fundamentally problematic as any SNA identified under NPSIB should meet the “however described” component of the NES definition it would seem good practice to align these definitions.	Align definitions of SNA between NPS and NESPF.
15	Part 2: Objectives and policies  Objective 1	The Draft NPSIB primarily focuses on the ‘maintenance’ of indigenous biodiversity when Council believes it should be emphasising ‘enhancement’ of indigenous biodiversity. The supporting documentation alludes to the fact “our nature is facing a crisis”. To maintain a “crisis” state is contrary to the spirit of the RMA.  The overall aim should be to enhance or improve the current state of indigenous biodiversity at a regional, biogeographic and national scale for future generations.	Seek amendments to Objective 1 to enhance indigenous biodiversity than simply to maintain. The principal of enhancement is to understand the current status and improve it for future generations.	Amend Objective 1:  To <b>enhance</b> indigenous biodiversity.
15	Objective 3 Hutia Te Rito	Hutia Te Rito is a fundamental concept underpinning the NPSIB. It is intended to be the overarching reference point for decision-making and flow through all of the proposed NPSIB.	Support.  The NPSIB has evidently taken into consideration voices of tangata whenua and the principles of the Treaty. It courageously incorporates a traditional Māori whakatauki ‘Hutia Te Rito’ as its underpinning framework providing a new and innovative lens in which council staff and decision makers can apply to their day-to-day business.	Retain Objective 3.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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15	<p>Policies 2, 5 and 7:</p> <p>Policy 2: To ensure that local authorities adopt a precautionary approach towards proposed activities with effects on indigenous biodiversity that are uncertain, unknown or little understood but potentially significant:</p> <p>Policy 5: To improve information on the effects of existing and proposed subdivision, use and development on indigenous biodiversity:</p> <p>Policy 7: To manage subdivision, use and development outside SNAs as necessary to ensure indigenous biodiversity is maintained.</p>	<p>Consent issue/scale. Needs to be targeted at regional planning/urban planning scale, not at resource consent level.</p>	<p>Seek amendments to <b>Policies 5 and 7</b></p> <p>The policies are not going to be effective as they will result in small scale impact assessments that developers will seek to mitigate.</p>	<p>The policies are focused on small scale consents/developments and need to be focused on regional planning and even across regions to be effective.</p> <p>Seek policies that include reference to regional scale planning, urban design and master planning to include enhancement of indigenous vegetation within cities that link to wider regional biodiversity.</p> <p>Consider ordering policies in terms of their importance.</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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16, 27 and 28	Policy 11 restoration and enhancement of specific areas and Part 3.17 increasing indigenous vegetation cover.	Policy 11 and Part 3.17 seek to address this issue though requiring regional councils to set targets to increase indigenous vegetation cover to at least 10% in urban areas and to increase indigenous vegetation cover in rural areas where this is below 10%.	<p>Seek amendment.</p> <p>Although this requirement is a worthy ambition there are practicalities around its implementation if terms aren't clearly defined and consistent.</p> <p>For example, does an urban area include specific types of zones that span across the whole region, are urban areas separate for each territorial authority, are urban areas separate for each residential area within each district?</p> <p>There needs to be realistic timeframes to meet this target due to costs associated with achieving it.</p>	<p>Clarify what constitutes an urban area and how a target of 10% indigenous vegetation cover will be calculated.</p> <p>Seek implementation guidance to reach vegetation cover target. Such guidance could include goals for biophilic design, master planning/urban growth and outline how this NPS aligns with NPS for Urban Design.</p> <p>Consider prioritising how increased vegetation cover could be achieved. Initially all new development and brownfields/redevelopment should be required to meet vegetation cover targets. Existing urbanised areas could have longer timeframes to meet vegetation cover targets.</p> <p>Council/Crown owned land could be an area of focus to reach this target.</p>

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18	<p>Discussion document He Kura Koiora i hokia Question 2.</p> <p>The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no? Why/why not?</p>	BOPRC is concerned that there may be three NPS's addressing different aspects of indigenous biodiversity.	<p>Seek amendment.</p> <p>Council supports the NPSIB providing an integrated approach to indigenous ecosystem and habitat in the freshwater environment, rather than introducing geographical limits. An integrated approach is preferred over requiring councils to identify additional spatial boundaries in the dynamic environment between terrestrial and freshwater environment.</p>	Include freshwater indigenous biodiversity as a part of NPSIB.
18	Part 3.3(2) Tangata whenua as kaitiaki	BOPRC have 37 iwi and over 260 hapū in the region.	<p>Support the inclusion of mātauranga Māori and involvement of mana whenua and also acknowledge that significant resources are required to support building capacity with mana whenua to effectively engage.</p> <p>The principles of the NPSIB are to be inclusive and involve mana whenua in several layers of implementation. This needs to be mapped out with resources. The cost benefit analysis does not include engagement costs.</p>	<p>Significant resources and funding need to be allocated to resource effective and meaningful involvement with Māori in implementing this NPS.</p> <p>Recommend that an implementation plan is prepared for the BOPRC to include the costs for enabling engagement with mana whenua.</p>
19	Part 3.6 Precautionary approach	Requiring the adoption of a precautionary approach to activities	BOPRC supports the adoption of a precautionary approach to activities whose effects on indigenous	Retain 3.6 Precautionary approach unchanged.

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		whose effects on indigenous biodiversity are uncertain and their effects are potentially significant.	biodiversity are uncertain, unknown or little understood and the effects are potentially significantly adverse. This is consistent with Policy IR1B 'Applying a precautionary approach to managing natural and physical resources' of the Bay of Plenty Regional Policy Statement which recognises the importance of applying a precautionary approach to the management of natural and physical resources where there is scientific uncertainty or a threat of serious or irreversible adverse effects on the resource and the built environment.	
19	Part 3.8 Identifying significant natural areas	Requirement and process for identifying and scheduling SNA in district plans.	BOPRC supports the requirements under Part 3.8 for territorial authorities to (1) undertake district wide SNA assessments using consistent criteria identified in Appendix 1 and application of the principles and approaches in sub-clause (2). The requirement to meet this within 5 years of gazettal and notify a plan change within 6 years is also supported. In the Bay of Plenty region all territorial authorities except the Ōpōtiki District Council have assessed and identified SNA (or their equivalent) in their district plans. BOPRC funded a study by Wildlands consultants to identify SNA in the Ōpōtiki District with the intent these would form the basis for a future plan change to identify SNA in the district. The NPSIB provides further support and guidance for a future Ōpōtiki District Plan change.	Retain Part 3.8 requirements to (1) undertake district wide SNA assessments using consistent criteria identified in Appendix 1 and application of the principles and approaches in (2). Except in relation to Part 3.8(8) requirement to update district plan SNA schedules every 2 years which is addressed in the submission point raised for section 3.8(8).
19	Part 3.8 Identifying significant natural areas	We support the requirement to identify and map SNAs. However:  1 We have concerns regarding the classification of SNA as High and Medium.	Seek amendment.  Support but suggest that the terms High and Medium could result in perverse outcomes, and require further testing. Suggest there may be a better way of doing this - for example could align with the NPSFW in using the	Align with NPSFW and use the terms 'significant' and 'outstanding'.

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		2 It may be appropriate to provide further guidance around the minimum resolution/scale at which SNA should be mapped – to ensure all councils SNA mapping is undertaken to a consistent minimum standard.	terms 'significant' and 'outstanding'.  NPSIB should not result in any narrowing of the recognition currently given to areas of significant native vegetation and the significant habitats of native species under section 6(c) of the RMA. The policy makes clear that the criteria are to apply in addition to any other provisions/criteria that a regional council chooses to include in its RPS.	
19	Part 3.8 and Appendix 1	Support the approach recommended is to apply the SNA identification criteria in the proposed NPSIB (Part 3.8 and Appendix 1) alongside the requirements of Policy 11 of the New Zealand Coastal Policy Statement (NZCPS). If a situation arises where there is a conflict between these two national policy statements, Part 1.6 requires that the NZCPS takes precedence.	There is existing guidance on the NZCPS Policy 11. <a href="https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/guidance/policy-11.pdf">https://www.doc.govt.nz/globalassets/documents/conservation/marine-and-coastal/coastal-management/guidance/policy-11.pdf</a>	Ensure there is consistency between guidance documents from the NZCPS and the NPSIB.
20	Part 3.8(8) identifying significant natural areas	Requirement to notify a plan change to add any area identified as an SNA through consents, notices of requirement or designations.	Oppose.  The requirement to notify a plan change every two years to update the SNA schedule with new SNAs identified through consents, notices of requirement or designations is too onerous. Some Councils have limited resources and plan change processes are expensive and time consuming. Such updates should be required as part of the 10 yearly RMA s79 plan review process.	Amend clause 3.8(8) to require updates to plan's SNA schedules as part of 10 yearly RMA s79 reviews as opposed to having to conduct updates every 2 years.
22	Part 3.10 Managing	In regards to indigenous flora and	Seek amendment.	Clarify relationship



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	adverse effects in plantation forests	fauna, the NESPF currently only addresses this where identified as an SNA or through specific provisions relating to indigenous vegetation clearance and indigenous bird nesting. The intent of the policy direction under 3.10 of the NPS would appear to encompass more than this through the plantation forest biodiversity areas provisions.	The relationship between the NPSIB and the NESPF needs to be clarified. As the NESPF operates on a “permitted with conditions” basis, if the direction outlined within the NPSIB is not explicitly included in the NESPF council would like clarity on how it is intended the policy direction within the NPSIB is to be implemented within a plantation forestry context.  For example clauses 3.10 (1), (2) and (3) would not currently be picked up as part of council’s assessment of whether or not a forestry activity meets permitted conditions under the NESPF.	between NPSIB and NESPF.
22	Part 3.10 (1) Plantation forest biodiversity areas.		Seek amendment.  The NESPF currently has no provisions relating to the plantation forest biodiversity areas. Is the intention that the term ‘Plantation forest biodiversity areas’ and associated definition will be included as an amendment to the NESPF?	Amendment to NESPF required.
22	Part 3.10 (2) Within a plantation forest biodiversity area that is a significant habitat for threatened or at-risk indigenous fauna, plantation forestry activities must be managed over the course of consecutive rotations to maintain long-term populations of indigenous fauna	There are currently no qualifiers for the terms “managed” and “maintain long-term populations”.	Seek amendment.  Performance standards are required to enable meaningful assessment of Part 3.10(2).  How is it anticipated that this will be implemented/monitored?	Implementation guidance required for Part 3.10(2).

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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	species present, and Part 3.10 (3) Within a plantation forest biodiversity area that contains threatened or at-risk flora, the adverse effects to these flora from plantation forestry activities must be managed.			
23	Part 3.11 Managing adverse effects on geothermal ecosystems	Refer comments regarding effects on geothermal ecosystems on pages 21-22 of this submission table.		
24	Part 3.14 Identified taonga	There is a lack of clarity as to whether Part 3.14 (identified taonga) requirements applies to aquatic and amphibian species.	<p>Seek amendment.</p> <p>We support protecting and enhancing taonga species and their habitats.</p> <p>We seek an integrated coherent approach outlined within a single NPS. We oppose a fragmented approach to taonga indigenous species and ecosystems. The implementation challenges with the fragmented approach could include:</p> <p>Identifying taonga species in freshwater bodies and freshwater ecosystems are excluded from NPSIB implementation.</p> <p>The resource burden for iwi and hapū kaitiaki and councils involved in identifying and locating taonga. Note the expertise related to indigenous species and ecosystems has been historically with the Department of</p>	<p>Seek:</p> <ul style="list-style-type: none"> <li>• an integrated comprehensive approach to taonga species,</li> <li>• clarification on how Part 3.14 is applied to taonga indigenous species that are also located across the terrestrial and the freshwater environments, and,</li> <li>• guidance in addressing implementation</li> </ul>

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			Conservation.	challenges.
25	Part 3.15 Highly mobile fauna 3.15 (1) and (2) Requirement to survey and map Highly Mobile Fauna outside of SNAs.		Oppose for the following reasons: <ul style="list-style-type: none"> <li>• Lack of clarity and guidance about what is required (including which species must be surveyed).</li> <li>• High cost of designing and undertaking surveys to determine the presence of such a large number of species over such a large area is considered unreasonable.</li> <li>• Lack of guidance as to which species must be surveyed and methods to be used.</li> <li>• Lack of clarity around roles and responsibilities of regional councils versus territorial authorities (who takes the lead?).</li> <li>• Overlap with Department of Conservation's functions under Wildlife Act.</li> <li>• Lack of clarity for ratepayers as to the types of restrictions that might apply to their land.</li> </ul>	If retained, clear guidance is required as to what is necessary and what we must do to meet the requirement of this clause, including what species must be surveyed and what methods must be used. Guidance is needed as to the relative responsibilities of regional council versus territorial authorities and funding for implementation.
25	Part 3.15 Highly mobile fauna. 3.15 (3) Requirement to provide information to local communities about HMF and best practise techniques for managing.		Oppose. This information is unlikely to differ much between districts and regions and thus would be more efficiently and consistently provided by the Department of Conservation.	

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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26	Part 3.16(2) Restoration and enhancement	Requirement to record locations of SNAs in RPS.	Oppose. The requirement to duplicate recording SNA identified in district plans in an RPS is onerous and inefficient. There are currently seven district and city plans in the Bay of Plenty region. There seems little benefit in duplicating the content of district plan spatial layers in the form of a register. If this requirement is retained, BOPRC recommends plan users would gain more use from a regional spatial GIS layer that identifies all SNA identified in district and city plans rather than a register with descriptors.	Amend clause 3.16(2) by deleting ' <del>and regional councils must record these locations (with appropriate descriptors) in their regional policy statements.</del> '
26	Part 3.16 (1) and (2) Requirement to identify the location of wetlands, SNAs whose ecological integrity is degraded and areas important for connectivity and buffering functions and former wetlands.		Oppose for the following reasons: <ul style="list-style-type: none"> <li>• Mapping of wetlands is already required by NPSFW</li> <li>• Mapping the locations of these areas is not necessary nor adds value in terms of promoting their restoration.</li> <li>• Lack of definition/criteria for deciding whether an SNA is degraded (all SNAs are degraded to some extent).</li> <li>• Lack of consistent definition/ criteria/methodology for identifying areas that provide important connectivity or buffering functions.</li> </ul>	
26	Part 3.16 Restoration and enhancement 3.16 (4) requirement to prioritise wetlands, SNAs whose ecological integrity is degraded and areas important for		Oppose. Prioritisation should focus on threatened and originally rare ecosystem types (not just wetlands) and on maintaining and restoring the full range of ecosystems (as per Goal 6 of the NZBS 2000). NPSIB could refer to the National priorities for protection	

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	connectivity and buffering functions and former wetlands.		<p>of rare and threatened protection of biodiversity on private land (DOC/MFE 2007) – which includes wetlands, sand dunes, originally rare ecosystems and indigenous vegetation associated with land environments with less than 20% remaining in indigenous cover.</p> <p>Bay of Plenty has 735 SNAs (including the Ōpōtiki district) that cover roughly half a million hectares. Funding is insufficient to undertake biodiversity management across all of these SNAs, so prioritisation is required. BOPRC and Department of Conservation have developed a shared set of 430 'Priority Biodiversity Sites' (PBS) for our region. The PBS were developed to represent the full range of the Bay of Plenty's indigenous ecosystem types and key populations of threatened species. The process for identifying PBS utilised spatial prioritisation software 'Zonation'. PBS are split into three Priority Levels based on the types of ecosystems they contain. Priority 1 sites contain ecosystem types with less than 10% of their natural extent remaining as well as Naturally Uncommon Ecosystems types that are Critically Endangered (according to Holdaway et al 2012). Priority 2 sites contains ecosystem types with 10-20% of their natural extent remaining and Naturally Uncommon Ecosystem types that are Endangered and Vulnerable (according to Holdaway et al 2012). Priority 3 sites contain ecosystem types that retain &gt;20% of their natural extent and Naturally Uncommon Ecosystems that are not threatened. The priority level assigned to a PBS dictates the level of grant funding available from BOPRC for proactive biodiversity management.</p>	

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26	<p>Part 3.16(5) Incentives</p> <p>When restoring and enhancing priority areas (Part 3.16), the proposed NPSIB encourages councils to provide incentives for restoration and enhancement, particularly on Māori land.</p> <p>Councils would consider incentives to promote restoration and enhancement, particularly for Māori land.</p>	<p>Incentives are effective and need to be explored further to identify how to fund additional resources.</p>	<p>Council already provides substantial incentives for biodiversity management where SNAs are also Priority Biodiversity Sites.</p> <p>The level of financial support available for a Priority Biodiversity Site varies depending on the nature of the site (more threatened ecosystem types attract higher grant rates), and the type of work required. In general Council will fund activities on a 50:50 cost share basis provided they meet our criteria, but there are certain higher-priority sites and actions which attract grant funding of up to 100%.</p> <p>SNAs which are not PBS may still qualify for incentives through our Sustainable Land Management Programme if their management will contribute to water and soil management goals in high priority catchments. Again grant rates vary depending on the likelihood management will provide a significant environmental outcome.</p>	<p>Further consideration needs to be given to existing incentives and how these can be further resourced.</p>
27	<p>Part 3.17 Increasing indigenous vegetation cover</p>	<p>The percentile targets for indigenous vegetation cover in rural and urban areas.</p>	<p>BOPRC supports the intent to include targets for indigenous vegetation cover in urban and rural areas in the region. The outcome will assist with objectives of the NPSIB. However, the research required to assess the existing percentage of indigenous cover is likely to be very costly. There is also lack of clarity as to how percentage cover is to be assessed and the scale at which it should be assessed (i.e. should cover in 'rural areas' be assessed at regional, district or catchment scale?).</p>	<p>Clear guidance as to how percentage cover should be assessed including assessment scale and mapping units.</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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28	Part 3.19 Assessment of environmental effects	Requirement to change plans to include requirement that assessment of environmental effects addresses effects on SNAs and other areas identified in 3.19(1)(a) – (f)	BOPRC supports the requirement for local authorities to change plans and regional policy statements to include a requirement that the specified matters be included in any assessment of environmental effects.	Retain 3.19 'Assessment of environmental effects'.

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1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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30	Part 3.20 Monitoring by regional councils	There are a number of practical issues related to developing one region-wide monitoring plan for indigenous biodiversity.	<p>Seek amendment.</p> <p>A more coherent approach to mātauranga Māori monitoring is required. Particularly between mātauranga Māori monitoring for freshwater management, and indigenous biodiversity.</p> <p>Although Council fully supports that Māori values must be accommodated meaningfully into natural resources planning; there are practical implementation challenges. Those include:</p> <ul style="list-style-type: none"> <li>• Māori have their own mātauranga, and several have expressed misgivings about sharing these with councils only to have them “taken” and accommodated into council led plans and monitoring systems.</li> <li>• We also need to acknowledge the significant cost for councils and iwi and hapū kaitiaki associated with mātauranga Māori monitoring, particularly with many areas with multiple overlapping iwi hapū interests.</li> <li>• The mātauranga Māori monitoring indicators are likely to be variable across the region depending on the location and the hapū/iwi (37 iwi and over 260 hapū in the region). It could require substantial resourcing for both Council and tangata whenua to develop a regional and district-wide monitoring plan.</li> </ul>	Amend the mātauranga Māori monitoring requirement to enable a more coherent and efficient approach. Also clarify how this monitoring approach will be funded.



1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
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32	Appendix 1: Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna	Direction to apply the criteria in Appendix 1 for assessing and identifying SNAs.	<p>BOPRC supports the requirement under clause 3.8(1) to undertake a district wide assessment using the criteria in Appendix 1 to determine if an area is an SNA.</p> <p>The first generation Bay of Plenty Regional Policy Statement was amended in 2006 to include criteria for assessing section 6(c) SNAs in district plans and resource consents processes. Whilst the Bay of Plenty RPS includes the same criteria proposed in the NPS it includes additional non-technical criteria (e.g. Māori, Historical and Community Association values) that can also elicit SNA values that contribute to why an area is important. Many SNAs are also identified in iwi and hapū resource management plans or Statutory Acknowledgement areas and are of historical significance to iwi for a myriad of cultural reasons. These criteria add to the richness of why natural areas are significant and the NPS should recognise and provide for the ability to continue utilising these criteria in future assessments.</p>	Amend NPSIB to enable the ongoing use of broader non-technical Māori, historical and community association criteria in SNA assessments.
44	Appendix 5: Regional Biodiversity Strategies		Reiterating comments regarding clause 3.16 (4) above – disagree that areas in clause 3.16 should form the basis of prioritisation. Prioritisation should focus on threatened and originally rare ecosystem types and on maintaining and restoring the full range of ecosystems (as per Goal 6 of the NZBS 2000).	

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44	Appendix 5 clause 2(c) A regional biodiversity strategy restoration and enhancement vision must recognise and provide for Hutia T Rito	The holistic approach and collaboration principals are supported.	Support clause 2 (c) of Appendix 5.	Retain clause 2 (c) of Appendix 5.
45	Appendix 5 clause (4) Matters to be taken into account when developing a regional biodiversity strategy.	Broaden the matters to be taken into account when developing a regional biodiversity strategy.	Seek amendments to broaden the matters to be taken into account when developing a regional biodiversity strategy to include: <ul style="list-style-type: none"> <li>working with territorial authorities on low impact design of stormwater, and building in urban environments to enhance and restore indigenous biodiversity in cities; and</li> <li>working with District Health Boards to assist with people's health and wellbeing by enhancing nature within cities.</li> </ul>	Add the following sub-clauses to clause 4 in Appendix 5: <ul style="list-style-type: none"> <li>- regional comprehensive stormwater plans for low impact design;</li> <li>- master planning for urban design/growth strategies to include and provide incentives for roof top gardens, biological corridors, biogeographical linkages; and</li> <li>- opportunities to partner with local District Health Boards to support investment in urban enhancement to improve health and wellbeing.</li> </ul>

**He Kura Koiora I hokia: A discussion document on a proposed National Policy Statement for Indigenous Biodiversity**

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58	C.9 – Managing effects on geothermal ecosystems.		<p>Council supports the following statement be included in the discussion document:</p> <p><i>“We believe a specific approach for geothermal ecosystems is required in the proposed NPSIB, given:</i></p> <ul style="list-style-type: none"> <li><i>• their importance for renewable electricity generation</i></li> <li><i>• the requirements of the NPSREG</i></li> <li><i>• existing use and practice in council plans</i></li> <li><i>• iwi/hapū aspirations.”</i></li> </ul> <p>As per communications on this matter prior to consultation, BOPRC would like to re-state the following feedback on the options relating to geothermal ecosystems as part of this consultation process.</p>	BOPRC requests to be included in any future working/advisory groups related to further policy development for geothermal ecosystems.
60-61	<p>C.9 – Managing effects on geothermal ecosystems.</p> <p>Option 1: Status quo for all geothermal ecosystems; and</p> <p>Option 2: Status quo for geothermal ecosystems in Taupō Volcanic Zone only</p>	Not inconsistent with BOPRC policy but exclusion conflicts with overall policy direction of the NPS.	<p>Neither Option 1 nor 2 are fully supported as these have missed the opportunity for national direction and erode efficacy of the NPSIB if too many “special” cases are carved out of the policy direction.</p> <p>Exclusion from an NPSIB potentially sends an undesirable message that the biodiversity values of geothermal are not important when considering non-extractive uses such as land uses that can have adverse effects on geothermal SNAs.</p>	If this option is progressed then exclusion should be restricted to geothermally-influenced indigenous biodiversity adversely affected by the take, use and discharge of geothermal energy and water within systems identified within a regional policy statement or regional plan as development systems

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Issue that submission point relates to	Support/Oppose or Seek Amendments	
				only.
61	<p>C.9 – Managing effects on geothermal ecosystems.</p> <p>Option 3: A specific framework in the proposed NPSIB would apply to all geothermal ecosystems</p>	<p>Policy approach unconfirmed so need clarity to know how this will relate to current BOPRC policy and any implications.</p>	<p>Support in principle.</p> <p>As stated within the discussion document and advice previously submitted by both Waikato Regional Council and BOPRC, further work will need to occur during and after public consultation to test the proposed approach with councils and industry and address issues with this option as currently drafted.</p> <p>For example:</p> <p>Both BOPRC's and Waikato Regional Council's Regional Policy Statements provide that in development systems, significant adverse effects on significant geothermal features from extractive use are to be remedied or mitigated, but significant adverse effects on significant geothermal features from all other activities are to be avoided. This option as drafted excuses all activities from the requirement to avoid adverse effects in development systems which would be inconsistent with current regional council policy.</p>	<p>BOPRC requests to be included in any future working/advisory groups related to further policy development for geothermal ecosystems.</p>
70	<p>Section D: Question 39. Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs</p>	<p>The two separate National Policy Statements (Indigenous Biodiversity and Freshwater Management) both addressing wetland management could cause potential confusion and inconsistencies. There is currently overlap with the biodiversity purpose in the NPSFM.</p>	<p>Seek amendment and clarification.</p> <p>Council supports the NPSIB providing an integrated approach to managing indigenous ecosystems and habitats.</p>	<p>Include wetland policies and rules as a part of NPSIB that integrate with the NPSFM and clarify which is the primary document.</p>

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Issue that submission point relates to	Support/Oppose or Seek Amendments	
	through the NPSIB? Please explain.  Draft National Policy Statement for Indigenous Biodiversity Nov 2019, Part 1.5 Application (2) a			

### Section 32 evaluation and cost-benefit analysis for the proposed National Policy Statement for Indigenous Biodiversity

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Issue that submission point relates to	Support/Oppose or Seek Amendments	
12	Section 2.3 Approach to Indicative Cost Benefit Analysis  The case studies (which do not include all councils) did not include discussions with tangata whenua, landowners or other stakeholders likely to be impacted by the NPSIB.  Developing the case studies involved discussions with each	Lack of insight and feedback from tangata whenua, landowners or other stakeholders.	It would have been useful to have captured a snap shot of feedback and insights from tangata whenua, landowners or other stakeholders as part of the cost benefit analysis. This valuable information may have provided a different focus or direction for implementation.	Talk with tangata whenua about the proposed NPSIB.  Use established stakeholder forums to capture insights and feedback on the proposed NPSIB.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Issue that submission point relates to	Support/Oppose or Seek Amendments	
	council to understand their current approach to indigenous biodiversity management and the likely impacts, benefits and costs of the NPSIB. It did not involve discussions with tangata whenua, landowners or other stakeholders likely to be impacted by the NPSIB provisions in each district.			
44	Section 6.1 Regulatory options will be accompanied by implementation support.	Support.	Support non-regulatory options sitting alongside, and complementing, regulatory approaches. However, there needs to be seamless ability to work across government departments to bring the concept of Hutia Te Rito alive.	Ensure that all regulatory options will be accompanied by implementation support.
53	Section 7.2.4 Capabilities Consistent with the outcomes sought in Objective 2, Part 3.3 has a focus on better incorporating mātauranga Māori into the management of indigenous biodiversity, while making it clear that this should only be with	Need to resource mana whenua to be involved. Relationships with mana whenua are built over time. Tangata whenua are unlikely to share mātauranga Māori if relationships are not built over time. They own their mātauranga Māori.	Support building mana whenua capability to respond. Issue with relationships, sharing knowledge and what will Councils do with the knowledge. Needs further consideration and guidance from Māori Policy.	Needs further consideration and guidance.

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Issue that submission point relates to	Support/Oppose or Seek Amendments	
	the consent of tangata whenua.			
102 and 113	Table 38: Policy 15 and Part 3.20 – Assessment of Efficiency	<p>Estimated costs exclude the costs for mapping, engagement with tangata whenua.</p> <p>Costs expected to range from \$80,000 to amend an existing strategy to \$150,000 to produce a new strategy. These costs exclude any implementation programmes identified in the strategy and also exclude any costs for mapping required by other policies that would be reported in the strategy. In present value terms (6% discount rate), these costs range from \$60,000 to \$112,000 based on the assumption that they would be prepared five years after commencement date.</p> <p>Costs for tangata whenua, stakeholders and the community to engage in the preparation and implementation of regional biodiversity strategies (time and potential financial costs).</p>	<p>Costs of engagement have not been included.</p> <p>Cultural monitoring has not been identified or costed.</p> <p>Mātauranga Māori includes not just identifying and sharing taonga but applying it as a monitoring tool to adjust practices.</p>	Address gaps in Cost Benefit Analysis to better reflect actual costs to implement the NPSIB.
121	The NPSIB provisions require that councils engage with tangata whenua, the community	Concerned about real costs	<p>Costs of engagement have not been included.</p> <p>Cultural monitoring has not been identified or costed.</p> <p>Mātauranga Māori includes not just identifying and</p>	Address gaps in the Cost Benefit Analysis to better reflect actual costs to

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions
Page No.	Section Heading and Reference	Issue that submission point relates to	Support/Oppose or Seek Amendments	
	and other relevant stakeholders as part of the process to implement the NPSIB. This assessment does not attempt to estimate or quantify implementation costs to parties other than council at this time but rather acknowledge that there are both costs (including time, travel and resource costs for example) and benefits from the involvement of other parties in the implementation of the NPSIB. Further information on these costs and benefits to other parties will be sought through public consultation and incorporated in the updated CBA.		sharing taonga but applying it as a monitoring tool to adjust practices.	implement this NPS.



## **APPENDIX 2**

# **Strategy & Policy Committee (Indicative) Work Programme**



# Strategy & Policy Indicative Work Programme 2020

Additional informal meetings will be scheduled to discuss Council's position on a range of matters including SLG workshops and meetings

Meeting & Workshop 18 February	Workshop 24th March	Meeting 5 May	Workshop 18 June	Meeting 11 August	Workshop 29 September	Meeting 3 November	Workshop 10 Dec
<p><b>Strategy</b> Chairman's Report (including operating environment – national direction, climate change and approve submission National Policy Statement for Indigenous Biodiversity)</p> <p>Strategic Direction Process</p> <p><b>Regulatory Policy</b> Freshwater Programme Update</p> <p>Pest Management Plan - Decision on proposed final changes to the plan as a result of submissions</p> <p>Regional Natural Resources Proposed Plan Change 9 (Region-wide Water Quantity) Decision</p> <p>Proposed Regional Policy Statement Change 5 (Kaituna River) – Approves general timeframes and process set out in project plan, communications plan. Approve draft policy framework to enable stakeholder consultation to commence.</p> <p>Regional Natural Resources Plan Change 11 – Geothermal – engagement update</p> <p>Regional Natural Resources Plan Change 13 (Air Plan) Appeals</p> <p><b>Non Regulatory Policy</b> Waste to resource opportunities</p> <p><b>Workshop</b> Strategic Direction Bay of Connections Next Steps</p>	<p>Regional Natural Resources Plan Plan Change 14 - OSET – Scenarios (April Workshop)</p> <p>Regional Natural Resources Plan Change 12 Surface Water Options</p> <p>Eastern Bay of Plenty Tsunami Mapping update - key messages and communication plans.</p> <p>Urban Form and Transport Initiative Final Report Next Steps</p> <p>Urban Growth Partnership Update</p>	<p><b>Strategy</b> Chairman's Report (including operating environment, national direction and climate change)</p> <p>Strategic Direction Confirmation</p> <p>Potential presentation from Paul Blaire - Infrastructure New Zealand</p> <p><b>Regulatory Policy</b> National policy direction, including approve submissions (if timeframe is relevant)</p> <p>Freshwater Programme Update</p> <p>Regional Coastal Environment Plan – Adoption of implementation Strategy</p> <p>Inter-regional Pest Management Feedback &amp; Plan</p> <p>Regional Natural Resources Plan - Rotorua System Management Plan – Matauranga Maori (presentation from Ahi Kaa Roa Roopu)</p> <p><b>Non Regulatory Policy</b> Bay of Connections Direction Confirmation</p> <p><b>Workshop</b> Urban Planning Workshop – including Urban Form and Transport initiative implications and next steps, Urban Growth Partnership</p>	<p>National Policy Statement for Freshwater Management full programme – for implementation plan discussion/feedback – including new approach to roadmap for Regional Natural Resources Plan changes and RPS changes</p> <p>National Direction implications workshop</p> <p>SmartGrowth/Urban Form and Transport Initiative Direction</p> <p>Draft Science Plan Direction.</p>	<p><b>Strategy</b> Chairman's Report (including operating environment including national direction and climate change)</p> <p>Urban Planning Next Steps</p> <p><b>Regulatory Policy</b> National Policy Statement for Freshwater Management Decision on full programme and implementation plan – Regional Natural Resources Plan Changes and Regional Policy Statement changes</p> <p>Implications to BOPRC from National Policy Statement for Urban Development and National Policy Statement for Highly Productive Land</p> <p>Proposed Regional Policy Statement Change 5 (Kaituna River) – Approval to commence schedule 1 process. RNRP Plan Change 14 - OSET notification decision</p> <p><b>Non Regulatory Policy</b> Emissions Target Development</p>	<p>Geothermal Plan Change – Draft Rotorua System Management for workshopping before approval of draft</p> <p>Urban Planning Workshop</p>	<p><b>Strategy</b> Chairman's Report (including operating environment, national direction and climate change)</p> <p>Urban Planning</p> <p><b>Regulatory Policy</b> Freshwater Programme Update including progress in implementing approved direction</p> <p>NPSFM Progressive Implementation Plan annual report</p> <p>(Final) Future Development Strategy and Next Steps</p> <p>Refreshed version of Eastern Bay – Beyond Today (dependant on decisions from EBOP Joint Committee)</p> <p>Approval Draft Rotorua Geothermal System Management Plan</p> <p><b>Non Regulatory Policy</b> Bay of Connections Progress Updates</p>	<p>Discuss nature and scope of Regional Policy Statement change resulting from UFTI and Future Development Strategy</p> <p>National Direction implications workshop</p>



**Report To:** Strategy and Policy Committee

**Meeting Date:** 18 February 2020

**Report From:** Namouta Poutasi, General Manager, Strategy & Science

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## **Process for the development of Council Strategic Direction**

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### **Executive Summary**

The development of Strategic Direction builds on work completed in 2019 analysing our operating environment and identifying challenges and opportunities.

The process will use a refreshed analysis of the operating environment, to develop a number of strategic priorities for Council. The Committee is asked to approve this process.

A workshop will follow the committee meeting at which background work and draft strategic priorities will be discussed and direction provided.

### **Recommendations**

**That Strategy and Policy Committee:**

- 1 Receives the report, Process for the development of Council Strategic Direction ;**
- 2 Approves the process to determine strategic direction, outlined in section 1.2 of this report.**
- 3 Notes next steps in developing Council's Strategic Direction**

### **1 Process**

The purpose of this paper is to briefly outline the process for the development of Council Strategic Direction, the role of the Strategy and Policy Committee, and to flag the next steps.

#### **1.1 Background**

In the second half of 2019 work was completed reviewing Council community outcomes and discussing challenges and opportunities in the operating environment. The development of Strategic Direction builds on that work and will be led by the Strategy and Policy Committee. This work will be a key early input into the development of the next Long Term Plan 2021-

2031. The Strategic Framework which provides our direction consists of: organisational vision, community outcomes, our ways of working, and Council strategic priorities.

## 1.2 Strategic Direction setting process

The development process involves a number of discrete pieces of work that are interrelated in various ways and at various levels. They are:

- understanding and analysing our operating environment, including national and global trends, government reform and direction
- stakeholder expectations
- analysis of organisational opportunities and threats.

Added to this is information from Councillor workshops dealing with the strategic direction of Council.

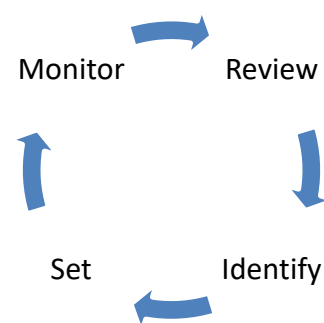
This work generates a mosaic of information and a series of ‘so what questions’ around how we respond to challenges and opportunities in our environment that affect how we meet community outcomes.

From here strategic priorities are identified which will guide us for the next period (triennium). A series of key success factors are then developed to monitor how we implement or respond to the priorities. It is anticipated the priorities are set with the time horizon of the Council triennium, however significant change in the operating environment may trigger a review of the priorities.



The Strategy and Policy Committee will lead the work to develop, monitor and review the strategic direction. The cycle is displayed below:

- Review operating environment
- Identify and analyse key challenges and opportunities
- Set strategic priorities for Council (and watching brief issues)
- Monitor actions to give effect to priorities



### 1.3 Use of Strategic Direction

The Council Long Term Plan (LTP) is a key vehicle to give effect to the Strategic Direction. LTP pre-engagement in March / April can include seeking community feedback on draft strategic priorities. The development of the LTP can then draw on these priorities and potentially use a prioritisation framework to assess our work at the project level. Critical factors in a prioritisation framework could include, for example: strategic alignment with priorities and the impact on community outcomes. The Strategic Direction can also influence how we work (softer priorities) as well as the work we do (harder priorities). Our activities are made up of those that are legally mandated, those that respond to our community and those that respond to our operating environment.

### 1.4 Next Steps

- I. Strategy and Policy Committee Workshop on **February 18<sup>th</sup>** to discuss the operating environment and agree draft strategic priorities.
- II. Community Engagement on draft strategic priorities as part of LTP pre-engagement in **March/April**.
- III. Strategy and Policy Committee Meeting on **May 5<sup>th</sup>** to agree strategic direction.
- IV. Strategy and Policy Committee review the fit of the organisational vision.
- V. Strategy and Policy Committee monitor work against the priorities, scan and assess the operating environment, and periodically review the challenges and opportunities that inform our priorities.

## 2 Budget Implications

This item deals with process matters only.

### **3 Community Outcomes**

This item deals with process matters only.

Nic Newman  
**Principal Advisor**

**for General Manager, Strategy & Science**

**11 February 2020**



**Report To:** Strategy and Policy Committee

**Meeting Date:** 18 February 2020

**Report From:** Namouta Poutasi, General Manager, Strategy & Science

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## **Freshwater Futures Update**

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### **Executive Summary**

This regular information only report provides an update on regional freshwater policy work and national freshwater policy matters. Key updates include:

- Cabinet will make decisions in May about the National Policy Statement for Freshwater 2020 (NPSFM), National Environmental Standard for Freshwater 2020 (NESF), and s.360 regulation for stock exclusion. These will be gazetted in July 2020. Amendments to Council's freshwater policy work programme will then be reported to the Strategy and Policy Committee (S&P) for decision in August 2020.
- Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the Regional Natural Resources Plan appellants have reached agreement on a number of appeal points and next steps to resolve remaining issues. A progress report will be provided to the Environment Court on 10 February 2020, who will consider the report and set down dates for the second stage hearing.
- Work continues to advance on issues and options for freshwater management in Rangitāiki and Kaituna-Pongakawa-Waitahanui Water Management Areas.
- Government's proposed freshwater policy package signals greater expectations that Councils will provide for the involvement of iwi and hapū in freshwater management, actively integrate Mātauranga Māori in to regional plan changes for freshwater, and achieve this in a short time frame. The implications of which will be considered as part of Council's NPSFM implementation programme planning.

### **Recommendations**

**That Strategy and Policy Committee:**

**1 Receives the report, Freshwater Futures Update.**

#### **1 Purpose**

This regular information only 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 Update**

### **2.1 Action for Healthy Waterways**

The public submission period for Government's Action for Healthy Waterways policy package closed on 31 October 2019. Bay of Plenty Regional Council contributed to the Regional Sector-Local Government NZ submission, as well making a submission directly, along with a joint statement with the district councils of the region. Council also supported preparation of submissions made by Te Maru o Kaituna, Rangitāiki River Forum and Rotorua Te Arawa Lakes Strategy Group.

An independent advisory panel is considering submissions and will provide advice to Government in February. Ministry for the Environment (MfE) officials are also developing recommendations. Cabinet decisions are expected in April, and the National Policy Statement for Freshwater 2020 (NPSFM), National Environmental Standard for Freshwater 2020 (NESF), and s.360 regulation for stock exclusion will be gazetted in July 2020.

Local Government New Zealand is preparing a letter to ministers outlining key issues for the sector. Regional Councils will be encouraged to formally consider this at a council meeting, and to either endorse or regionalise it and send it to ministers. The letter will therefore be tabled the meeting.

#### **2.1.1 Preparing for implementation**

The proposed Action for Healthy Waterways package signals an increase in the scope of work required to fully implement the NPSFM, and a substantial decrease in the timeframe to get this done (notification of plan changes by the end of 2023 instead of end of 2030). Given the large number and scope of submissions lodged, we expect the draft policy package will change substantially before gazettal.

While we know our current freshwater planning work programme will need to change, and preliminary planning is underway, this cannot be confirmed until cabinet makes decisions. A Strategy and Policy Committee workshop will be held in June on resetting the NPSFM implementation programme, and this will be reported for approval in August. The work programme will present the option of delivering one regional plan change which would accommodate topics currently scheduled for multiple plan changes. Staff are actively looking for opportunities to learn from and share with other councils. Furthermore, the regional sector group is considering opportunities to jointly progress some parts of any new requirements nationally, by collaborating between councils and with central government. Preliminary planning is also underway towards implementing the NESF and s.360 regulation.

## **3 Plans and Plan Changes**

Staff are actively working on several freshwater plan changes to the operative Regional Natural Resources Plan and Regional Policy Statement. Brief updates are provided below. Matters requiring decisions are reported separately.

### **3.1 Region-wide Water Quantity - Proposed Plan Change 9**

A separate agenda item provides an update on Region-wide Water Quantity (Proposed Plan Change 9).

### 3.2 Lake Rotorua Nutrient Management - Proposed Plan Change 10

On 9 August 2019, the Environment Court released its (Stage 1) decision in favour of Council's Rotorua Nutrient Management Plan Change 10 nitrogen allocation method. The decision directs regional council to provide further evidence on matters listed.

Appeal parties attended Court assisted mediation on November 19 and 20 2019, resulting in agreement resolving a number of appeal points between the parties and identified next steps to address remaining issues. The key remaining matter relates to resolving the Environment Court's direction to consider the provision of an allocation to Treaty Settlement Land. A progress report was provided to the Court on 10 February 2020, which included draft consent order documents for agreed matters, a joint statement of remaining issues and a proposed timetable for hearing. The Environment Court is expected to consider the report and set down dates for the second stage hearing. A verbal update can be provided at the meeting.

### 3.3 Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas – Pre-draft Plan Change 12.

Notwithstanding that the new NPSFM 2020 will result in programme changes after July 2020, staff continue to progress work towards draft Plan Change 12, as we anticipate this will still be required, relevant and necessary. This includes:

- Exploring opportunities to improve allocation efficiency across the region, including consideration of consented unused water. A workshop was held on 18 November 2019 with industry leaders and consent holder representatives from across the region to discuss opportunities and potential solutions.
- Making final refinements to the SOURCE surface water catchment models.
- Assessing surface water quantity limit setting options. Several technical issues are being resolved with NIWA. Once progressed, options will be discussed at a S&P workshop, and with Rangitāiki and Kaituna-Pongakawa-Waitahanui Community Groups and tangata whenua. The approach will be applicable to the whole region.
- Exploring management options for both water quality and quantity management. Several options may be applicable in other Water Management Areas.
- Drafting issues and options discussion documents, which will be discussed at a Strategy & Policy workshop, before wider community engagement.

The more we can advance now (in draft) the better, given the large work load that is likely to follow gazettal of the NPSFM 2020.

#### **Kaituna-Pongakawa-Waitahanui Community Group workshop – Groundwater**

A workshop was held with Kaituna and Pongakawa-Waitahanui Community Groups on 20 November 2019, focussed on the findings of MODFLOW Groundwater Modelling. The Group discussed the same water allocation scenarios that were discussed at the Regional Direction and Delivery Committee (RDD) workshop in October 2019. Meeting notes are available [at this link](#). Some key messages from the community groups include:

- Need to understand the effects of any groundwater base flow reduction on ecological health of streams. This will be addressed when we hold community group meetings about surface water quantity.

- Generally supportive of Council actions to encourage consent holder holders who are not using water to relinquish it.
- The effect of seasonal water requirements for uses such as frost control should be considered in the model.
- There needs to be some consideration of how difficult it would be to implement options that enable more allocation in specified areas and not others. This will be part of any options assessment.
- Support for exploring options for sharing water allocation.
- Recognise the environmental and financial values to consider - it is not easy to decide between the options.
- Mauri of groundwater needs to be considered.

### 3.4 **Draft Proposed Change 5 (Kaituna River) to the Regional Policy Statement**

A separate agenda item seeks Committee approval for revised project timeframes to prepare draft Proposed Change 5 (Kaituna River) to the RPS including the initial draft policy framework. The Tapuika Claims Settlement Act 2014 requires Regional Council change the RPS to recognise and provide for the vision, objectives and desired outcomes of *Kaituna he taonga tuku iho – a treasure handed down* (Kaituna River Document).

## 4 **Co-Governance Forum Updates**

### 4.1 **Te Maru o Kaituna River Authority**

Te Maru o Kaituna River Authority (TMoK) approved the content of of 'Te Tini a Tuna - Kaituna Action Plan' at its last hui on 27 September 2019. The published version is expected to be launched at the Kaituna River re-diversion opening celebration on 12 February 2020. Copies can be made available at the Strategy & Policy meeting.

### 4.2 **Rangitāiki River Forum**

The Rangitāiki River Forum has not held a meeting since the last Freshwater Futures update to RDD in September.

## 5 **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).

Government's proposed Action for Healthy Waterways package signals a greater expectation that Councils will provide for greater involvement of iwi and hapū in freshwater management and identifying and reflecting tangata whenua values and interests, will actively integrate Mātauranga Māori in to regional plan changes for freshwater, and will achieve this within a short time frame. This will have resourcing implications for both Council and tangata whenua.

The response from iwi to government's freshwater policy proposals has been mixed, and there are various expectations and understandings of Council's role in

implementing it. Some iwi and co-governance bodies are generally across the principal Māori provisions and implications within the current and proposed NPSFM, and others have very little involvement or understanding. Across the region capacity and capability will be stretched, even for those iwi who are more involved.

Council's approach to enabling enhanced participation for tangata whenua will be critical, and staff are therefore working on a new Māori Relationship and Engagement Strategy (for the NPSFM). Informal discussions with iwi/tangata whenua will initiate prior to gazettal of the NPSFM 2020, to seed a basic understanding of government's proposals and discuss/test potential Council responses.

Note that Crown treaty settlement negotiations with Te Whanau a Apanui are likely to result in remedies that will have significant implications for both council and Te Whānau a Apanui in freshwater management and how the NPSFM is to be implemented in their rohe. This will be reported to Strategy and Policy Committee in due course.

## **6 Budget Implications**

### **6.1 Current Year Budget**

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

### **6.2 Future Budget Implications**

The current work programme is funded within the 2018-2028 LTP.

## **7 Community Outcomes**

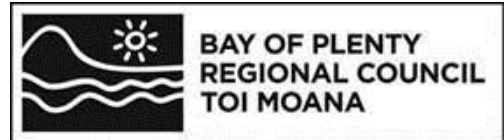
The work referred to in this update contributes to the Freshwater for Life Community Outcome in the Council's Long Term Plan 2018-2028.

Nicola Green  
**Principal Advisor, Policy & Planning**

**for General Manager, Strategy & Science**

**11 February 2020**





**Report To:** Strategy and Policy Committee  
**Meeting Date:** 18 February 2020  
**Report From:** Julie Bevan, Policy & Planning Manager

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## **Draft Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement**

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### **Executive Summary**

*Kaituna he taonga tuku iho – a treasure handed down* (herein referred to as the “Kaituna River Document”) was approved in June 2018 and came into effect on 1 August 2018. The River Document has been prepared by Te Maru o Kaituna River Authority (“TMoK”), which is the co-governance partnership set up by the Tapuika Claims Settlement Act 2014 (TSCA). The TSCA directs the production and approval of the Kaituna River Document as a tool to empower local iwi and councils to guide better care of their awa and its tributaries.

The TSCA provides for the Kaituna River Document to include a vision, objectives and desired outcomes for the Kaituna River and its tributaries. These in turn must be recognised and provided for within relevant RMA planning documents, including the Bay of Plenty Regional Policy Statement (RPS). This requires an RPS change to be titled Proposed Change 5 (Kaituna River) to the RPS.

The Regional Direction and Delivery Committee previously approved project timeframes and process on the 30 October 2018. Following restructuring this project was placed on hold for a year. This report seeks Committee approval of revised project timeframes and process as set out in an updated Project Plan and Communications and Engagement Plan. Approval is also sought for the draft policy framework to enable consultation to commence. Subject to the Committee approving the recommendations herein, staff propose reporting to Te Maru o Kaituna River Authority on 28 February 2020 and then commencing informal external consultation.

Implementing the NPSFM is an ongoing priority for the Freshwater Futures Programme. Staff continue to work collaboratively to ensure Proposed Change 5 gives effect to the NPSFM and integrates, as far as reasonably practicable, with Plan Change 12 (Kaituna, Pongakawa, Waitahanui and Rangitāiki Water Management Areas) to the Regional Natural Resources Plan.

Te Maru o Kaituna River Authority will remain the primary stakeholder during the policy development process for Proposed Change 5. Te Maru will be closely consulted, and their endorsement sought at key project stages.

## **Recommendations**

### **That Strategy and Policy Committee:**

- 1 Receives the report, Draft Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement;**
- 2 Approves the general timeframes and process for developing Proposed Change 5 (Kaituna River) to the Regional Policy Statement up to the point of public notification for submissions set out in section 5 of this report.**
- 3 Approves Draft Proposed Change 5 (Kaituna River) to the Regional Policy Statement, as contained in Appendix 1 to this report, for community and stakeholder consultation.**
- 4 Notes staff propose presenting the draft Proposed Change 5 policy framework to Te Maru o Kaituna River Authority meeting on 28 February 2020 to seek their feedback.**
- 5 Approves including information on Proposed Change 5 on Regional Council's website.**
- 6 Confirms that the decision has a low level of significance.**

## **1 Introduction**

The Regional Direction and Delivery Committee previously approved project timeframes and process at their 30 October 2018 meeting. Following restructuring the role responsible for progressing RPS implementation and changes was vacated for several months and this project was subsequently placed on hold. The timeframes, stages and process for preparing Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement (RPS) have now been revised and a draft policy framework developed for consultation purpose.

The Tapuika Claims Settlement Act 2014 requires Regional Council change the RPS to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document (Appendix 2). This is the second Treaty Co-Governance change to the RPS for the region. The first being Change 3 (Rangitāiki River) to the RPS which was made operative on 9 October 2018.

## **2 Treaty Settlements and the Regional Policy Statement**

For the iwi, hapū and whānau of the Kaituna River and its tributaries, the health and wellbeing of the Kaituna River and its tributaries is intimately connected with their health, wellbeing, culture and traditions. The health and wellbeing of the Kaituna River was a matter of fundamental concern to Tapuika iwi in the negotiation of their Treaty settlements. As part of their treaty settlement Tapuika sought mechanisms to restore and protect the mauri of the Kaituna River and its tributaries.

The Tapuika Claims Settlement Act 2014 established Te Maru o Kaituna River Authority (Te Maru o Kaituna), and tasked it with preparing the Kaituna River Document. The Kaituna River Document was approved by Te Maru o Kaituna for release in June 2018 and it came into effect on the 1 August 2018.



Tapuika iwi's Treaty of Waitangi settlement is the second which compels Regional Council to amend the RPS. A further RPS change affecting the Tauranga Harbour catchment will be required when Treaty of Waitangi claim settlement legislation for Tauranga iwi Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga are finalised.

Section 123 of the Tapuika Claims Settlement Act 2014 compels Bay of Plenty Regional Council to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document in the operative Bay of Plenty Regional Policy Statement (RPS) and the Regional Natural Resources Plan (RNRP). Section 123 states:

### **Effect on Resource Management Act 1991 planning documents**

*'(1) In preparing or amending a regional policy statement, regional plan, or district plan, a local authority must recognise and provide for the vision, objectives, and desired outcomes of the Kaituna River document.*

*(2) The local authority must comply with subsection (1) each time that it prepares or changes its regional policy statement, regional plan, or district plan.*

*(3) Until the obligation under subsection (1) is complied with, where a local authority is considering an application for a resource consent to authorise an activity to be undertaken within the catchment of the Kaituna River, the local authority must have regard to the Kaituna River document.*

*(4) To avoid doubt,—*

- (a) the obligations under subsections (1) to (3) apply only to the extent that the contents of the Kaituna River document relate to the resource management issues of the region or district; and*
- (b) the obligations under subsection (1) apply only to the extent that recognising and providing for the vision, objectives, and desired outcomes of the Kaituna River document is the most appropriate way to achieve the purpose of the [Resource Management Act 1991](#) in relation to the Kaituna River.*

*(5) In this section, a reference to a plan or a policy statement includes a reference to a proposed plan or a proposed policy statement.'*

The requirement to *'recognise and provide for'* is a stronger legislative directive than to *'have particular regard to'* the Kaituna River Document. The Ngāti Manawa and Ngāti Whare Treaty Settlement Acts 2012 included the same requirement.

Council is required to amend the RPS to recognise the Kaituna River Document the next time a relevant RPS change will affect the Kaituna River catchment. Until this occurs, councils considering resource consents to authorise activities within the Kaituna River catchment must have regard to the Kaituna River Document.

Council's Long-Term Plan 2018-2028 committed funding for the Kaituna River change to the Regional Policy Statement in 2017/18 and 2018/19. No other decisions regarding the timing and development of Proposed Change 5 have been made.

## 2.1 Requirement to ‘recognise and provide for’

Legally the requirement to ‘*recognise and provide for*’ is a stronger directive than ‘*having particular regard to*’.

Similar terms are used in Part 2 ‘Purpose and Principles’ of the RMA. Section 6 (Matters of national importance) requires persons exercising functions and powers to **recognise and provide for** several matters in relation to managing the use, development and protection of natural and physical resources including:

- (c) the protection of significant indigenous vegetation and significant habitats of indigenous fauna; and
- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 7 (Other matters) requires persons exercising functions and powers under the RMA to **have particular regard to** several matters in relation to managing the use, development and protection of natural and physical resources. Such matters include Kaitiakitanga, intrinsic values of ecosystems, the effects of climate change, and the benefits to be derived from the use and development of renewable energy.

There is a cascading effect in terms of the legislative weighting afforded to the provisions of Part 2 of the RMA. It is well established that the requirement to recognise and provide for various matters of national importance (under section 6) has greater judicial weighting than the requirement to have particular regard to (under section 7).

## 3 Proposed Change 5 Preparation

The Strategy and Policy Committee are asked to approve the proposed process and timeframes for developing Proposed Change 5 set out in this report. A detailed Project Plan and Communications and Engagement Plan are available on request (via email to the report author).

A healthy amount of community consultation and engagement occurred throughout the development of the Kaituna River Document. Consequently the document provides a good foundation for developing an RPS policy framework.

Change 3 (Rangitāiki River) to the RPS established the Treaty Co-Governance Chapter in Part Two. Change 5 follows this template which was the intent for all subsequent Treaty related RPS changes. A draft Proposed Change 5 policy framework has been developed (Appendix 1).

New provisions and text proposed to be added to the RPS are shown with underline. Provisions already in the RPS but included as part of Change 5 for context, are not underlined. Draft Proposed Change 5 includes seven new objectives, nine new policies, and six new methods. Five existing methods from Change 3 (Rangitāiki River) have been broadened in scope to also apply to the Kaituna River.

As far as practicable staff have endeavoured to ensure Draft Proposed Change 5 is an accurate reflection of the vision, objectives and desired outcomes of the Kaituna River Document.

Te Maru o Kaituna is a key stakeholder and should be actively involved in this project. Subject to the Committee approving the recommendations contained in this report, I propose reporting up to the 28 February 2020 Te Maru o Kaituna River Authority meeting seeking feedback on the draft Proposed Change 5 policy framework.

Other stakeholders or persons consulted during development of the Kaituna River Document will be offered the opportunity to be consulted as part of the development of Proposed Change 5. Staff propose commencing broader stakeholder and community consultation following the 28 February 2020 Te Maru o Kaituna meeting.

## **4 Implementing the NPSFM**

Implementing the NPSFM is an ongoing priority for the Freshwater Futures Programme. Staff continue to work collaboratively to ensure Proposed Change 5 gives effect to the NPSFM and integrates, as far as reasonably practicable, with Plan Change 12 (Kaituna, Pongakawa, Waitahanui and Rangitāiki Water Management Areas) to the Regional Natural Resources Plan.

Work continues to advance on issues and options for freshwater management in Rangitāiki and Kaituna-Pongakawa-Waitahanui Water Management Areas. As with Change 3 (Rangitāiki River) to the RPS it is likely Proposed Change 5 (Kaituna River) will progress more rapidly than Plan Change 12 and policy development will need to remain adaptive to national directives to ensure RPS direction does not constrain the ability for the RNRP to give effect to the NPSFM.

Cabinet will make decisions in May about National Policy Statement for Freshwater 2020, National Environmental Standard for Freshwater 2020 (NESF), and s.360 regulation for stock exclusion. These will be gazetted in July 2020. Amendments to Council's freshwater policy work programme will then be reported to the Strategy and Policy Committee for direction in August 2020.

Whilst water quality and quantity form key parts of the vision, objectives and desired outcomes of the Kaituna River Document there are other important elements which Proposed Change 5 must give effect to satisfy the Tapuika Claims Settlement Act 2014 requirements.

Regional Council is the decision-maker in the development of Proposed Change 5 and how the change aligns with future changes to national direction in freshwater will be considered by the Committee at the draft and proposed development stages. This will allow Council to determine if Change 5 is fit for purpose.

A separate agenda item provides a progress update on the Freshwater Futures policy work programme including projects underway to improve management of freshwater resources in the Bay of Plenty region. Included in that report is an update on freshwater policy matters at a national level.

## **5 Project Plan and Communications/Engagement Plan**

### **5.1 Overview**

A project plan and communications and engagement plan have been prepared and approved by management. The project involves five stages being:

1. Project plan and communications and engagement plan

2. Prepare Draft Proposed Change 5 policy framework
3. Draft Proposed Change 5 consultation
4. Finalise Proposed Change 5; and
5. Council approves Proposed Change 5.

Subject to the Committee endorsing the draft Proposed Change 5 policy framework, project timeframes, stages and process proposed herewith, staff will move to Stage 3 of the project. This will involve commencing external consultation including with persons who commented on the Kaituna River document.

The project plan and communication and engagement plan covers all steps up until the point of public notification. From that point on the process under Schedule 1 to the Resource Management Act 1991 takes effect. The Schedule 1 process includes submissions, further submissions, hearings, deliberations, Council decisions and any appeals.

Change 3 (Rangitāiki River) to the RPS took just over three years from initial project planning and policy drafting to making it operative. Change 5 should involve a similar timeframe.

## 5.2 Timeline

The table below provides an overview of the key phases for developing and notifying Proposed Change 5. The timeframes can be amended depending on Committee direction at each key step and alignment with Plan Change 12 work programme.

<b>Timeframe</b>	<b>Action</b>
18 Feb 2020	Strategy and Policy Committee approves commencement of Proposed Change 5 process
28 Feb 2020	Present draft Proposed Change 5 policy framework to Te Maru o Kaituna
March - June	External stakeholder consultation
July 2020	Proposed Change 5 policy and section 32 evaluation finalised, incorporating consultation feedback and legal review
August 2020	Strategy and Policy Committee to approve Proposed Change 5 for notification
September 2020	Notification of Proposed Change 5.  Schedule 1 submissions process commences.

## 5.3 Implications for Māori

Proposed Change 5 (Kaituna River) is the second RPS treaty co-governance change. It has significant implications for Tapuika iwi in particular as it gives effect to their treaty settlement legislation and strategic cultural aspirations. It also has cultural significance to other iwi members of Te Maru o Kaituna namely Ngāti Pikiao, Ngāti Whakaeu, Waitaha and Ngāti Rangiwewehi. Kaituna is considered a tupuna and is revered as a living entity.

Statutory acknowledgements exist along the Kaituna River and its tributaries that recognises the mana of and particularly the cultural, spiritual, historical and traditional associations Waitaha, Tapuika and Ngāti Rangiwewehi have in relation to these specified areas.

Proposed Change 5 is intended to enshrine the vision, objectives and desired outcomes of the Kaituna River Document within the RPS. Iwi and hapū have high aspirations in terms of the practical effect of Proposed Change 5. District and regional plans will need to give effect to, and resource consents decision making processes will need to have regard to, the Regional Policy Statement policy framework.

## **6 Budget Implications**

### **6.1 Current Year Budget**

The cost of developing Proposed Change 5 is budgeted in the Long Term Plan 2018-2028 within the Regional Planning activity. Work to date has involved staff time preparing the project plan and communications/engagement plan and draft policy framework, carrying out internal staff consultation. The 2020/21 budget for the overall RPS programme is \$214,553.

### **6.2 Future Budget Implications**

Costs associated with developing Proposed Change 5 are primarily staff time involved in drafting the policy framework, preparing reports for and attending meetings and undertaking consultation with internal and external stakeholders including Te Maru o Kaituna River Authority. Proposed Change 5 comes under the Regional Policy Statement budget which is \$221,383 next financial year then drops to \$141,228 in 2022. It is expected that once notified for submission Proposed Change 5 will take two years to be made fully operative.

## **7 Community Outcomes**

Proposed Change 5 (Kaituna River) to the RPS directly contributes to the Healthy Environment, Freshwater for Life and Vibrant Region Community Outcomes in the Council's Long Term Plan 2018-2028.

Nassah Steed  
**Principal Advisor, Policy & Planning**

**for Policy & Planning Manager**

**10 February 2020**



# **APPENDIX 1**

**Draft Proposed Change 5 (Kaituna River) to the RPS  
staff consultation hui 10 December 2019 Clear Copy  
Version 2.3c**







10 December 2019  
Staff Consultation Version 2.3c

# **Draft Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement**

## **DRAFT VERSION 2.3**

**This version shows proposed amendments made by Nassah Steed to the initial draft text in response to staff comments and feedback at internal consultation hui held in December 2019**

Bay of Plenty Regional Council  
PO Box 364  
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New Zealand



## Note to Reader (not part of Change)

### What this Change does

The Kaituna River provisions set out in the following pages are to be inserted into the Bay of Plenty Regional Policy Statement. Provisions to be inserted are underlined; provisions to be deleted are ~~struck through~~.

Existing operative RPS provisions from other sections of the RPS (including Iwi Resource Management, Water Quantity and Matters of National Importance) also contribute to achieving the Kaituna objectives and those are set out in Table 10c of Part Two, along with the proposed new Kaituna Riveprovisions.

The references in Table 10c to those provisions are shaded grey to show that they are operative provisions to which no change is proposed. As such, their contents are not the subject of Proposed Change 5 and no submissions in relation to their content will be accepted by Council.

All underlined provisions that are not shaded grey are part of Proposed Change 5 and are therefore open for submissions.

Council has not included the operative RPS provisions in Part Three of Proposed Change 5. If submitters wish to read those operative RPS provisions in order to provide context, copies of the operative RPS are available at Regional Council's offices and website: <https://www.boprc.govt.nz/knowledge-centre/policies/operative-regional-policy-statement/>.

The purpose of Table 10c is to set out the objectives as well as the policies and methods that contribute to achieving the objectives. For the avoidance of doubt, the provisions in Table 10c are not the only provisions that will apply in the Kaituna River. These will need to be read and applied alongside all other RPS provisions. Where a conflict exists between any Kaituna River specific provisions and region wide provisions, the Kaituna River specific provisions shall prevail.

### Key terms

For the purpose of this Change the terms defined or otherwise used in the Bay of Plenty Regional Policy Statement apply. For ease of reference these include the following:

**Act:** Unless the context otherwise requires, "Act" means the Resource Management Act 1991 and any amendments to it.

**Anticipated environmental result:** An expected effect on the environment of implementing the policies and methods. Because of the complex nature of environmental systems, not all the effects of implementing policies and methods are foreseeable.

**Policy:** Policies define the boundaries within which decision can be made, and they guide the development of courses of action directed towards the accomplishment of objectives. Policies are guides

**The Statement:** refers to the Bay of Plenty Regional Policy Statement of which this change will form a part.



# Part two

## Resource management issues, objectives and summary of policies and methods to achieve the objectives of the Regional Policy Statement

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Part two provides an overview of the regionally significant resource management issues, (including the issues of significance to iwi authorities) addressed by the Regional Policy Statement. They are addressed under the topic headings:

- Air quality
- Coastal environment
- Energy and infrastructure
- Geothermal resources
- Integrated resource management
- Iwi resource management
- Matters of national importance
- Urban and rural growth management
- Water quality and land use
- Water quantity
- Natural hazards
- Treaty Co-governance

Each topic includes a summary table showing all the objectives that relate to that topic and the titles of the policies and methods to achieve those objectives. The table also includes a reference to other policies that also need to be considered to gain an overview of the issue across the full scope of the Statement



## 2.12 Treaty co-governance

Treaty of Waitangi settlement legislation has resulted in the establishment of co-governance entities between iwi and local government.

The Bay of Plenty Regional Policy Statement is required to be amended to recognise and provide for the outcomes of statutory documents prepared under treaty settlement legislation. Those requirements may vary dependent on the legislation.

The purpose of this section is to fulfil the requirements of treaty settlement legislation in so far as it relates to the Regional Policy Statement. It is to be read in conjunction with the Treaty Co-governance Compendium Document, which is an important document that provides context for this section of the Regional Policy Statement, although it does not form part of the Regional Policy Statement. The Treaty Co-governance Compendium Document, which can be accessed at Council offices and on its website, includes a copy of Te Ara Whanui o Rangitaiki - Pathways of the Rangitāiki, and Kaituna He Taonga Tuku Iho – a treasure handed down, the approved River documents ~~that was~~ prepared under the treaty settlement legislation. ~~These~~ documents includes detail of the historical association each iwi has to its ancestral awa and/or moana (waterbodies)

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### 2.12.3 Kaituna River

The Tapuika Claims Settlement Act (2014) established Te Maru o Kaituna River Authority (TMoK). Te Maru o Kaituna is made up of iwi representatives from Tapuika Iwi Authority Trust, Te Kapu o Waitaha, Te Pumautanga o Te Arawa Trust, Te Tāhuhu o Tawakeheimoa Trust, Te Komiti Nui o Ngati Whakaue and representatives from the Bay of Plenty Regional Council Toi Moana, Rotorua Lakes Council, Western Bay of Plenty District Council and Tauranga City Council.

Te Maru o Kaituna developed and approved 'Kaituna, He Taonga Tuku Iho – a treasure handed down' (the "Kaituna River Document"). The moemoeā or vision for the Kaituna River Document is:

*"E ora ana te mauri o te Kaituna, e tiakina ana hoki mō ngā whakatupuranga o nāianeī, o muri nei hoki" – 'The Kaituna River is in a healthy state and protected for current and future generations'.*

The Kaituna River Document is a signpost for local government, iwi, the wider community, including river users to collaborate in achieving this vision.

The Bay of Plenty Regional Policy Statement must recognise and provide for the vision, objectives and desired outcomes of the Kaituna River document to the extent its contents relate to the resource management issues of the region.

In the context of this Policy Statement references to the Kaituna River includes all rivers and streams flowing into the Kaituna River and Maketū estuary. In total, there are approximately 1,197 kilometres of waterways in the Kaituna River catchment.

### 2.12.4 Significant Issues affecting the Kaituna River and its tributaries

#### 1 Water demand is high and could pose a risk for springs, groundwater and surface water bodies

Increasing water demand particularly for agriculture, horticulture, industrial and municipal uses signals a need to assign and manage uses within surface and groundwater limits to provide for key values of these water bodies. Water use pressure is particularly high in the lower Kaituna River catchment. Projected urban population growth in Te Puke and Te Tumu will place increased demand on water in the lower Kaituna River aquifer.

#### 2 Urban growth, climate change, land use intensification and development

Land use intensification and development, urban growth and climate change effects are all placing pressure on the ability to restore, protect and enhance the state of the Kaituna River and wetland habitats.

#### 3 Water quality is declining and is not always suitable for swimming in locations people wish to swim

Trends over time show nutrient discharges are increasing which is a significant contributor to declining water quality in the Kaituna River and its tributaries including Maketū Estuary. Popular swimming spots are not always swimmable due to poor water quality from e-coli.

#### 4 Drainage scheme impacts

Mahinga kai, ecosystem health and natural character values are being impacted by drainage scheme modifications especially in the lower Kaituna River area.

**5 Tangata whenua have become disconnected with the Kaituna River**

Traditionally tangata whenua had strong connections with the Kaituna River but these spiritual and physical relationships with their awa tupuna have become increasingly strained over time. Iwi seek opportunities to restore these connections and the well being of their people, especially rangatahi (younger generations).

**6 Health of the Maketu Estuary.**

Ecological health, mahinga kai, cultural and recreational values are significantly degraded in the estuary. Te Maru o Kaituna acknowledges the Kaituna River Re-diversion and Te Awa o Ngātoroirangi/Maketu Estuary Enhancement project will significantly increase the volume of water flowing into the estuary which will have ecological and cultural benefits and will also re-create at least 20 ha of wetland habitat. Declining water quality reaching the Kaituna River and its tributaries is contributing to the degraded ecosystem health in the estuary. Reduction of contaminants, nutrients, sediment and bacterial inputs from the catchment are necessary to improve the health of the estuary.

**Applying the Kaituna River provisions**

The Kaituna River objectives, policies and methods set out in Table 10c only apply to the Kaituna River co-governance area identified in Map 4b (source OTS-209-79 - Office of Treaty Settlements). These provisions should be read along with other region wide provisions.



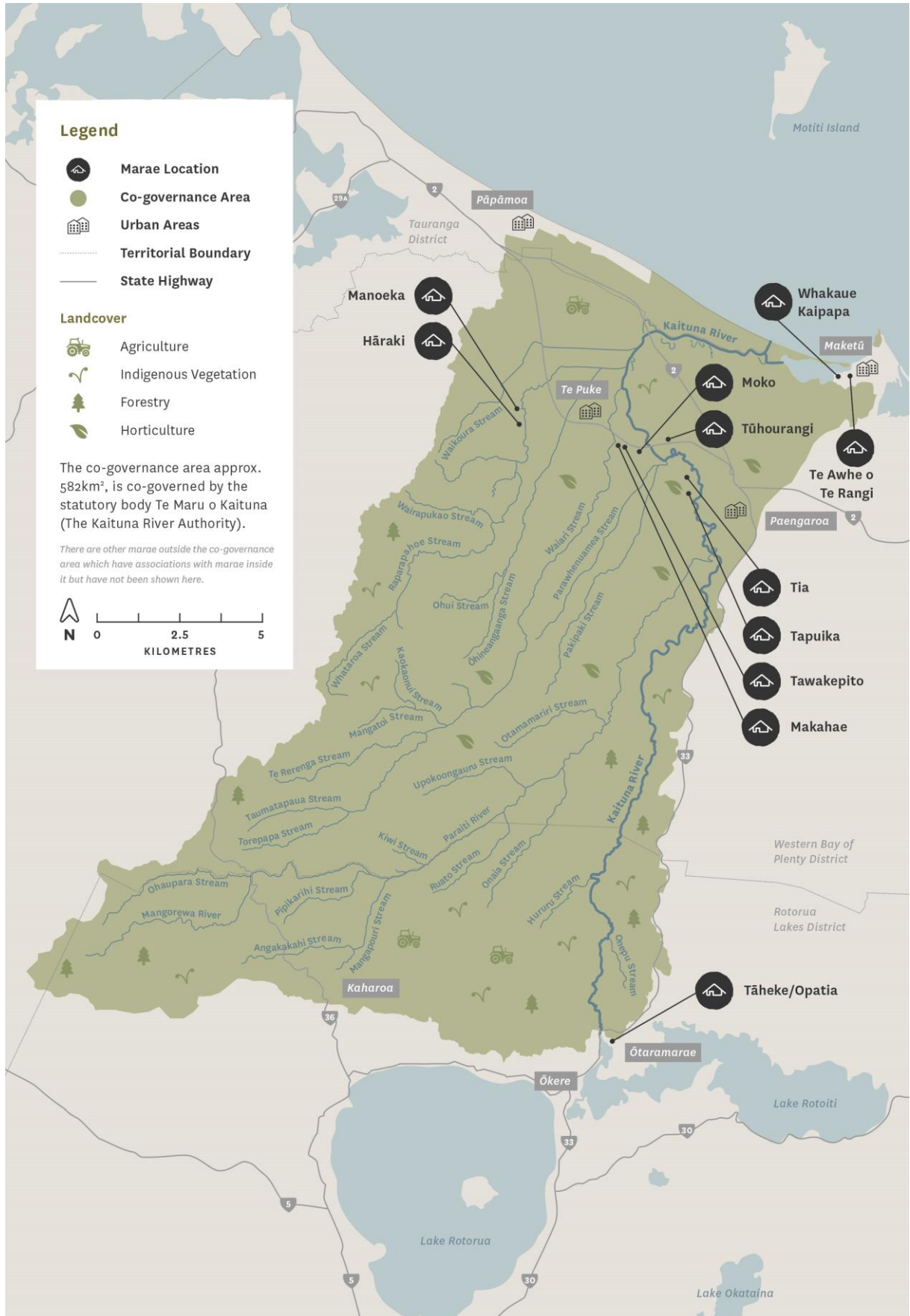




Table 10c Kaituna River – objectives and titles of policies and methods to achieve the objectives

Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.
<p><b>Objective 40</b></p> <p>The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised and provided for.</p>	Policy KR 1B: Recognise and provide for traditional and contemporary iwi and hapū relationships with Kaituna River		Method 3: Resource consents, notices of requirement and when changing, varying reviewing or replacing plans.	Regional Council, district and city councils.	
	Policy IW 2B: Recognising matters of significance to Māori		Method KR1: Te Tini a Tuna Kaituna Action Plan	Regional council, district councils and iwi authorities*	
	Policy IW 1B: Enabling development of multiple-owned Māori land		Method KR2: Erect pou or other cultural markers along Kaituna River	Regional council, city and district councils and iwi authorities*	
			Method 23T: Retain and enhance public and cultural access to and along rivers in the Rangitaiki and Kaituna River catchments	Regional Council, district councils and iwi authorities	
			Method 11: Recognise statutory acknowledgement areas	Regional council, city and district councils	
			Method 12: Take into account iwi and hapū resource management plans in assessments of environmental effects	Regional council, city and district councils	
			Method 34: Take a whole of catchment approach to the management of natural and physical resources	Regional council, city and district councils and iwi authorities	
			Method 41: Promote consultation with potentially affected tangata whenua	Regional council, city and district councils	
			Method 42: Evaluate matters of significance to tangata whenua	Regional council, city and district councils	
			Method 53: Research and monitor the effects of discharges	Regional Council	

Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.
<p><b>Objective 41</b></p> <p><u>Water quality and the mauri of the water in the Kaituna River and its tributaries is restored to a healthy state which meets agreed standards.</u></p>	<p><u>Policy KR 2B: Establishing water quality limits within the Kaituna River Catchment.</u></p>		Method 2: Regional plan implementation	Regional Council	
			Method 3: Resource consents, notices of requirement and when changing, varying reviewing or replacing plans	Regional council, District and city councils	
			Method KR1: : Te Tini a Tuna Kaituna Action Plan	<u>Regional council, district councils and iwi authorities</u>	
			Method KR3: <u>Identiy locations for safe contact recreation</u>	<u>Regional council, district councils and iwi authorities</u>	
			Method 23I: Develop sustainable environmental flow and catchment load limits in the Rangitaiki <u>and Kaituna</u> River catchments	Regional Council	
			Method 12: Take into account iwi and hapu resource management plans in assessments of environmental effects.	Regional council, District and city councils	
<p><b>Objective 42</b></p> <p><u>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological and recreational values.</u></p> <p><b>Objective 43</b></p> <p><u>Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations</u></p>	<p><u>Policy KR 3B: Use Matauranga Māori to inform resource management decision making</u></p> <p><u>Policy KR 4B: Managing groundwater abstraction in the Kaituna River Catchment.</u></p> <p><u>Policy KR 9B: Recognise kaitiakitanga involves both use, development and protection</u></p> <p><u>Policy IW 2B: Recognising matters of significance to Māori</u></p>		Method 2: Regional Plan implementation.	Regional Council	
			Method 23I: Develop sustainable environmental flow and catchment load limits in the Rangitaiki <u>and Kaituna</u> River catchments	Regional Council	
			Method 23N: Develop protocols for recognising and exercising iwi and hapū mana including kaitiakitanga in the Rangitaiki <u>and Kaituna</u> River catchments	Regional Council, district councils and iwi authorities	
			Method KR6: Promote employment opportunities for tangata whenua through land management projects in the Kaituna River	<u>Regional council, district and city councils and iwi authorities</u>	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans.	Regional Council and district councils.	

Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.	
			Method 11: Recognise statutory acknowledgement areas.	Regional Council and district councils.		
			Method 30: Research and monitor water allocation and abstraction	Regional Council		
			Method 32: Prepare and provide information to reduce water demand	Regional Council		
			Method 42: Evaluate matters of significance to tangata whenua.	Regional Council and district councils.		
			Method 43: Promote the enhancement of mauri	Regional Council and district councils.		
			Method 46: Consider the necessity of consulting potentially affected tangata whenua during consent processing.	Regional Council and district councils.		
	Policy WQ 2A: Setting and applying instream flows and allocation limits for taking freshwater.  Policy WQ 3B: Allocating water.			Method 2: Regional Plan implementation.	Regional Council	
				Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans.	Regional Council and district council.	
				Method 30: Research and monitor water allocation and abstraction.	Regional Council	
	<b>Objective 44</b> <u>The environmental well-being of the Kaituna River is enhanced through best management practices.</u>	Policy KR 5B: Enhance the mauri of the Kaituna River through -best management practices		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council.	
		Policy WL 1B: Enabling land use change		Method KR1: : Te Tini a Tuna Kaituna Action Plan	Regional council, district councils and iwi authorities	
		Policy WL 7B: Minimising the effects of land and soil disturbance		Method KR4: Identify and map sites of cultural significance	Iwi authorities	

Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.
	Policy WL 8B: Providing for regular reviews of regional council consent conditions		<u>Method KR5: Provide information on integrating kaitiakitanga and rangatiratanga into land use management</u>	<u>Iwi authorities</u>	
			<u>Method KR6: Promote employment opportunities for tangata whenua through land management projects in the Kaituna River Catchment</u>	Regional Council, district councils and iwi authorities	
			Method 23J: Develop strategies for managing wastewater and stormwater in the Rangitaiki and Kaituna River catchments	<u>City and district councils</u>	
			Method 23N: Develop protocols for recognising and exercising iwi and hapū mana including kaitiakitanga in the Rangitaiki and Kaituna River catchments	Regional Council, district councils and iwi authorities	
			Method 23T: Retain and enhance public and cultural access to and along rivers in the Rangitaiki and Kaituna River catchments	<u>Regional Council, district councils and iwi authorities</u>	
			Method 12: Take into account iwi and hapu management plans in assessments of environmental effects.	Regional council, city and district councils	
			Method 27: Provide information about sustainable land management practices	Regional council	
			Method 34: Take a whole of catchment approach to the management of natural and physical resources	Regional council and city and district councils	
			Method 35: Integrated Catchment Management Plans	Regional Council	
			Method 41: Promote consultation with potentially affected tangata whenua	Regional council, city and district councils	
			Method 42: Evaluate matters of significance to tangata whenua	Regional council, city and district councils	

Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.
<p><b><u>Objective 45</u></b></p> <p>The restoration, protection and enhancement of Kaituna River's wetlands, aquatic and riparian ecosystem health and habitats that support indigenous vegetation and species.</p>	<p>Policy KR 6B: Provide for the protection of Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats</p>		<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>Regional Council and district councils.</p>	
	<p>Policy MN 2B: Giving particular consideration to protecting significant indigenous habitats and ecosystems</p>		<p>Method KR1: Te Tini a Tuna Kaituna Action Plan</p>	<p>Regional council, district councils and iwi authorities</p>	
	<p>Policy MN 4B: Encouraging ecological restoration.</p>		<p>Method KR6: Promote employment opportunities for tangata whenua through land management projects in the Kaituna River Catchment</p>	<p>Regional council, district and city councils and iwi authorities</p>	
			<p>Method 26: Facilitate and support community based ecological restoration programmes.</p>	<p>Regional Council and district councils.</p>	
			<p>Method 27: Provide information about sustainable land management practices.</p>	<p>Regional Council and district councils.</p>	
			<p>Method 39: Promote coordination among conservation management agencies.</p>	<p>Regional Council and district councils.</p>	
			<p>Method 49: Improve biodiversity values of open spaces.</p>	<p>Regional Council and district councils.</p>	
			<p>Method 55: Identify priority ecological corridors and buffers.</p>	<p>Regional Council and district councils.</p>	
			<p>Method 64: Encourage agencies and landowners to protect key sites.</p>	<p>Regional Council and district councils.</p>	
			<p>Method 65: Advocate to establish reserves.</p>	<p>Regional Council and district councils.</p>	
<p><b><u>Objective 46</u></b></p> <p>Te Maru o Kaituna collaborate with iwi and the wider community to</p>	<p>Policy KR 7B: Enabling economic development opportunities for iwi and hapu in the Kaituna River Catchment</p>		<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>Regional council, city and district councils</p>	

Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.
enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.	Policy KR 8B: Enabling recreational activities along the Kaituna River		Method KR1: Te Tini a Tuna Kaituna Action Plan	Regional Council, district councils and iwi authorities	
			Method KR6: Promote employment opportunities for tangata whenua through land management projects in the Kaituna River Catchment	Regional council, district and city councils and iwi authorities	
			Method KR2: Erect pou or other cultural markers along Kaituna River	Regional council, district councils and iwi authorities	
			Method 23T: Retain and enhance public and cultural access to and along rivers in the Rangitaiki and Kaituna River catchments	Regional Council, district councils and iwi authorities	
			Method 11: Recognise statutory acknowledgement areas	Regional council, city and district councils	
			Method 47: Collaborate on matters of shared interest	Regional council, city and district councils	
			Method 48: Consider appointing pūkenga to hearing committees	Regional council, city and district councils	
		Method 72: Support industry led environmental accords, guidelines and codes of practice	Regional council		
		Policy IW 7D: Cultivating partnerships between iwi and statutory management agencies.		Method 9: Provide information to address matters of common interest	Regional council, city and district councils
			Method 11: Recognise statutory acknowledgement areas	Regional council, city and district councils	
			Method 47: Collaborate on matters of shared interest	Regional council, city and district councils	



Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.
			Method 48: Consider appointing pūkenga to hearing committees	Regional council, city and district councils	
	Policy IR 3B: Promoting consistent and integrated management across jurisdictional boundaries.		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 12: Take into account iwi and hapu management plans in assessments of environmental effects.	Regional council, city and district councils	
			Method 41: Promote consultation with potentially affected tangata whenua	Regional council, city and district councils	
			Method 42: Evaluate matters of significance to tangata whenua	Regional council, city and district councils	
	Policy IW 3B: Recognising the Treaty in the exercise of functions and powers under the Act		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 11: Recognise statutory acknowledgement areas	Regional council, city and district councils	
			Method 48: Consider appointing Pūkenga to hearing committees	Regional council, city and district councils	



# Part three

## Policies and methods

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Part three presents the policies and methods that, when implemented, will achieve the objectives of this Statement and address the regionally significant resource management issues (including the issues of significance to iwi authorities). The resource management issues and objectives are presented in the previous part two under topic headings.

Part three is divided into two sections. The first contains the policies and the second sets out the methods.

Within the first section, policies are grouped according to the topic under which the policy was originally drafted and are identified as follows:

AQ = Air Quality  
CE = Coastal Environment  
EI = Energy and Infrastructure  
GR = Geothermal Resources  
IR = Integrated Resource Management  
IW = Iwi Resource Management  
MN = Matters of National Importance  
UG = Urban and Rural Growth Management  
WL = Water Quality and Land Use  
WQ = Water Quantity  
NH = Natural Hazards  
RR = Rangitāiki River  
KR – Kaituna River

Within these topic groups the letter following the policy number further divides policies into four types as outlined below.

(a) Policies giving direction to regional and district plans

Broad policies that must be given effect by regional or district plans (in accordance with sections 67(3) and 75(3)(c) of the Act) as set out in methods of implementation 1 and 2. These policies are identified by the letter A after the main policy number e.g. CE 3A. NB: while these policies are primarily expressed through plans, in some cases 'A' type policies may also be relevant to the assessment of resource consent applications and notices of requirement. The A policies that must be considered in the assessment of resource consent applications and notices of requirement are listed in Method 3.

(b) Specific directive policies for resource consents, regional and district plans, and notices of requirement.

These policies are identified by the letter B after the main policy number e.g. CE 7B. These are specific policies that:

- must be given effect by regional or district plans (in accordance with sections 67(3)(c) and 75(3)(c) of the Act) as set out in methods of implementation 1 and 2;
- consent authorities must have regard to, where relevant, when considering applications for resource consent and any submissions received (in accordance with section 104(1)(b)(iv) of the Act); and
- territorial authorities must have particular regard to, where relevant, when considering requirements for designations or heritage orders and any submissions received (in accordance with sections 171(1)(a)(iii) and 191(1)(d) of the Act).

NB: in some cases these policies may also be linked to Methods 1 and/or 2 to ensure they are given effect to as soon as practicable by regional and/or district plans.

(c) Policies that allocate responsibilities

These policies allocate the responsibilities for land-use controls for hazardous substances and indigenous biodiversity between the Bay of Plenty Regional Council and the region's city and district councils. These policies are identified by the letter C after the main policy number e.g. IR 7C.

(d) Guiding policies

These are guiding policies that outline actions to help achieve the objectives. These policies are identified by the letter D after the main policy number e.g. IW 8D.

The second section sets out the methods for implementing the policies. There are two main groups of methods:

- Directive methods to implement policies identified above as either #A, #B, or #C.
- Methods that implement the guiding policies (identified above as #D) or that support the delivery of the other policies.

Directive methods used to implement most policies are Methods 1, 2 and 3. Method 3 requires that policies shall be given effect to when preparing, changing, varying, reviewing or replacing a regional or district plan, and had regard to when considering a resource consent or notice of requirement. While Method 3 is most commonly used to implement 'B' type policies, in some cases (where listed in Method 3) it may be linked to 'A' type policies which are applicable to the assessment of resource consent applications and notices of requirement. Similarly Methods 1 and/or 2 are primarily used to implement 'A' type policies in regional and district plans but in some cases (where listed in Methods 1 and 2) these policies may also be linked to 'B' type policies to ensure they are given effect to as soon as practicable by the relevant plans. The policies linked to and intended to be implemented by Methods 1, 2 and 3 are identified in the beginning of Section 3.2.1 'Directive methods'.

A summary table is provided at the beginning of part three in which the policy titles are provided. The titles serve only as a guide, as the policies are not reproduced in full within the summary table.

In a box following each of the policies, is a cross reference to pertinent objectives and methods. These must be read in association with each policy, to appreciate the relationships between these policies and methods.

### 3.1 Policies

Table 11 Policy name and page number

Policy title	Page no.
<b>Kaituna River Catchment</b>	
<b>Broad directive policies for plans and consents</b>	
<u>Policy KR 1B: Recognise and provide for traditional and contemporary iwi and hapū relationships with Kaituna River</u>	
<u>Policy KR 2B: Establish water quality limits within the Kaituna River</u>	
<u>Policy KR 3B: Use Mātauranga Māori to inform resource management decision making</u>	
<u>Policy KR 4B: Managing groundwater abstraction in the Kaituna River Catchment.</u>	
<u>Policy KR 5B: Enhance the mauri of the Kaituna River through best management practices</u>	
<u>Policy KR 6B: Provide for the protection of Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats</u>	
<u>Policy KR 7B: Enable economic development opportunities for iwi and hapu in the Kaituna River Catchment</u>	
<u>Policy KR 8B: Enabling recreational activities along the Kaituna River</u>	
<u>Policy KR 9B: Recognise kaitiakitanga involves both use, development and protection</u>	

## **Kaituna River and its tributaries Catchment Policies**

### **Applying the Kaituna River Catchment provisions**

The Kaituna River objectives, policies and methods set out in Table 10c only apply to the Kaituna River co-governance area identified in Map 4b (source OTS-209-79 - Office of Treaty Settlements). These provisions should be read along with other region wide provisions.

### **Policy KR 1B: Recognise and provide for traditional and contemporary iwi and hapū relationships with Kaituna River**

Recognise and provide for traditional and contemporary iwi and hapū relationships with the Kaituna River through the:

- (a) Provision of tangata whenua access to sites of cultural significance
- (b) Establishment of pou and other appropriate cultural markers
- (c) Formal identification and establishment of taunga waka
- (d) Exchange of environmental research and monitoring information; and
- (e) Recognition of iwi and hapū resource management plans in the management of land uses, river access and cultural heritage protection.

### **Explanation**

All persons exercising functions and powers under the Act are required to protect historic heritage sites of cultural significance and recognise and provide for the relationship of Māori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance. Iwi and hapū seek to reinforce their relationship and that of their culture and traditions with the Kaituna River and sites of cultural significance. For iwi and hapū a priority is re-establishing formal access to sites of cultural significance including the construction of associated taunga waka (traditional canoe landing places) and pou whenua.

Various statutory acknowledgement areas exist within the Kaituna River Catchment area. Claims settlement legislation acknowledges the particular cultural, spiritual, historical and traditional association iwi have with these statutory acknowledgement areas. Iwi and hapū resource management plans are also important repositories of sites of cultural significance. These plans identify sites of cultural significance and can assist with establishing priorities for environmental research and monitoring information. Only tangata whenua, through their pukenga, can identify and evidentially substantiate these sites of cultural significance.

The Kaituna Action Plan is the primary means for identifying priority projects to 'give life' to the Kaituna River Document over the next 10 years.

*Table reference: **Objective 40**, New Methods KR 1, KR 2 Methods 11, 12, 23S, 23T, 34, 41, 42, 53, 57*

### **Policy KR 2B: Establish water quality limits within the Kaituna River**

Establish water quality limits for contaminants within the Kaituna River through the National Policy Statement for Freshwater Management framework to ensure water:

- (a) is safe for bathing in identified locations where people wish to swim;
- (b) provides safe drinking water sources;
- (c) can sustain customary kai awa and kai moana sources; and
- (d) is suitable for cultural ceremonies at traditional sites.

### **Explanation**

The Kaituna River Catchment community have observed a decline in water quality and are fearful of further decline in the future. Te Maru o Kaituna and communities within the catchment have strong relationships with the river and expectations that water should be swimmable, abundant, suitable for cultural ceremonies, and able to sustain customary food sources.

The ability to access safe drinking water within the catchment is important to the community. Registered water supplies in the catchment are afforded protection under the National Environmental Standard for Sources of Human Drinking Water Regulations 2007. The drinking

water standards are high across a range of contaminants and it is unrealistic to expect these to be met in all parts of the Kaituna River and its tributaries without water treatment.

Setting instream load limits for contaminants, such as nutrients, sediment and bacteria, within the waterways at identified places, will ensure the quality of water within the Kaituna River meets the desired outcomes of 'Kaituna He Taonga Tuku Iho'.

*Table reference: **Objective 41**, New methods KR1 and KR 3 Methods 3, 11, 12, 23I, 34, 41, 53 and 57*

**Policy KR 3B: Use Matauranga Maori to inform resource management decision making**

Use Matauranga Maori to inform resource management decision making processes and achieve the vision, objectives and desired outcomes of 'Kaituna He Taonga Tuku Iho'.

**Explanation**

'Mātauranga Māori' or 'Maori knowledge' encompasses knowledge and understanding of all things visible and invisible. Matauranga Maori often includes present-day, historic, local, and traditional knowledge; systems of knowledge transfer and storage; and iwi/hapu goals, aspirations and issues.

Fundamental elements of Matauranga Maori include mauri, whakapapa and kaitiakitanga. It includes all aspects of Maori culture, past present and future. Recognising matauranga Maori is about understanding the holistic Maori worldview and its focus on connectedness.

Matauranga Maori is a credible source of knowledge that can be used alongside science to support achieving objectives for the Kaituna River Catchment. To be useful Matauranga Maori needs to be stored and readily accessible to help inform resource management decision making processes. Respecting differing world views will enable more balanced and complimentary outcomes.

*Table reference: **Objectives 42 and 43**, New Methods 2, 3, 11, 23N, 23T, 30, 32, 42, 43 and 46*

**Policy KR 4B: Managing groundwater abstraction in the Kaituna River Catchment.**

Manage groundwater abstraction to protect the mauri of puna (spring) flows within the Kaituna River Catchment while:

- (a) Having particular regard to the economic, cultural and social well-being of present and future iwi, hapu and communities within the catchment;
- (b) Ensuring there is sufficient water available to provide for tangata whenua, ecological and recreational values.

**Explanation**

Demand for fresh water particularly for agriculture, horticulture and for drinking supply is predicted to double in the Western Bay sub-region between 2005 and 2055 but the amount of water in our rivers, streams and groundwater aquifers is limited. Under the National Policy Statement for Urban Development Capacity, Rotorua is identified as a medium growth area reversing a previous trend of declining growth. Conversely the western Bay of Plenty sub-region (which includes Tauranga City) is identified as a high growth area. Appendix E of this Policy Statement identifies considerable areas of currently rural land earmarked for future urban development in the Te Puke, Rangiuru Business Park and Te Tumu urban growth areas. As population growth and urban development occurs within these areas there will be greater demand for freshwater use within the Kaituna River Catchment.

The challenge is to ensure there is sufficient water within the Kaituna River Catchment to protect tangata whenua, ecological and recreational values for present and future generations whilst also providing for growth and economic, cultural and social well-being. This challenge is serious given current water allocation exceeds region-wide limits in several sub-catchments of the Kaituna River and in the Lower Kaituna aquifer. Once used much of the water is then returned back into the catchment either onto land or directly into water bodies. About two thirds of the discharges of water are to land while the other third are discharges to water.

Managing groundwater abstraction is challenging given its complexities including the interconnections between groundwater and surface water. While water is a renewable resource, it is also finite and needs to be sustainably managed. As groundwater and

surface water become more limited competition between uses will build for this resource.

Decisions about the allocation of groundwater must ensure there is sufficient water available to protect tangata whenua, ecological and recreational values. Policy KR 4B must be considered in tandem with Policy WQ 2A when total allocation limits and Policy WQ 4B when establishing common review dates for groundwater takes within the Kaituna River Catchment.

**Objectives 42 and 43, Methods 2, 3, 11, 23I, 30, 32, 42, 43 and 46**

**Policy KR 5B: Enhance the mauri of the Kaituna River through improved land management practices**

Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities minimise nutrient losses by implementing best management practices including:

- (a) Ensuring consented activities are managed to maintain or enhance the River's ecological and cultural health;
- (b) Promoting industry incentives and leadership; and
- (c) Promoting the integration of kaitiakitanga and rangatiratanga into land use management, river access and cultural heritage protection in specified locations.

**(d) Explanation**

Community and iwi concerns have highlighted that a continuation of current land use practices will result in ongoing poor outcomes for the Kaituna River. While regulation has a role to play, on its own it is unlikely to enhance the mauri of the Kaituna River.

The environmental well-being of the Kaituna River and its many tributaries requires a more holistic approach involving a mix of regulation, incentives and industry leadership. Improvements in rural land management are reliant on land managers embracing best management practice techniques and technological advances.

Tangata whenua seek to be actively involved in resource management decision making processes particularly where proposals involve cultural heritage and river access considerations.

Tangata whenua also seek more meaningful and proactive ways of integrating kaitiakitanga and rangatiratanga into land use management practices that will enhance the mauri of the Kaituna River.

Consented activities for agriculture, forestry, horticulture, industry and urban developments, including three waters infrastructure, all have a role in promoting the maintenance and improvement of the cultural and ecological health of the Kaituna River.

Environmental offsetting provides flexibility to enable development in one place provided there is enhancement to the mauri of the Kaituna River in another place nearby and within the same catchment. The over riding outcome sought through environmental offsetting is achieving a net environmental benefit.

*Table reference: **Objective 44, New Method KR1 and Methods 3, 12, 23J, 23N, 23S, 27, 34, 35, 41 and 42***

**Policy KR 6B: Provide for the protection of Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats**

Protect, restore and enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins by:

- (a) Increasing the quality and extent of remaining wetlands;
- (b) Prioritising funding of biodiversity projects in the Kaituna Action Plan;
- (c) Undertaking pest management and removal activities; and
- (d) Identifying and enhancing ecosystems that support and sustain indigenous flora and fauna.

**Explanation**



The Kaituna River Catchment has undergone widespread land use change to enable forestry conversion, pastoral grazing, horticulture, rural lifestyle activities and urbanisation. While these land use activities are important contributors to the region's economic prosperity they have impacted negatively on the health of indigenous vegetation and habitats within streams and rivers and their riparian areas.

Some of New Zealand's more sensitive indigenous freshwater and reptile species are at risk of disappearing. The indigenous ecosystems within the Kaituna River support these threatened species. There is a need to ensure remaining indigenous flora and fauna in the Kaituna River are retained and protected from further loss or degradation. This requires a systematic approach of identifying and protecting remaining indigenous ecosystems.

Wetland areas are particularly important habitats within the catchment and therefore should be given the higher priority for protection. In the Bay of Plenty region around 97 percent of wetlands have been lost. Most of these wetlands were in areas very desirable for the development of farmland. Draining, burning and clearing of vegetation for farmland, together with the reclamation of wetlands for urban and industrial uses, have been the principal agents of wetland destruction.

Opportunities for enhancing Kaituna Rivers indigenous aquatic, riparian and wetland ecosystems need to be considered and encouraged, including through non-regulatory tools and the funding of pest management activities. Examples include voluntary wetland management agreements, wetland care groups, funding assistance through the Environmental Enhancement Fund or Biodiversity Plans.

*Table reference: **Objective 45**, New Method KR1 and Methods 3, 26, 27, 39, 49, 55, 64 and 65*

**Policy KR 7B: Enable economic development opportunities for iwi and hapu in the Kaituna River Catchment**

Enable economic development opportunities for iwi and hapu which respect and promote greater understanding of cultural associations with the Kaituna River and restore, protect or enhance the River's well-being.

**Explanation**

Iwi and hapū seek economic development opportunities which respect cultural associations with the Kaituna River, promote greater understanding of those associations and restore, protect or enhance the River's well-being. Economic development opportunities require collaboration and support from all who have an interest in it. Kaitiakitanga and sustainable land management practices should underpin any economic development opportunities to ensure respect for the Kaituna River.

A wide array of employment opportunities exist within the Kaituna River Catchment. In terms of land cover 27 percent of the catchment's land area is indigenous vegetation, 42 percent is pasture, 19 percent forestry and 10 percent in horticulture. The catchment is well connected, with the East Coast Main Trunk Railway Line traversing the lower catchment and the Tauranga Eastern Link Corridor joining the Eastern Bay and Rotorua, to Tauranga.

Urban and industrial growth, as well as changes in rural activities, bring challenges, including pressure on fresh water resources, but also provide opportunities such as economic growth and employment. Sustainable changes can also provide opportunities to ensure particularly sensitive parts of the catchment and values special to people are protected and enhanced.

Both this Policy Statement and the SmartGrowth Strategy provide for urban growth in Te Tumu and Wairakei (i.e. between the Kaituna River and Pāpāmoa East.) Te Puke and Rangiora out to 2051. The Rangiora Business Park is a large scale industrial and commercial activity hub exceeding 250 ha. Considerable areas of rural production and horticultural land surrounding Te Puke are earmarked for urban expansion post 2021. If realised the resulting development is likely to more than double the catchment's population.

Eco-tourism opportunities exist including guided walks, mountain biking and hunting on Māori land, public reserves and conservation land, and commercial forest blocks. Alternative tree species and intercropping also have economic potential. The development of Māori land remains an ongoing challenge but also an opportunity for its beneficial owners.

*Table reference: **Objective 46**, New Methods KR1, KR 2 and KR6 and Methods 3, 11, 47, 48 and 72*

**Policy KR 8B: Enabling recreational activities along the Kaituna River**

Provide recreational opportunities along the Kaituna River that do not compromise public safety or achieving ecological restoration, protection and enhancement objectives.

**Explanation**

The Kaituna River Catchment contains significant natural resources and recreational opportunities, which are highly valued by the catchment community and visitors. The first 2 km of the Kaituna River contains Grade 5 whitewater rapids, including the Kaituna Falls, Ōkere Falls and Tutea Falls which are claimed to be the world's highest commercially rafted waterfalls. Currently over 40,000 people a year raft, sledge or kayak the upper Kaituna through commercial providers.

High useage from various, and sometimes competing, recreational pursuits can lead to occasional conflicts, safety concerns and environmental effects.

A key to enabling recreational activities is the provision of public access to and along the Kaituna River. All persons exercising functions, duties and powers under the Act are required to recognise and provide for, the maintenance and enhancement of public access to and along the Kaituna River as a matter of national importance. The principal means by which this may be achieved are through district plans in association with subdivision, use and development through resource consent conditions and, in some cases, through the acquisition of land.

Policies MN 5B and MN 6B provide direction on where it is appropriate to encourage or restrict public access and create esplanade reserves and esplanade strips, where they do not already exist, to provide public access to and along the Kaituna River.

Ecological health, mahinga kai, cultural and recreational values are significantly degraded in

the Maketū Estuary. The Kaituna River re-diversion and Te Awa o Ngātoroirangi/Maketū Estuary Enhancement project will significantly increase the volume of water into the estuary and help restore ecological and cultural health. Over time these works and their anticipated water quality and ecological benefits should restore active and passive recreational opportunities for tangata whenua, the community and visitors alike.

*Table reference: **Objective 46**, New Methods KR1, KR2, and KR6 and Methods 3, 11, 23S, 23T, 47, 48 and 72*

**Policy KR 9B: Recognise kaitiakitanga involves both use, development and protection**

Recognise kaitiakitanga involves both the use and development of land and water by tangata whenua and the protection of taonga, waahi tapu, sites of significance and other natural and physical resources of importance to tangata whenua.

**Explanation**

Kaitiakitanga is generally used to denote tangata whenua guardianship of resources within their traditional areas. The role and responsibilities of kaitiakitanga are wide and varied, tangible and intangible, based on Māori lore relevant to iwi, hapū, whānau and resources within their rohe. A principle component of kaitiakitanga is the maintenance of the mauri of resources. Kaitiakitanga also includes providing for appropriate use and development of natural and physical resourced is a way or rate that preserves, protects, recognises and strengthens cultural and spiritual aspects of those resources. In the context of the Kaituna River the aim is to protect its mauri while also enabling sustainable use and development that provides for the social, economic and cultural well being of present and future generations.

## 3.2 Methods to implement policies

Table 4 Methods to implement policies

Section 3.2: Methods to implement policies	Page no.
<b>3.2.1: Directive methods</b>	
<u>Method KR1: Te Tini a Tuna Kaituna Action Plan</u>	
<u>Method KR2: Erect pou or other cultural markers along Kaituna River</u>	
<u>Method KR3: Identify locations for safe contact recreation</u>	
<u>Method KR4: Identify and map sites of cultural significance</u>	
<u>Method KR5: Provide information on integrating kaitiakitanga and rangatiratanga into land use management</u>	
<u>Method KR6: Promote employment opportunities for tangata whenua through land management projects in the Kaituna River Catchment</u>	
<u>Method 23I: Develop sustainable environmental flow and catchment load limits in the Rangitaiki and Kaituna River catchments</u>	
<u>Method 23J: Develop strategies for managing wastewater and stormwater in the Rangitaiki and Kaituna River catchments</u>	
<u>Method 23N: Develop protocols for recognising and exercising iwi and hapū mana including kaitiakitanga in the Rangitaiki and Kaituna River catchments</u>	
<u>Method 23S: Remove or adapt structures impeding cultural and recreational access in the Rangitaiki and Kaituna River catchments</u>	
<u>Method 23T: Retain and enhance public and cultural access to and along rivers in the Rangitaiki and Kaituna River catchments</u>	



### 3.2.1 Directive methods

**Method KR1: Te Tini a Tuna  
Kaituna Action Plan**

Implement Policies KR 1B, KR 2B, KR 3B, KR 4B, KR 5B, KR 6B, KR 7B, KR 8B, IW 2B, IW 1B through Te Tini a Tuna Kaituna Action Plan.

Implementation responsibility: Regional Council, Te Maru o Kaituna River Authority, Tauranga City Council, Western Bay of Plenty District Council, Rotorua Lakes Council and iwi authorities.

**Method KR2: Erect pou or other  
cultural markers  
along Kaituna River**

Erect pou and other appropriate cultural markers along the margins of Kaituna River and its tributaries to identify sites of cultural significance to iwi.

Implementation responsibility: Regional Council, Te Maru o Kaituna River Authority, Tauranga City Council, Western Bay of Plenty District Council, Rotorua Lakes Council and iwi authorities.

**Method KR3: Identify locations  
for safe contact  
recreation**

Identify specific locations in the Kaituna River for safe contact recreation under Policy KR 2B.

Implementation responsibility: Regional Council, Te Maru o Kaituna River Authority, Tauranga City Council, Western Bay of Plenty District Council, Rotorua Lakes Council and iwi authorities.

**Method KR4: Identify and map  
sites of cultural  
significance**

Identify, record and map sites of cultural and historical significance to iwi and hapu including traditional place names, travel routes, waahi tapu, urupa and waipuna (springs) in the Kaituna River Catchment.

Implementation responsibility: Iwi authorities.

**Method KR5: Provide information on  
integrating  
kaitiakitanga and  
rangatiratanga into  
land use management**

Provide information to regional, city and district councils, land developers and consultants about how kaitiakitanga and rangatiratanga can be recognised and provided for in land use management, river access and cultural heritage protection.

Implementation responsibility: Iwi authorities.

**Method KR6: Promote employment  
opportunities for  
tangata whenua  
through land  
management  
projects in the  
Kaituna River  
Catchment**

Promote employment opportunities for tangata whenua through land management projects in the Kaituna River Catchment including providing:

- (a) Pest and silviculture management services
- (b) Fencing services
- (c) Council reserves maintenance; and
- (d) Environmental monitoring.

Implementation responsibility: Regional Council, Te Maru o Kaituna River Authority, Tauranga City Council, Western Bay of Plenty District Council, Rotorua Lakes Council and iwi authorities.

**Method 23I: Develop sustainable  
environmental flow and  
catchment load limits in  
the Rangitaiki and  
Kaituna River catchments**

Sustainable flow and catchment load limits in the Rangitaiki and Kaituna River catchments shall be developed in accordance with the National Policy Statement for Freshwater Management framework and include:

- (a) The current state and anticipated future state
- (b) Freshwater objectives; and
- (c) Limits for meeting freshwater objectives.

*Implementation responsibility: Regional Council*

**Method 23J: Develop strategies for managing wastewater and stormwater in the Rangitāiki and Kaituna River catchments**

In liaison with tangata whenua and local communities develop and implement strategies for the alternative treatment and disposal of wastewater and stormwater in the Rangitāiki and Kaituna River catchments.

*Implementation responsibility: District councils*

**Method 23N: Develop protocols for recognising and exercising iwi and hapū mana including kaitiakitanga in the Rangitāiki and Kaituna River catchments**

Develop protocols to ensure the mana of iwi and hapū in the Rangitāiki and Kaituna River catchments is recognised through any resource management decision making process to a level all parties agree meets the requirements of Objective 6 and Policy IW 5B.

*Implementation responsibility: Regional Council, district councils and iwi authorities*

**Method 23S: Remove or adapt structures impeding cultural and recreational access in the Rangitāiki and Kaituna River catchments**

Where appropriate require the removal of structures that impede cultural and recreational access in the Rangitāiki and Kaituna River catchments. Where removal is impracticable, employ measures to adapt existing structures to minimise adverse effects on cultural and recreational access.

*Implementation responsibility: Regional Council and iwi authorities*

**Method 23T: Retain and enhance public and cultural access to and along rivers in the Rangitāiki and Kaituna River catchments**

Retain and enhance safe public and cultural access to and along rivers within the Rangitāiki and Kaituna River catchments by:

- (a) Surveying and mapping existing access points, esplanade strip/reserves and marginal strips for recreation opportunities.
- (b) Identifying existing and new priority public and cultural access points, linkages, as well as areas and time periods where public access should be restricted.
- (c) Subject to (b) provide and maintain safe and identifiable public access points along the margin of the rivers in the Rangitāiki and Kaituna River catchments.
- (d) Promoting the acquisition of esplanade reserves/strips and access strips for public access, recreation and conservation purposes.
- (e) Encouraging appropriate amenities (signage, interpretation, education and rubbish disposal).
- (f) Working with communities, landowners and industries to consider opportunities to create appropriate access, including vehicle, walking, bicycle and waka access to the river.

*Implementation responsibility: Regional Council, district councils and iwi authorities*

## 4.2 Objectives, anticipated environmental results and monitoring indicators

Table 5 Objectives, anticipated environmental results (AER) and monitoring indicators

Objectives	Anticipated environmental results (AER)	Monitoring indicators
<b>Kaituna River Catchment</b>		
<p><b>Objective 40</b>  <u>The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are recognised and provided for.</u></p>	<p><u>Cultural values and traditional relationships (including ancestral lands, water, sites, wahi tapu and other taonga) are consistently recognised and provided for in resource management decision-making</u></p>	<p><u>Regular iwi perceptions surveys show iwi within the Kaituna River catchment have a high degree of satisfaction that local authorities actively have regard to kaitiakitanga and take into account the Treaty of Waitangi principles in resource management decision making processes</u></p>
	<p><u>Iwi and hapū kaitiaki are satisfied mitigation measures identified in cultural impact assessments have been addressed in resource management decision-making</u></p>	<p><u>Regular iwi perceptions surveys show high levels of satisfaction with the provision for mitigation measures included in cultural impact assessments in resource management decision making processes</u></p>
	<p><u>Decision-making takes iwi and hapū resource management plans into account</u></p>	<p><u>Section 32 reports for relevant plan changes and resource consents evidentially substantiate relevant iwi and hapū resource management plans have been taken into account</u></p>
	<p><u>Pou/cultural markers are erected and taunga waka constructed on the Kaituna River</u></p>	
<p><b>Objective 41</b>  <u>Water quality and the mauri of the water in the Kaituna River and its tributaries is restored to a healthy state which meets agreed standards.</u></p>	<p><u>Erosion, silt or sediment does not adversely affect aquatic ecosystems</u></p>	<p><u>Surveys of aquatic ecosystems show no adverse effects due to silt or sediment</u>  <u>Compliance monitoring of consented activities shows no contravention of earthwork related conditions</u></p>
	<p><u>Water quality supports healthy aquatic ecosystems</u></p>	<p><u>Macro-invertebrate diversity in Kaituna River is maintained or improved.</u>  <u>Water quality is meeting the standards set in the Act, any relevant national instruments and the Regional Natural Resources Plan.</u>  <u>Kai moana resources re-establish in Maketū estuary and are safe for human consumption</u></p>
	<p><u>The state of degraded water quality in Kaituna River and it's tributaries improves over time</u></p>	<p><u>Water quality measured at monitoring stations within the Kaituna River catchment meet regional plan water quality classification standards and criteria</u></p>
	<p><u>Public health and safety (by providing potable water and managing sewage) is maintained</u></p>	<p><u>Registered drinking-water supply catchments are protected from contamination and meet regional plan water classification standards and criteria</u></p>



<p><b>Objective 42</b></p> <p><u>There is sufficient water quantity in the Kaituna River to support the mauri of rivers and streams and provide for tangata whenua, ecological and recreational values.</u></p> <p><b>Objective 43</b></p> <p><u>Water in the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities now and for future generations.</u></p>	<p><u>Significant indigenous biological diversity and natural features values are protected and enhanced</u></p>	<p><u>Identified significant natural areas on private land are under active management (for the purpose of their maintenance, restoration and rehabilitation)</u></p>
	<p><u>The extent of wetlands is maintained and enhanced.</u></p>	<p><u>Maintenance or improvement in the condition and extent of wetlands.</u></p>
	<p><u>Iwi and hapū relationships with water in the Kaituna River Catchment are recognised and acknowledged.</u></p>	<p><u>Resource management decisions involving takes or discharges of water document how iwi and hapū relationships have been recognised and acknowledged.</u></p>
	<p><u>The ecological, cultural, recreational and amenity values of water bodies are maintained.</u></p> <p><u>The health of aquatic ecosystems is safeguarded.</u></p> <p><u>The quantity of available water meets the reasonably foreseeable needs of future generations.</u></p>	<p><u>River and Stream flows do not fall below their instream minimum flows due to abstraction of water.</u></p>
<p><b>Objective 44</b></p> <p><u>The environmental well-being of the Kaituna River is enhanced through best management practices.</u></p>	<p><u>Land use impacts are within the sustainable limits of the river (receiving aquatic environment)</u></p>	<p><u>Existing use and new land development aligns with that land's use capability</u></p> <p><u>Compliance monitoring of consented activities shows no contravention of earthwork related conditions</u></p>
	<p><u>Resources are used or allocated within their limits (design parameters or carrying capacity)</u></p>	<p><u>Discharges from land are within the assimilative capacity of their receiving environments</u></p>
	<p><u>Cultural values and traditional relationships (including ancestral lands, water, sites, wahi tapu and other taonga) are consistently recognised and provided for in resource management decision-making.</u></p>	<p><u>Regular iwi perceptions surveys show iwi within the Kaituna River Catchment have a high degree of satisfaction that local authorities actively have regard to kaitiakitanga and take into account the Treaty of Waitangi principles in resource management decision-making processes.</u></p>
<p><b>Objective 45</b></p>	<p><u>Values of water (ecological, cultural, recreational and amenity) within the Kaituna River and its tributaries are maintained</u></p>	<p><u>River and Stream flows do not fall below their instream minimum flows due to abstraction of water</u></p>

<u>The restoration, protection and enhancement of Kaituna River's wetlands, aquatic and riparian ecosystem health and habitats that support indigenous vegetation and species.</u>	<u>The extent of wetlands along the Kaituna River and its tributaries is maintained and enhanced.</u>	<u>Maintenance or improvement in the condition and extent of wetlands along the Kaituna River and its tributaries.</u>
	<u>Degraded aquatic ecosystems, habitats, and biological communities are restored (if practical) and rehabilitated.</u>	<u>An observed increase in the health of natural communities and habitats of indigenous flora, fauna and ecosystems in the Kaituna River and its tributaries and their riparian margins and wetlands.</u>
<b>Objective 46</b> <u>Te Maru o Kaituna collaborate with iwi and the wider community to enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.</u>	<u>The level of public access to and along rivers is improved.</u>	<u>Increase in the number of formal public esplanade reserves and strips and public accessways to and along the Kaituna River</u>
	<u>Values of water (ecological, cultural, recreational, amenity and economic) within the Kaituna River and its tributaries are maintained.</u>	<u>River and Stream flows do not fall below their instream minimum flows due to abstraction of water.</u>

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## **Appendix A – Definitions**

Kaituna River: The co-governance area identified in Map 4b (source Office Treaty Settlements OTS-209-79) and includes all rivers and streams flowing into the Kaituna River and Maketu Estuary.



## **APPENDIX 2**

# **Kaituna River Document Vision, Objectives and Desired Outcomes**



# Kaituna River Document – Vision, Objectives and Desired Outcomes

## Vision

*E ora ana te mauri o te Kaituna, e tiakina ana hoki mō ngā whakatupuranga ō nāianeī, ō muri nei hoki.*

*The Kaituna River is in a healthy state and protected for current and future generations.*

## Objectives

- 1) The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are provided for, recognised and protected.
- 2) Iwi-led projects which restore, protect and / or enhance the Kaituna River are actively encouraged, promoted and supported by Te Maru o Kaituna through its Action Plan.
- 3) Water quality and the mauri of the water in the Kaituna River are restored to a healthy state and meet agreed standards.
- 4) There is sufficient water quantity in the Kaituna River to:
  - support the mauri of rivers and streams:
  - protect tangata whenua values:
  - protect ecological values:
  - protect recreational values.
- 5) Water from the Kaituna River is sustainably allocated and efficiently used to provide for the social, economic and cultural well-being of iwi, hapū and communities, now and for future generations.
- 6) The environmental well-being of the Kaituna River is enhanced through improved land management practices.
- 7) Ecosystem health, habitats that support indigenous vegetation and species, and wetlands within the Kaituna River are restored, protected and enhanced.
- 8) Te Maru o Kaituna in collaboration with Iwi and the wider community enable environmental, economic, social, educational and cultural aspirations for the restoration, protection and enhancement of the Kaituna River.

## Desired Outcomes

### ***Ngā Piringa me ngā Herenga - Iwi Relationships with the River***

- a *Access for tāngata whenua to the Kaituna River and identified sites of significance are provided for.*
- b *Pou and other appropriate markers are erected adjacent to the Kaituna River where considered appropriate by iwi, to indicate sites of special significance.*
- c *Priority restoration, protection and enhancement projects are identified by Te Maru o Kaituna in their Action Plan.*

- d *Te Maru o Kaituna members promote and take into account priority projects in their long-term and annual plan processes.*
- e *Information on the environmental state of the Kaituna River is regularly exchanged between iwi and relevant agencies.*
- f *Appropriate sites along the Kaituna River are identified and set aside for taunga waka (traditional waka landing places).*
- g *Iwi and hapū associations with the Kaituna River are strengthened through recognition of iwi/hapū management plans in the management of land use, access to the river and protection of cultural heritage.*

#### **Te Mauri me te Rēto o te Wai - Water Quality and Quantity**

- a *Limits for contaminants in the Kaituna River are established to ensure the water:
 
  - i *is clean and safe for swimming in locations where people wish to swim, with specific locations identified and recommended by Te Maru o Kaituna:*
  - ii *provides safe drinking water sources:*
  - iii *is suitable to sustain plentiful kai awa (food sourced from the river) and kai moana (food sourced from the sea) within the Maketū Estuary which is safe to eat. Tuna (eels) are of particular importance; and*
  - iv *is suitable for cultural ceremonies.**
- b *Mātauranga Māori (Māori knowledge) is acknowledged and used as a credible tool alongside science, to support the objectives of the Kaituna River Document.*
- c *Abstraction of groundwater from aquifers is sustainably managed to:
 
  - i. *Protect puna (spring) flows:*
  - ii. *Meet the relevant objectives in the Kaituna River Document.**

#### **Mahinga Whenua - Land Use**

- a *An appropriate mix of rules, incentives and industry leadership is used to improve land management practices.*
- b *Rural land management is improved over time by adopting best practice techniques, taking advantage of technological and information advances and through more efficient use of inputs such as fertiliser, stock or crop quantity and/or outputs such as discharge quality and quantity limits.*
- c *Consented activities for agriculture, forestry, horticulture, industry, urban development, including the disposal of stormwater and wastewater are managed so that the ecological and cultural health of the Kaituna River is maintained or improved.*
- d *Kaitiakitanga (guardianship) and rangatiratanga (autonomy, authority, and ownership) are integrated into the management of land use, access to the river and protection of cultural heritage in specific locations in the catchment.*

#### **Te Oranga o Te Pūnaha-hauropi - Ecosystem Health**

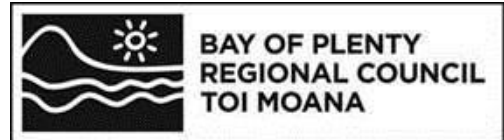
- a *Identify, maintain and improve ecosystems that support and sustain indigenous flora and fauna.*
- b *Explore opportunities to create, increase and enhance the extent and quality of wetlands in the lower Kaituna catchment.*
- c *Priority restoration, protection and enhancement projects are identified by Te Maru o Kaituna in their Action Plan.*
- d *Te Maru o Kaituna members promote and take into account priority projects in their long-term and annual plan processes*



***Ngā Herenga o Te Maru o Kaituna - Te Maru o Kaituna in Collaboration with Iwi and the Community***

- a Environmental education programmes are promoted by Te Maru o Kaituna.*
- b Economic development opportunities for Iwi and hapū which respect the cultural associations they have with the Kaituna River, promote greater understanding of those associations; and restore, protect or enhance the well-being of the Kaituna River.*
- c Support collaborative relationships that foster and enable sustainable industry and business practices to actively enhance the Kaituna River.*
- d Recreational activities along the Kaituna River do not compromise safety or priorities of Te Maru o Kaituna for the restoration, protection and enhancement of the Kaituna River.*





Receives Only – No Decisions

**Report To:** Strategy and Policy Committee

**Meeting Date:** 18 February 2020

**Report From:** Julie Bevan, Policy & Planning Manager

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## **Update on Plan Change 13 (Air Quality) to the Regional Natural Resources Plan**

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### **Executive Summary**

Ten appeals were received on Plan Change 13 (Air Quality) to the Regional Natural Resources Plan. The Regional Direction and Delivery Committee appointed an Appeals Sub-Committee to provide direction to staff on progression of appeal points.

The Environment Court set out six appeal topics. At the time of writing, appeals on three sub-topics of Topic 1 are resolved via consent orders:

- Topic 1 Crematoria
- Topic 1 Mobile or emergency diesel generators
- Topic 1 Roads and Free-range farming

These consent orders resolve the appeals from Tauranga City Council and Trustpower Limited in full and the appeal from Western Bay of Plenty District Council in part.

The remaining topics are unresolved and were set down for Court-assisted mediation from 20-24 January 2020. This mediation is now completed. At the time of writing, any matters discussed at mediation, as well as any outcomes, are confidential.

Staff will update this Committee on any further developments at the first opportunity.

### **Recommendations**

**That Strategy and Policy Committee:**

- 1 Receives the report, Update on Plan Change 13 (Air Quality) to the Regional Natural Resources Plan.**

## 1 Purpose

This report provides an update to the Strategy and Policy Committee (the Committee) on appeals to Plan Change 13 (Air Quality) to the Regional Natural Resources Plan (the Plan Change).

As this report is not public excluded, this report gives a limited update on Environment Court (the Court) mediations currently underway.

## 2 Background

The Regional Council notified the Plan Change on 27 February 2018, receiving 80 submissions and 30 further submissions. Council held the Hearing over five days during October 2018 in Tauranga and Rotorua, with 36 submitters presenting to the Hearing Panel. Deliberations took place in November 2018 and the Hearing closed on 8 November 2018.

The Hearing Panel recommendations were approved by the Regional Direction and Delivery Committee on 19 February 2019 and Council publicly released its decisions version of the Plan Change on 12 March 2019.

### 2.1 Appeals and Section 274 parties

The appeals period closed on 26 April 2019 with appeals lodged by ten appellants. Sixteen parties requested to be a party to the proceedings under section 274 of the Resource Management Act 1991 (RMA). These parties include the ten original appellants and an additional 6 organisations.

## 3 Current status of appeals

The Court set out an appeal topic structure as follows:

Topic 1 – Appeals proposed to be resolved by direct negotiation

- Outdoor fires on business premises
- Crematoria
- Discharge of dairy factory waste
- Mobile or emergency diesel generators
- Roads and free-range farming

Topic 2 – Handling of bulk solid material

Topic 3 – Reverse sensitivity

Topic 4 – Objectives, Policies, Rule AQ R1, Method and Definitions

Topic 5 – Open burning

Topic 6 – Agrichemical spraying

In June 2019 the Regional Direction and Delivery Committee appointed an Appeals Sub-Committee. To date, the Sub-Committee has held three meetings (October 2019, January and February 2020) to provide direction to staff for progression of appeal points.

During October and November 2019, staff held meetings with all parties to discuss appeal points, and to negotiate resolution of any appeals where possible.

### 3.1 Consent Orders

Following initial negotiations and in accordance with the resolutions of the Sub-Committee, Council lodged two consent orders with the Court which were approved in November and December 2019. These consent orders resolve the following topics:

- Topic 1 Crematoria
- Topic 1 Mobile or emergency diesel generators
- Topic 1 Roads and Free-range farming

These consent orders resolve the appeals from Tauranga City Council and Trustpower Limited in full. The appeal from Western Bay of Plenty District Council is resolved in part.

Version 9.2 of the Plan Change showing amendments made as a result of these consent orders is included as Appendix 1. This version of the plan change also highlights unresolved appeal points in yellow. The consent orders are included as appendices 2 and 3.

### 3.2 Court-assisted mediation

During November 2019 staff held follow up meetings and email exchanges to attempt to resolve the remaining topics. In November, Council reported to the Court that these appeals remained unresolved and requested Court-assisted mediation for the remaining topics. In December 2019 the Court set down mediation dates as follows:

Monday 20 January	Topic 5 Open burning
Tuesday 21 January	Topic 6 Agrichemical spraying
Wednesday 22 January	Topic 2 Handling of bulk solid material Topic 3 Reverse sensitivity
Thursday 23 January	Topic 4 Objectives, Policies and Methods
Friday 24 January	Topic 1 Outdoor fires on business premises Topic 1 Fonterra (Discharge of dairy factory waste)

Staff attended the court-assisted mediation as set out above. Any matters and outcomes discussed as part of this process are confidential.

## 4 Next steps

Council's next reporting date for this matter is 1 March 2020 where Council will update the Court on the outcome of mediations.

Staff will update this Committee with any further progress.

## **5 Financial Implications**

Staff anticipate that costs for the Appeals Subcommittee, negotiations, mediation and potentially Environment Court will be met from existing budgets.

## **6 Community Outcomes**

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

Karen Parcell  
**Team Leader Kaiwhakatinana**

**for Policy & Planning Manager**

**5 February 2020**

# **APPENDIX 1**

## **Proposed Plan Change 13 Version 9.2 clear copy - 5 December 2019**







Version 9.2  
December 2019

# **PROPOSED**

## **Plan Change 13 (Air Quality)**

### **to the Regional Natural Resources Plan**

# **APPEALS VERSION**

## **Clear Copy**

This version incorporates the decisions on submissions and further submissions made by the Bay of Plenty Regional Council.

**Appeals: Provisions subject to appeal are highlighted in yellow.**

Note: additions to provisions requested by appellants are not shown

Bay of Plenty Regional Council  
PO Box 364  
Whakatāne 3158  
New Zealand



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# AQ Air Quality

*He tapu te hā – the breath is sacred.*

This chapter of the regional plan provides policies and rules to manage the discharge of *contaminants* to air from **anthropogenic** sources. **Anthropogenic** means created by or caused by humans. **Anthropogenic** discharges include odour, dust, **particulates**, smoke and spray which come from a variety of human activities. Natural sources of *contaminants* such as pollen, and gas and odour discharges from **geothermal fields** or volcanoes, are not managed by this regional plan.

Other than the adverse *effects* on ambient or local air quality, this regional plan does not address greenhouse gases or climate change. Nor does the regional plan take into account indoor air quality (for example in workplace buildings) and it does not address health and safety issues related to air quality on work sites or in private homes as these matters are covered by other legislation.

Terms in this chapter that are defined in the Definition of Terms are highlighted in bold. Terms defined in the Act, in other Acts of Parliament, or in national regulations, that have been included in the Definition of Terms for information only, are shown in italics.

## Objectives

- AQ O1**     **Protect air from adverse effects — Te tiaki i te hau mai i ngā pānga kino**  
Protection of the mauri of air and human health from adverse *effects* of **anthropogenic** *contaminant* discharges to air.
- AQ O2**     **Ambient air quality — Te pai o te hau**  
The region's **ambient air** quality meets the National Environmental Standards for Air Quality (2004) (or its amendment or replacement).
- AQ O3**     **Local air quality — Te pai o te hau o te rohe**  
Sustainable management of discharges of *contaminants* to air according to their adverse *effects* on human health, cultural values, amenity values and the **receiving environment**.

## Policies

- AQ P1**     **Classification of activities — Te wehewehenga o ngā mahinga**  
**Manage** the discharge of *contaminants* to air **according to the following**:
- (a) Provide for the discharge of *contaminants* to air by permitting discharges from activities where the discharge can be suitably managed with general conditions to avoid, remedy or mitigate any adverse *effects* of the discharge.
  - (b) **Classify** all other discharges where (a) does not apply, as controlled, restricted discretionary, discretionary, or non-complying activities.

**AQ P2 Hazardous substances — Ngā matū mōrearea**

Seek to avoid adverse *effects* from discharges of **hazardous substances** and hazardous air pollutants to air and where avoidance is not practicable, remedy or mitigate the adverse *effects* of the discharge using the *best practicable option*.

**AQ P3 Management of discharges — Te whakahaere i ngā tukunga**

Activities that discharge *contaminants* to air must be managed, including by use of the *best practicable option*, to:

- (a) safeguard the life supporting capacity of the air, protect human health, and avoid, remedy or mitigate adverse *effects* on cultural values, amenity values, and the *environment*
- (b) **avoid** the discharge of *contaminants* at a rate or volume that may cause an exceedance or breach of the **ambient air** quality standards of the National Environmental Standards for Air Quality (or its replacement or amendment).
- (c) **avoid** reduction in visibility where it may cause adverse *effects* on vehicle, aircraft, or *ship* safety
- (d) avoid, remedy or mitigate the discharge of *contaminants* that may cause adverse *effects* on regionally significant **infrastructure/industry**

**AQ P4 Matters to consider — Ngā take hei whiriwhiri**

Have particular regard to the following matters when considering the acceptability of any discharge of *contaminants* to air:

- (a) The proximity of **sensitive areas** to the discharge including the *effect* of new activities discharging *contaminants* into air near established **sensitive areas**.
- (b) Areas where the discharge may cause an exceedance or breach of the **ambient air** quality standards of the National Environmental Standards for Air Quality or exceed the Health-based Guideline Values in Table 1 of the Ambient Air Quality Guidelines (or their replacements or amendments).
- (c) Adverse *effects* on air quality values identified in the relevant iwi and hapū resource management plans during assessments of resource consent applications.
- (d) The *effect* of the prevailing weather conditions, including rainfall, wind speed and wind direction.
- (e) The *effect* of the discharge on human health, cultural values, amenity values, the *environment*, and regionally significant **infrastructure**.
- (f) Cumulative *effects*.
- (g) Whether a change to an activity expressly allowed by an existing resource consent will cause a net increase of **particulates** into an **airshed** in breach of the ambient air quality standard for **particulates** of the National Environmental Standards for Air Quality.
- (h) The operational requirements and locational constraints relevant to the discharge and/or activity.
- (i) Any other recognised air quality guidelines or standards (not listed) that are appropriate to the discharge.
- (j) The FIDOL factors (frequency, intensity, duration, offensiveness, location) when determining adverse *effects* in relation to odour and dust discharges.
- (k) The investment of existing **infrastructure** that mitigates adverse *effects* of discharges of *contaminants* to air.

**AQ P5 Open burning — Te tahutahu ahi**

Manage **open burning** by:

avoiding the discharge of *contaminants* to air from **open burning** within 100 metres of any neighbouring **dwelling house**, except where carried out as part of a **recreational/cultural** activity, provided the burning is managed to minimise production of noxious or dangerous, offensive or objectionable discharges

permitting **open burning**:

- (a)
  - (i) provided the burning is managed to minimise production of noxious or dangerous, offensive or objectionable discharges
  - (ii) of animal carcasses and/or vegetative material burned in accordance with quarantine or disease control requirements
- (b)
  - (iii) for the purposes of firefighting research or training.

**AQ P6 Solid fuel burners — Ngā pāka ahi**

Avoid significant adverse *effects* on the *environment* from the operation of **solid fuel burners** installed in **dwelling houses** or buildings by avoiding:

- (a) excessive discharge of **particulates** (eg. caused by burning wet wood or restricting oxygen flow to the fire)
- (b) any discharge that is noxious or dangerous, offensive or objectionable (eg. burning painted or **treated timber** or *waste*).

**AQ P7 Solid fuel burners in Rotorua Airshed — Ngā pāka ahi i te Takiwā Hau o Rotorua**

Avoid discharges of **particulates** to air from certain **solid fuel burners** in the **Rotorua Airshed**, in particular discharges from:

- (a) new **solid fuel burners**, except **pellet burners**, replacement low emissions **woodburners/ultra-low emission burners**, and new **woodburners/ultra-low emission burners** where an **offset** is provided
- (b) **indoor open fires, coal burners, multifuel burners**, and **woodburners** installed before September 2005
- (c) **solid fuel burners** that have been **refurbished** since their installation
- (d) **solid fuel burners** used or designed for use other than as a **space heater** except where exceptional circumstances apply.

**AQ P8 Agrichemical spraying — Te tōrehu matū ahuwheua**

**Agrichemical** sprayers will manage adverse *effects* on human health and the *environment* by:

- (a) avoiding spray drift beyond the boundary of the **subject property** and into non target *water bodies* where reasonably practicable
- (b) mitigating *effects* particularly on **sensitive areas** where avoidance of spray drift is not possible
- (c) managing **agrichemical** spraying activities according to the risk of spray drift becoming noxious or dangerous, offensive or objectionable
- (d) encouraging best practice to manage potential adverse *effects* on air quality.

**AQ P9 Fumigation for quarantine application or pre-shipment application — Auahina ki te paitini mō te tono taratahi, tono utanga-tōmua rānei**

Protect human health and the *environment* from adverse *effects* from use of fumigants for **quarantine application** or **pre-shipment application** by:

- (a) enforcing the *best practicable option* for use of the fumigant, including via the use of **effective recapture** technology of fumigant gases, the use of safer fumigants, or alternative methods
- (b) ensuring compliance with relevant exposure levels and management regime set by the New Zealand Environmental Protection Authority to protect human health
- (c) having particular regard to protecting the health of persons in **sensitive areas** from fumigant exposure.

**AQ P10 Offsets in Rotorua Airshed — Ngā whakatautika i te Takiwā Hau o Rotorua**

Any **offsets** required in the **Rotorua Airshed** by Regulation 17 of the National Environmental Standards for Air Quality must:

- (a) be expressed in kilograms per year and calculated using annual mass emission rates based on the maximum consented discharge rate
- (b) be based on quantifiable emissions reduced from another source or sources that can be shown to have occurred, either by measurement, monitoring or other robust means
- (c) permanently remove the emissions used as **offsets** from the **Rotorua Airshed**
- (d) be located within the **Rotorua Airshed** or where emissions can be shown to contribute to the **Rotorua Airshed**
- (e) be carried out as close as practicable to where the *effects* of the emissions being **offset** may occur
- (f) be above and beyond any emissions decrease that would otherwise occur or would otherwise be required by the Regional Council
- (g) assume that all **TSP** is **PM<sub>10</sub>** unless demonstrated otherwise
- (h) treat all **PM<sub>10</sub>** as equal, having the same health *effects* irrespective of the source of **PM<sub>10</sub>**
- (i) be effective before any emission from the proposed activity occurs
- (j) use the emission factors set out in Table AQ1 for each **solid fuel burner** type, where domestic sources are selected to provide reductions of emissions unless alternative emission factors for domestic sources have been determined based on robust evidence consisting of, but not limited to, actual measurements based on a suitable methodology.



Table AQ1 Emission factors for domestic sources

Source <sup>1</sup>	PM <sub>10</sub> Emission Factor Grams per kilogram (g/kg*)	Annual Fuel Use Tonnes per year	PM <sub>10</sub> Annual Emission Kilograms per year	Number of <b>solid fuel burners</b> to equal 1 tonne per year of PM <sub>10</sub>
Pre-2005 <b>woodburners</b>	10	2.5	25	40
Post-2005 (NESAQ compliant) <b>solid fuel burners</b>	4.5	2.5	11	91
<b>Multifuel burners</b> (wood)	10	2.5	25	40
<b>Multifuel burners</b> (coal)	19	1.8	34.2	29
<b>Pellet burners</b>	1.4	1.0	1.4	714

\*Wet weight

## Rules

Rules in this chapter apply to the management of discharges of *contaminants* to air from sources within the Bay of Plenty Region, including the *Coastal Marine Area*.

### AQ R1 General activities – Permitted — Ngā mahinga noa – E whakaaehia ana

Any discharge of *contaminants* into air which is not subject to any other rule in this regional plan and excluding the discharge of dust to air associated with a plantation forestry activity, is a permitted activity provided the following conditions are complied with:

- (a) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property** or into any *water body*.
- (b) The discharge of smoke or water vapour must not adversely affect the safety of any vehicle, aircraft, or *ship*.

Advice Note - Discharges of dust into air associated with activities within a plantation forestry activity are managed by the National Environment Standards for Plantation Forestry (2017). The plantation forestry activities are as listed in subparts 1-9 of the National Environment Standards for Plantation Forestry and do not include discharges or from roads or tracks managed by local authorities, the Department of Conservation or the New Zealand Transport Agency.

### AQ R2 General activities – Discretionary — Ngā mahinga noa – Ka whiriwhiriha

Any discharge of *contaminants* into air that cannot comply with any permitted activity rule, and is not specifically addressed by any other rule of this Air Quality chapter, is a discretionary activity.

<sup>1</sup> Emission factors based on *Rotorua Domestic Heating Survey* (2005) and the Ministry for the Environment's *Home heating emission inventory and other sources evaluation* (2015).

**AQ R3 Miscellaneous discharges – Permitted — Ngā tukunga matahuhua – E whakaaehia ana**

The discharge of *contaminants* to air from:

- (1) spray irrigation, soil injection, truck spreading, or land soakage of **liquid waste**
- (2) the ventilation and displacement of liquids in storage tanks and tankers
- (3) the use and application of **fertiliser** or lime
- (4) the disturbance of land and soil carried out according to rules LM R1, LM R2, and LM R3 of this regional plan
- (5) **contaminated land remediation** permitted by DW R24 of this regional plan
- (6) roasting of coffee beans
- (7) **fully enclosed in-vessel composting** producing up to 200 tonnes per year (of finished product) where emissions are captured and filtered
- (8) **free range farms** of up to 100 **poultry** birds
- (9) **open burning** for **recreational/cultural** purposes

are permitted activities provided the discharge does not cause any noxious or dangerous, offensive or objectionable *effect* beyond the boundary of the **subject property**.

Advice Note – Discharge of **liquid waste**, and the use and application of **fertiliser** or lime must also meet all other requirements of this regional plan (see DW Discharges to Water and Land and OSET On-site Effluent Treatment).

**AQ R4 Roads – Permitted —Ngā huarahi – E whakaaehia ana**

The discharge of dust to air from vehicle movements on **unsealed roads** is a permitted activity.

**AQ R5 Venting of geothermal gas and steam – Permitted — Te tuku kapuni ngāwha me te koromamao – E whakaaehia ana**

The discharge of geothermal gases and steam into air from any **bore** or soakage hole associated with the **anthropogenic** use of *geothermal water* and *geothermal energy* is a permitted activity, provided the following conditions are complied with:

- (a) The gas or steam must be a **vertical discharge** from a vent unless the discharge is located at least 200 metres from a **sensitive area**.
- (b) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.
- (c) The take or discharge of *geothermal water* must be less than 1,000 tonnes per day.

Advice note – This rule manages the discharge to air from *geothermal water* and/or *geothermal energy* use. The use of *geothermal water* and *geothermal energy* must comply with the rules in the GR Geothermal Resources module and the Rotorua Geothermal Regional Plan.

**AQ R6 Open burning – Permitted — Te tahutahu ahi noa – E whakaaehia ana**

Except where AQ R3, AQ R7 and AQ R8 apply, the discharge of *contaminants* to air from **open burning** is a permitted activity provided the fire is not located within 100 metres of any neighbouring **dwelling house**, unless written approval is obtained from the occupier/s of all such neighbouring **dwelling houses**, and the following conditions are complied with:

- (a) No materials either listed in AQ R10 or prohibited by the regulations of the National Environmental Standards for Air Quality are burned.
- (b) The discharge of smoke must not adversely affect the safety of any vehicle, aircraft, or *ship*.

- (c) The discharge must not be noxious or dangerous, offensive, or objectionable beyond the boundary of the **subject property**.

Advice Note: This rule manages **open burning** according to the potential for adverse effects on air quality. **Open burning** must also be carried out according to local bylaws and the Fire and Emergency New Zealand Act 2017.

**AQ R7 Open burning for emergency disposal of diseased carcasses and vegetation – Permitted — Te tahutahu ahi noa mō te whakawātea ohotata – E whakaaehia ana**

The discharge of *contaminants* to air from the emergency **open burning** of dead diseased marine mammals, dead diseased livestock, or infected or diseased vegetation is a permitted activity provided the following conditions are complied with:

- (a) Disposal must be carried out under the instruction of the responsible authority.
- (b) The discharge of smoke must not adversely affect the safety of any vehicle, aircraft, or *ship*.

Advice Note: Appropriate government departments at the time of notification are the Ministry for Primary Industries (livestock and vegetation) or the Department of Conservation (marine mammals). Regional Council's Pollution Hotline (or its equivalent) should be notified before burning begins, or as soon as practicable after burning commences.

**AQ R8 Open burning for firefighter training – Permitted — Te tahutahu ahi noa mō te whakangungu tinei ahi – E whakaaehia ana**

The discharge of *contaminants* to air from the burning of materials (including buildings and vehicles) for the purpose of firefighting research or training firefighters is a permitted activity provided the following conditions are complied with:

- (a) The fire must be under direct control of Fire and Emergency New Zealand, a **defence fire brigade**, or **industry brigade**.
- (b) The recognised body under (a) must notify:
  - (i) the Regional Council at least 24 hours before the training takes place and
  - (ii) the occupier of any properties within a 100 metre radius of the training site, no earlier than 72 hours and no later than 12 hours before the training takes place.
- (c) Notification under (b) must include:
  - (i) intended time and location of the training activity, and
  - (ii) details of any materials listed in AQ R10 that may be burned as part of the training and the potential adverse effects of these discharges.
- (d) No burning may be carried out within the **Rotorua Airshed** between the months of April to September of any calendar year.
- (e) The discharge of smoke must not adversely affect the safety of any vehicle, aircraft, or *ship*.

Advice Note: Regulation 9 of the National Environmental Standard for Air Quality prohibits the burning of coated wire except in certain cases such as when burnt as part of firefighter training.

**AQ R9 Open burning– Non-complying — Te tahutahu – Tautuku-kore**

Except where AQ R7 and AQ R8 apply, the discharge of *contaminants* to air from **open burning** within 100 metres of **any neighbouring dwelling house** is a non-complying activity unless:

- (a) written approval is obtained from the occupier/s of **any neighbouring dwelling house** within 100 metres of the **open burning**, or
- (b) the fire is for **recreational/cultural** purposes only

**AQ R10 Burning of specified material – Non-complying — Te tahutahu i ngā papanga kua tautuhia – Tautuku-kore**

Except as provided for in AQ R8 and AQ R21 the discharge of *contaminants* to air from the combustion of any of the following materials is a non-complying activity:

- (a) **treated timber** or painted timber (except pellets used in **pellet burners**)
- (b) any plastics (including packaging), foam, nappies or polystyrene
- (c) chlorinated organic chemicals including but not limited to **dioxins**, furans, polychlorinated biphenals (PCB)
- (d) contaminated material from contaminated sites and buildings
- (e) commercial food *waste*
- (f) domestic *waste*, except paper and cardboard
- (g) material that may contain heavy metals including but not limited to lead, zinc, arsenic, chromium, cadmium, copper, mercury, thorium (except **solid fuels** used in **fuel burning equipment**)
- (h) materials or metals used in motor vehicles
- (i) mineral fibres including but not limited to asbestos and insulation material
- (j) paint and other surface protective coatings
- (k) **pathological waste**
- (l) pesticides and pesticide *waste* (excluding cardboard pesticide containers)
- (m) rubber
- (n) soft furnishings and upholstery.

Advice Note: In addition to the materials in this rule, National Environmental Standards for Air Quality regulations prohibit the discharge of *contaminants* to air from the burning of the following materials:

- bitumen on a road
- coated wire
- tyres
- *oil* (in the open air)
- *waste* at landfills

except where the regulations provide otherwise. For full understanding of these restrictions, check the regulations of the National Environmental Standards for Air Quality as well as the provisions of this regional plan.

**AQ R11 Solid fuel burners outside the Rotorua Airshed – Permitted — Ngā pāka ahi i waho o te Takiwā Hau o Rotorua – E whakaaehia ana**

The discharge of *contaminants* to air from a **solid fuel burner** installed in any **dwelling house** or *building* outside the boundary of the **Rotorua Airshed**, is a permitted activity provided:

- (a) The discharge from the **solid fuel burner** complies with the regulations of the National Environmental Standards for Air Quality and any local bylaw
- (b) The **solid fuel burner** is operated so that all reasonable steps are taken to minimise the amount of smoke discharged
- (c) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**
- (d) No materials either listed in AQ R10 or prohibited by the National Environmental Standards for Air Quality regulations are burned.

**AQ R12 Solid fuel burners in the Rotorua Airshed – Permitted — Ngā pāka ahi i roto i te Takiwā Hau o Rotorua – E whakaaehia ana**

The discharge of *contaminants* to air from a **solid fuel burner** installed in any **dwelling house** or building inside the boundary of the **Rotorua Airshed** is a permitted activity if:

- (a) the discharge is from an **existing indoor open fire** provided the **indoor open fire** is:
- (i) located within a building which has been entered onto the **Heritage List** by **Heritage New Zealand**; or
  - (ii) on *industrial or trade premises* where the **indoor open fire** is used exclusively for the smoking and cooking of food for wholesale or retail sale

OR

- (b) the discharge is from a **pellet burner**, provided the **pellet burner** only burns the approved fuel for the device as specified in AS/NZS 4014.6:2007 Domestic solid fuel burning appliances – Test fuels – Wood pellets, or the functional equivalent

OR

- (c) the discharge is from either:
- (i) an **existing woodburner** installed before 1 September 2005, until 31 January 2020, or
  - (ii) a **coal burner or multifuel burner**, until 31 January 2020, or
  - (iii) an **existing woodburner** installed after 1 September 2005, or
  - (iv) an **existing outdoor solid fuel burner on a business premises, until 31 January 2020**

OR

- (d) the discharge is from a **woodburner** or **ultra-low emission** burner that:
- (i) **replaced** an **existing woodburner, coal burner, or multifuel burner** that was used primarily as a **space heater** in the same **dwelling house** or building, and
  - (ii) the **woodburner** has an **emission rate** less than or equal to 0.60, and
  - (iii) has a **thermal efficiency** of no less than 65%, and
  - (iv) is an **Authorised solid fuel burner**

AND

- (e) the discharge from **solid fuel burners** permitted in (a) to (d) complies with the following conditions:
- (i) the **solid fuel burner** is operated so that all reasonable steps are taken to minimise the amount of smoke discharged
  - (ii) the discharge is not noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**
  - (iii) no materials either listed in AQ R10 or prohibited by the National Environmental Standards for Air Quality regulations are burned.

**AQ R13 Solid fuel burners in the Rotorua Airshed – Discretionary — Ngā pāka ahi i roto i te Takiwā Hau o Rotorua – Ka whiriwhirihia**

The discharge of *contaminants* to air from a **woodburner** or **ultra-low emission burner** installed in any **dwelling house** or building inside the boundary of the **Rotorua Airshed** that is not otherwise permitted by AQ R12(c) or AQ R12(d):

- (a) was **offset** by replacing or removing an **existing woodburner, coal burner or multifuel burner** with an **emission rate** of 0.60 or greater, in a **dwelling house** or building within the **Rotorua Airshed**, and
- (b) the **woodburner** has an **emission rate** less than or equal to 0.60, and

- (c) has a **thermal efficiency** of no less than 65% and
- (d) is an **Authorised solid fuel burner**

is a discretionary activity.

**AQ R13A Existing outdoor solid fuel burners in the Rotorua Airshed – Discretionary – (tba) – Ka whiriwhirihiā**

After 1 February 2020, the discharge of *contaminants* to air from an **existing outdoor solid fuel burner** on a business premises inside the boundary of the **Rotorua Airshed** is a discretionary activity.

**AQ R13B Solid fuel burners with secondary emission reduction devices in the Rotorua Airshed – Discretionary – (tba) – Ka whiriwhirihiā**

The discharge of contaminants to air from a **woodburner** installed in any **dwelling house** or building after 1 September 2005 that is fitted with a **secondary emission reduction device**, is a discretionary activity.

**AQ R14 Solid fuel burners in the Rotorua Airshed – Non-complying – Ngā pāka ahi i roto i te Takiwā Hau o Rotorua – Tautuku-kore**

Within the **Rotorua Airshed** the discharge of *contaminants* to air from any **solid fuel burner** that is not a permitted or discretionary activity according to a rule in this regional plan, is a non-complying activity. This applies from 27 February 2018 except in the following cases:

- (a) The discharge of *contaminants* to air from any **woodburner** that was installed in any **dwelling house** or building before 1 September 2005, or from any **refurbished solid fuel burner**, is a non-complying activity from 1 February 2020.
- (b) The discharge of *contaminants* to air from any **coal burner** or **multifuel burner** in any **dwelling house** or building is a non-complying activity from 1 February 2020.

**AQ R15 Agrichemical spraying – Permitted – Tōrehu matūahuwhenua – E whakaaehia ana**

All discharges of *contaminants* to air from the use of **agrchemicals** under any part of this rule must comply with the following conditions:

- (1) **General use of agrichemicals**
  - (a) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**, in any non-target *water body*, or in any non-target watercourse listed in Schedule 3 of this regional plan.
  - (b) Where the use of the **agrchemical** is for the prevention, eradication or management of unwanted organisms or pests, the **agrchemical** must be used under the direction of the responsible authority under the Biosecurity Act 1993.
  - (c) Where the **agrchemical** is sprayed using **drone application**, the **drone** must not operate more than **10** metres above the target while **agrchemicals** are being distributed from the **drone**. If this condition cannot be complied with, the spray method is **aerial application**, and conditions relevant to **aerial application** must be complied with.
  - (d) Persons carrying out spraying of **agrchemicals**, other than the use of hand-held application methods, must be certified by an industry approved training programme, designed to encourage best practice to prevent spray drift in accordance with New Zealand Standard 8409:2004 (or its replacement or amendment).



- (2) Method of application of **agricultural chemicals**
- (a) The discharge of *contaminants* into air from **agricultural chemical** spraying using **hand-held non-motorised application** methods is a permitted activity provided conditions 3(a) and 4(d) are complied with.
  - (b) **Hand-held motorised application** methods or application methods using a **low pressure boom** is a permitted activity provided conditions 3(a), 3(d), 4(c), 4(d), are complied with.
  - (c) Any other application method is a permitted activity provided conditions 3(a), 3(b), 3(c), 4(a), 4(b), 4(c), 4(d), 5(a), 5(b), 5(c) and 5(d) are complied with.

(3) Signage

Where specified by condition (2), the following conditions apply:

- (a) Where **agricultural chemicals** are sprayed on **public amenity areas** signs must be displayed at every entrance where the public usually have entry to the area where the **agricultural chemical** is being sprayed (except where the entrance is from private property). Where **agricultural chemicals** are sprayed on other areas, signs must be displayed at the main entrance to the property. Signs required by this condition must clearly state:
  - (i) "CAUTION – SPRAYING IN PROGRESS" or similar wording
  - (ii) the name and type of **agricultural chemical** used
  - (iii) a start and end date for spray operations
  - (iv) the name and phone number of the person carrying out the spraying
  - (v) that while signs are in place, it is not safe to enter.
- (b) Where **agricultural chemicals** are sprayed within **50** metres of any **public amenity area** (**ground-based application** or **drone application** complying with condition 1(c)) or **200** metres (**aerial application** excluding **drone application** complying with condition 1(c)), signs must be prominently displayed on the boundary of the **public amenity area** and must clearly state "caution – spraying in progress" or similar wording.
- (c) Signs required by 3(a) or 3(b) should remain in place until all airborne spray has settled and the **agricultural chemical** has dried on its target surface. Signs must be removed within 5 days once the area is safe to re-enter.
- (d) Any vehicles being used to apply **agricultural chemical** spray on **public amenity areas** must display prominent signs front and back that clearly state "CAUTION – SPRAYING IN PROGRESS" or similar wording.

(4) Notification

Where specified by condition (2), the following conditions apply:

- (a) The owner/occupier or agent must notify the occupier of any properties within **50** metres (**ground-based application** or **drone application** complying with condition 1(c)) and **200** metres (**aerial application** excluding **drone application** complying with condition 1(c)) of where the **agricultural chemical** is being sprayed:  
EITHER
  - (i) by notification, required no earlier than 72 hours, or **20 days** for spraying carried out on plantation forestry or in a conservation area, and no later than 12 hours before the **agricultural chemical** spraying. Notification must include the following:
    - the address and location of proposed application
    - the date/s of proposed application

- name and type of **agricultural** to be applied
- name and phone number of person carrying out the spraying.

OR

- (ii) according to a notification agreement with the occupier. The notification agreement must:
- contain (as a minimum) method of notification and minimum time for notification prior to spraying
  - be recorded in writing and signed by all parties
  - be reviewed and re-signed annually.
- (b) Details of notification (including but not limited to date and time of notification, parties notified, method of notification) must be recorded.
- (c) Where **agricultural** spraying is being carried out by any person other than the owner/occupier or agent responsible for notification, the person carrying out the spraying must confirm that notification requirements have been met before spraying takes place.
- (d) Where **agricultural** are sprayed on **public amenity areas**, the owner/occupier or agent **must publicly notify (according to section 2AB(1)(a) of the Act)** the **agricultural** spraying no earlier than **10 days** or **20 days** for spraying carried out on plantation forestry or in a conservation area, and no later than 24 hours before the **agricultural** spraying. Notification must include the following information:
- (i) The name and type of **agricultural** used.
  - (ii) A start and end date for spray operations.
  - (iii) Contact details of the authority responsible for the spraying.
- (5) Spray Risk Management Plan
- Where specified by condition (2), the following conditions apply:
- (a) Prior to the **agricultural** spraying, a spray risk management plan must be prepared and implemented by the owner/occupier or agent.
- (b) The spray risk management plan must contain the following information:
- (i) A plan or map identifying the location of any **sensitive areas** within **50** metres of the land being sprayed by **ground based application** or **drone application** (complying with condition 1(c)), or within **200** metres of the land being sprayed by **aerial application** (excluding **drone application** complying with condition 1(c)).
  - (ii) Areas to be sprayed, type of **agricultural** likely to be used during the year and the times of year that spraying is likely to occur.
  - (iii) Strategies used to avoid contamination of **sensitive areas**.
  - (iv) Strategies to mitigate any spray drift caused by particular weather conditions,
  - (v) Strategies to manage any specific hazard associated with the **agricultural** to be sprayed (eg. toxicity to bees).
- (c) The spray risk management plan must be reviewed and updated each year that spraying will be carried out.
- (d) **The spray risk management plan must be made available upon request within 20 working days of such a request being made.**

Advice Note: This rule manages the air discharge component of **agricultural** use. Users must also comply with all other rules in this regional plan (see DW Discharges to Water and Land). Other matters that should be considered when using **agricultural** include: **certification, personal protection equipment**, storage, transport, and disposal.



Users (particularly large-scale) should also comply with the New Zealand Standard Management of Agrichemicals NZS 8409:2004.

#### AQ R16 **Spraypainting – Permitted — Peita tōrehu – E whakaaehia ana**

The discharge of *contaminants* to air from the spray application, of surface coatings, including those containing di-isocyanates, or spray on anti-fouling paint (excluding the application of protective coatings to **transmission line support structures**, the use of water based paints, or up to 0.5 litres per hour and 5 litres per month of solvent based paints) is a permitted activity if:

- (a) The spraying is carried out, at a rate of no more than 2 litres per hour, in a spray booth, room, or enclosure fitted with an air extraction system and air filtering system to control the discharge of **particulates** and where the systems are maintained in accordance with the manufacturer's instructions
- (b) All *contaminants* and exhaust air from the enclosed spraying and drying areas must discharge to an emission stack or stacks, and the discharge from the emission stack or stacks is an **unimpeded vertical discharge** from the emission stack at least 3 metres above the ridge height of the building and 3 metres above the highest ridgeline of any roof within 30 metres.
- (c) Where spraypainting is carried out, on surfaces of fixed or large structures that cannot practicably be dismantled and transported to a spray booth, the discharge must be controlled using the *best practicable option* such as screening and paint technologies; and, when surface coatings containing di-isocyanates or anti-fouling paints are used:
  - (i) The owner/occupier/agent must notify the occupier of any property within 50 metres of the spray application site at least 24 hours prior to commencing the work.
  - (ii) An exclusion zone must prevent any public access within 15 metres of the spray application site.
- (d) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.

Advice Note: The discharge of *contaminants* to air from blasting and applying protective coatings to a **transmission line support structure** is managed by the National Environmental Standards for Electricity Transmission Activities 2009.

#### AQ R17 **Abrasive blasting – Permitted — Te whakapahū pākaha – E whakaaehia ana**

The discharge of *contaminants* to air from an abrasive blasting operation (excluding blasting of **transmission line support structures**) is a permitted activity provided the following conditions are complied with:

- (a) The discharge from any abrasive blasting operation must be controlled either:
  - (i) through use of a sealed abrasive blasting booth where the air is extracted from the booth using a filtering system maintained according to the manufacturer's instructions

OR

  - (ii) where abrasive blasting is carried out on surfaces of fixed or large structures that cannot practicably be dismantled and transported to a blasting booth the discharge must be controlled using a current, best practice method such as screening, wet nozzles, or vacuum.
- (b) Material used for blasting must not contain more than 5% free silica on a dry weight basis.
- (c) The site and work areas must be kept clean and free of accumulations of deposited abrasive blasting material and other debris.
- (d) For mobile abrasive blasting operations:
  - (i) the owner/occupier/agent must notify the occupier of any properties within 50 metres of the blasting site at least 24 hours prior to commencing the work

- (ii) all blasting material and other debris must be removed from site once the operation is completed.
- (e) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**, or discharge into any *water body*.

Advice Note: The discharge of *contaminants* to air from blasting and applying protective coatings to a **transmission line support structure** is managed by the National Environmental Standards for Electricity Transmission Activities 2009.

**AQ R18 Fuel burning equipment (Boilers) – Permitted — Ngā taonga ngingiha kora (Ngā kōhua nunui) – E whakaaehia ana**

(1) General discharges from **fuel burning equipment**

All discharges of *contaminants* to air from **fuel burning equipment** under any part of this rule must comply with all of the following conditions:

- (a) The discharge must be an **unimpeded vertical discharge** from an emission stack.
- (b) The **fuel burning equipment** and any emission control equipment must be maintained in accordance with the manufacturer's specifications at least once every year by a person competent in the maintenance of that equipment.
- (c) The sulphur content of any fuel burnt must be less than 1% by weight.
- (d) The discharge of smoke or water vapour must not adversely affect vehicle safety, aircraft safety, or *ship* safety.
- (e) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property** or into any *water body*.

(2) Equipment installed before 27 February 2018

- (a) For **fuel burning equipment** generating a gross heat energy output (within the combustion chamber) of less than 40kW (of any fuel), the discharge is a permitted activity.
- (b) For **fuel burning equipment** generating a gross heat energy output within the combustion chamber:
  - A. between 40kW up to 500kW, from the combustion of clean *oil*, coal or **untreated wood**
  - OR
  - B. between 40kW up to 1MW from the combustion of natural or liquefied petroleum gas

the discharge is a permitted activity provided conditions (1)(a) to (1)(e) are met and any emission stacks constructed after December 2003 rise at least 6 metres above the ground and 3 metres above the highest ridgeline on the roof of any building less than 20 metres from the emission stack.

- (c) For **fuel burning equipment** generating a gross heat energy output within the combustion chamber:
  - A. greater than 500kW up to 2MW from the combustion of clean *oil*, coal or **untreated wood**
  - OR
  - B. greater than 1MW up to 4MW from the combustion of natural or liquefied petroleum gas

the discharge is a permitted activity provided:

- (i) conditions (1)(a) to (1)(e) are met and any emission stacks constructed after December 2003 rise at least 12 metres above

- ground level and at least 3 metres above the highest ridgeline on the roof of any building less than 20 metres from the emission stack
- (ii) the emission stack is designed so that the minimum velocity of the discharge as it leaves the chimney at full load is 7 metres per second.
- (d) For **fuel burning equipment** generating a gross heat energy output within the combustion chamber:
- A. greater than 2MW up to 5MW from the combustion of clean *oil*, coal or **untreated wood**
- OR
- B. greater than 4MW up to 10MW from the combustion of natural or liquefied petroleum gas
- the discharge is a permitted activity provided:
- (i) conditions (1)(a) to (1)(e) are met and any emission stacks constructed after December 2003 rise at least 14.9 metres above ground level and at least 3 metres above the highest ridge line on the roof or any building within 20 metres
- (ii) the emission stack is designed so that the minimum velocity of the discharge as it leaves the chimney at full load is 7 metres per second
- (iii) The concentration of **particulates** shall not exceed 400 milligrams per cubic metre corrected to 0 degrees Celsius dry gas basis, 1 atmosphere pressure and 8% oxygen
- (iv) The mass discharge of **particulates** shall not exceed 2.5 kilograms per hour.
- (3) Equipment installed after 27 February 2018
- The discharge of *contaminants* to air from **fuel burning equipment** generating a gross heat energy output within the combustion chamber of up to and including:
- A. 500kW gross heat energy output from the combustion of clean *oil*, coal or **untreated wood**
- OR
- B. 10MW gross heat energy output from the combustion of natural or liquefied petroleum gas
- is a permitted activity provided the following conditions are complied with:
- (a) The total combined gross heat output from all **fuel burning equipment** installed on the property after 27 February 2018 must not exceed the limits in 3(A) and 3(B). Where more than one fuel type is used, the combined gross heat output must not exceed the lowest kilowatt or megawatt threshold of any of the fuel types used.
- (b) The emission stack exit velocity must not be less than 10 metres per second except for a 15 minute period during start-up.
- (c) All emission stacks must rise at least:
- (i) 12 metres above the ground
- AND
- (ii) and 3 metres above the highest ridgeline on the roof of any building within 20 metres from the emission stack.
- (d) **Fuel burning equipment** using clean *oil*, coal or **untreated wood**, must not discharge any amount of **particulates** into any part of the **Rotorua Airshed** at any time.

**AQ R19 Intensive farming – Controlled — Ngā mahi ahuhenua – E whakahaerehia ana**

The discharge of *contaminants* into air from a permanent, **intensive farming** operation established prior to 1 January 2001, is a non-notified, controlled activity for which applications will be considered without the need to obtain the written approval of affected persons.

The Regional Council reserves control over the following matters:

- (a) Setting conditions to control dust, odour, **particulates**, including but not limited to any matter contained in relevant industry codes of practice.
- (b) Duration of consent.
- (c) Compliance monitoring.
- (d) Review of the conditions of the consent and the timing and purpose of the review.
- (e) Payment of administrative charges.

**AQ R20 Fumigation for quarantine application or pre-shipment application – Discretionary or Non-complying — Auahina ki te paitini mō te tonono taratahi, tonou utanga-tōmua rānei – Ka whiriwhirihia, Tautuku-kore rānei**

The discharge of *contaminants* into air from fumigation for **quarantine application or pre-shipment application**:

Using fumigants other than methyl bromide, is a discretionary activity.

- (a) Using methyl bromide with **effective recapture**, is a discretionary activity.
- (b) Using methyl bromide without **effective recapture**, is a non-complying activity.
- (c)

**AQ R21 Specific activities – Discretionary— Ngā mahinga tauwhāiti – Ka whiriwhirihia**

The discharge of *contaminants* into air from any of the following activities is a discretionary activity:

- (a) **Agrichemical** manufacture.
- (b) Asphalt or bitumen manufacture or processing.
- (c) Breweries.
- (d) Cement manufacture.
- (e) Chemical manufacture or mixing.
- (f) Composting, except where provided for by AQ R3, where the compost is for sale or commercial use.
- (g) Crematoria where a new facility with a new discharge to air is being established after 27 February 2018.
- (h) Distilling operations including but not limited to petroleum refining.
- (i) **Enclosed incinerators** where any of the materials listed in AQ R10 are burned.
- (j) Farming activities as follows:
  - (i) **free range farming** of pigs, or more than 100 **poultry** birds, where either a free range farming operation farm is being established or where an existing farming operation increases character, intensity or scale of the **effects** that existed as at 27 February 2018
  - (ii) **intensive farming** not controlled by AQ R19.
- (k) Glass making.
- (l) Industrial resin or glue manufacture.
- (m) Kraft and chemical pulping or reconstituted wood panel manufacture.
- (n) Metal processing including (but not limited to) aluminium smelters, commercial foundries and metallurgical processing, steel galvanising and steel mills.

- (o) Milk powder or milk based powder manufacture.
- (p) Paint manufacture.
- (q) Pesticide manufacture.
- (r) Pet food manufacture by the application of heat.
- (s) Processing of animal products including (but not limited to) animal rendering and by-product processing plants, commercial fellmongering, woolscourers, and dag crushing plants.
- (t) Processing of radioactive substances.
- (u) Pulp, paper, or paper board manufacturing
- (v) Pyrolysis, torrefaction, or gasification of carbonaceous material.
- (w) Synthetic **fertiliser** manufacture
- (x) *Waste* processing activities as follows:
  - (i) municipal sewage treatment plants (excluding pump stations and associated odour beds)
  - (ii) *waste* facilities including refuse transfer stations, resource recovery, recycling centres, baling stations
  - (iii) landfills (excluding **untreated wood waste** and **cleanfill**).

Advice Notes:

The operation of an **incinerator** at a school or healthcare institution is prohibited under the National Environmental Standards for Air Quality, unless a resource consent was granted before 30 October 2006.

To avoid doubt, Rule AQ R21(g) does not apply to replacements, maintenance or upgrades to existing crematoria facilities.

**AQ R22 Handling of bulk solid materials – Discretionary – (tba) – Ka whiriwhirihiā**

Unless otherwise permitted by AQ R26, the discharge of *contaminants* to air from the **handling of bulk solid materials** where:

- (a) the rate of **bulk solid material handling** exceeds 20 tonnes in any hour, and the discharge occurs less than 100 metres from any **sensitive area**, or
- (b) the rate of **bulk solid material handling** exceeds 50 tonnes in any hour, is a discretionary activity.

**AQ R23 Mobile or emergency diesel generators and pumps – Permitted – (tba) – E whakaaehia ana**

- (a) The discharge of *contaminants* to air from the internal combustion of diesel in any mobile or emergency generator or pump with a maximum load of 1000 kilovolt-amperes is a permitted activity provided the following conditions are met:
  - (i) the discharge must not occur for more than 48 hours during any single event within 50 metres of a **sensitive area**, and
  - (ii) fuel used in the generator or pump must comply with the Engine Fuel Specifications Regulations 2011, and
  - (iii) the discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.
- (b) For the internal combustion of diesel in any mobile or emergency generator or pump with a total combined output of less than 5000 kilovolt-amperes, the discharge is a permitted activity provided:
  - (i) the discharge is associated with electricity generation activities, including geothermal drilling, and

- (ii) the discharge must not occur for a period of more than 3 months per wellhead or generation site, and
- (iii) the discharge must not occur within 200 metres of a **sensitive area**, excluding discharges to air from pumps which may be located adjacent to *water bodies* and buildings that are defined as a **sensitive area** and are uninhabited for the duration of the discharge, and
- (iv) fuel used in the generator or pump must comply with the Engine Fuel Specifications Regulations 2011, and
- (v) the discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.

**AQ R24 Flaring of natural gas – Permitted – (tba) - E whakaaehia ana**

The discharge of *contaminants* to air from the combustion of natural gas by temporary flaring is a permitted activity provided the following conditions are met:

- (a) the equipment is designed specifically for flaring of natural gas
- (b) the discharge must be an **unimpeded vertical discharge** from the emission stack
- (c) the equipment must be maintained in accordance with the manufacturer's specifications at least once per year by a person competent in the maintenance of that equipment
- (d) the discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.

**AQ R25 Agrichemical spraying – Controlled – Torehu matuahuhenua - E whakahaerehia ana**

The discharge of *contaminants* to air from the use of **agrchemicals** not otherwise permitted by AQ R15 is a controlled activity.

The Regional Council reserves control over the following matters:

- (a) the location where spraying will take place, frequency of spraying, application method, and proximity of spraying to sensitive activities
- (b) measures to manage spray drift including setting conditions to ensure the discharge is not noxious or dangerous, offensive or objectionable, beyond the boundary of the **subject property**
- (c) measures to notify neighbouring properties that spraying will take place (including notification and signage)
- (d) notification agreements with neighbours
- (e) the preparation of and contents of a spray risk management plan
- (f) duration of consent and consent condition review including the timing and purpose of the review

**AQ R26 Cement storage and handling – Permitted – (tba) – E whakaaehia ana**

The discharge of *contaminants* to air from the storage, **handling**, redistribution, or packaging of cement, and cement additives is a permitted activity provided the following conditions are complied with:

- (a) The cement is delivered using a fully enclosed conveyance system and stored in silos.
- (b) The silos must be fully enclosed and fitted with a fabric filtration system that is installed and maintained in accordance with the manufacturer's specifications.
- (c) Cement additives such as fly ash and microsilica must be bagged and debagged within an enclosed structure fitted with appropriate dust control



equipment that is installed and maintained in accordance with the manufacturer's specifications.

- (d) There must be no accumulation of dust or **particulates** on site.
- (e) The discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property** or into any *water body*.

#### AQ R27 **Crematoria – Controlled – (tba) – E whakahaerehia ana**

From 1 February 2020, the discharge of *contaminants* to air from crematoria facilities that were established before 27 February 2018, is a controlled, non-notified activity for which applications will be considered without the need to obtain the written approval of affected persons.

The Regional Council reserves control over the following matters:

- (a) Setting conditions to control cremator operation, upgrades, maintenance and replacements, the number of cremations and contaminants discharged from the facility, including but not limited to any matter contained in relevant industry codes of practice.
- (b) Setting conditions to require stack emissions monitoring and testing of soil samples to assess mercury accumulation.
- (c) Duration of consent and consent condition review including the timing and purpose of the review
- (d) Compliance monitoring.
- (e) Payment of administrative charges.

### ***Interpretation of the terms noxious or dangerous, offensive or objectionable***

Several rules in the Air Quality chapter use the terms 'noxious or dangerous' or 'offensive or objectionable' as included in section 17 of the Act. These terms are not defined in the Definitions of Terms as they need to take account of case law precedents as they develop. However, some guidance is provided to give some certainty as to how the Council will interpret and implement these terms to determine whether an activity complies with permitted conditions or a resource consent condition.

In assessing whether an activity is noxious, dangerous, offensive or objectionable, the decision maker acts as representative of the community at large, weighs all competing considerations and ultimately makes a value judgement on behalf of the community as a whole. The decision maker must consider whether an "ordinary and reasonable person" would consider the action offensive and objectionable.

#### **Noxious or dangerous**

The dictionary definition of 'Noxious' means harmful, unwholesome. 'Dangerous' means involving or causing exposure to harm.

Noxious or dangerous in the context of the Air Quality chapter is an activity or discharge of *contaminants* to air that is harmful to people, property, or the *environment*. This may include, but is not limited to, the following:

- (a) Human health *effects*.
- (b) Contamination of potable water supplies where the concentration of **contaminant** in the water supply is at a level that exceeds the safe level for human consumption.
- (c) Exceedance of a maximum residue limit for an **agricultural** on, or in, food or stock feed at harvest or slaughter.

- (d) Adverse *effects* on ecosystems including *water bodies*. This includes exotic and indigenous flora and fauna.
- (e) Damage to crops or plants where *contaminants* have affected the growth or quality of the crop such that levels exceed safe levels for human consumption.
- (f) A discharge of **fertiliser** or **agricultural** spray that compromises the organic status of another property.
- (g) Damage to paintwork, windows or surfaces from deposition of airborne *contaminants*.
- (h) Reduced visibility that endangers the passage of any vehicle, aircraft, or *ship*.

### Offensive or objectionable

The dictionary definition of 'offensive' is giving or meant to give offence, disgusting, foul-smelling, nauseous, repulsive. 'Offensive' is defined as 'open to objection, unpleasant, offensive.

To determine if a discharge is offensive or objectionable, the Regional Council will make an overall judgment that considers the FIDOL factors as follows:

Frequency – how often an individual is exposed.

Intensity – the strength or concentration.

Duration – the length of exposure.

Offensiveness/character – the hedonic tone (pleasant, neutral, unpleasant) or type.

Location – the type of land use and nature of human activities in the vicinity of the source.

When assessing discharges (odour, smoke, dust and **particulates**) the Regional Council will use the following approach:

- (a) An experienced, warranted Council Officer will make an assessment of the situation taking into account the FIDOL factors.
- (b) If the discharge is deemed to be offensive or objectionable by the warranted Council Officer, the discharger may be asked to take whatever action is necessary to avoid, remedy or mitigate the effects of the discharge on the *environment*.
- (c) If the discharger disputes the warranted Council Officer's assessment or the problem is ongoing, then further evaluation may be required. This evaluation could include:
  - (i) An assessment by another experienced, warranted Council Officer.
  - (ii) For odour, monitoring using olfactometry or other appropriate technology.
  - (iii) For particulates, monitoring of particulates beyond the boundary will be compared with the National Environmental Standards for Air Quality for particulates if people may be exposed.



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## Definition of Terms

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**Aerial application** means any application of **agricultural chemicals** where the product is applied from an aircraft including but not limited to planes, helicopters and **drones**.

**Airshed** (as defined by the National Environmental Standards for Air Quality) *means*:

- (a) *The region of a regional council excluding any area specified in a notice under paragraph (b).*
- (b) *A part of the region of a regional council specified by the Minister for the Environment by notice in the New Zealand Gazette to be a separate airshed.*

**Ambient air** means the air outside buildings and structures. This does not include indoor air or contaminated air discharged from a source.

**Anthropogenic** means created by or caused by humans.

**Authorised solid fuel burner** means a **solid fuel burner** that is either:

- (a) on the Ministry for the Environment's Authorised Wood Burner list or
- (b) has been authorised under the New Zealand Domestic Solid Fuel Burner Authorisation Manual 2011 (or its amendment or replacement).

**Bulk solid material** means materials consisting of, or including, fragments that could be discharged as dust or **particulates**. These materials include but are not limited to: gravel, quarried rock, **fertiliser**, coal, cement, flour, rock aggregate, grains, compost, palm kernel extract, tapioca, and woodchip.

**Coal burner** means a **solid fuel burner** designed to burn coal, which has one or more of the following design features:

- (a) fuel combustion air supplies with separate controls
- (b) grate in the base of the firebox
- (c) ash pan under the grate.

**Defence fire brigade** means a unit of any other part of the Armed Forces established and trained under the authority of the Chief of Defence Force under the Defence Act 1990 for the prevention, suppression, and extinguishment of fires.

**Dioxins** means the group of chemicals known as polychlorinated dibenzodioxins and polychlorinated dibenzofurans, and other chemicals such as polychlorinated biphenyls, which are known to have dioxin-like *effects*.

**Drone** means an Unmanned Aerial Vehicle (UAV) or Remotely Piloted Aircraft System (RPAS).

**Drone application** means **aerial application** of **agricultural chemicals** using a **drone**.

**Dwelling house** means any building, whether permanent or temporary, that is occupied, or is intended to be occupied, in whole or in part, as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited.

**Effective recapture** in relation to fumigation, means a process that captures any fumigant from fumigation enclosures (such as buildings, shipping containers or gas proof sheets covering target product) on activated carbon or other medium so that it is not released into the atmosphere when the fumigation enclosure is ventilated such that the concentration of fumigant (not absorbed by the target product) within the fumigation enclosure at the beginning of the fumigation period is reduced by 80% prior to ventilation of the fumigation enclosure.

**Emission rate** when used in relation to **solid fuel burners** means the amount of particles (in grams) discharged from a **solid fuel burner** for each kilogram of dry wood burnt. The discharge must be measured in accordance with:

- (a) the method specified in Australian/New Zealand Standard AS/NZS 4013:2014, Domestic solid fuel burning appliances – Method for determination of flue gas emission, or
- (b) for a **woodburner** excluded from that method, another method that is functionally equivalent.

**Enclosed incinerator** means an incinerator with a burning chamber that is closed off during use and with a regulated supply of air to the fire.

**Existing** in relation to **solid fuel burners** means a **solid fuel burner** which:

- (a) is in situ and has a building permit issued under the Local Government Act 2002, or
- (b) is in situ and has a building consent issued under the Building Act 2004, or
- (c) is the subject of a building consent or building permit application that has been accepted in writing by the Rotorua District Council on or before 27 February 2018, provided the consent or permit includes the **solid fuel burner** as a part of the consent or permit and the consent or permit is not declined, or
- (d) has been verified by a delegate of the Rotorua District Council or Regional Council as lawfully installed.

**Forestry road** as defined by the National Environmental Standards for Plantation Forestry

- (a) *means a road that has the width, grade, strength, and pavement surface that allows a fully laden logging truck to safely traverse it and has all-weather access; but*
- (b) *does not include a road managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency.*

**Forestry track** as defined by the National Environmental Standards for Plantation Forestry

- (a) *means a track that allows the passage of forestry machinery or vehicles, but does not provide the width, grade, strength, and pavement surface to allow a fully laden logging truck to safely traverse it or lacks all-weather access; but*
- (b) *does not include a track managed by a local authority, the Department of Conservation, or the New Zealand Transport Agency.*

**Free-range farming** means farms where **poultry** or pigs (other than those kept as pets) have free access to the outdoors.

**Fuel burning equipment** often referred to as a “boiler” means a device used for the combustion of fuel within an enclosed combustion chamber in which heat is transferred from the products of combustion directly for the production of useful heat or power. For clarity this excludes vehicles, rail vehicles, *ships*, aircraft, **solid fuel burners**, diesel fuelled generators, and **enclosed incineration**.

**Fully enclosed in-vessel composting** means composting produced within a container (including but not limited to tanks, drums, silos, bunkers, or tunnels) where air flow and temperature are fully controlled during the composting process.

**Ground-based application** means any application of **agrichemicals** from a source located on the ground.

**Hand-held motorised application** means an application method of **agrichemicals** where the applicator is held, and the **agrichemicals** applied, by hand, and where some part of the application method involves motorised pumping.

**Hand-held non-motorised application** means an application method of **agrichemicals** where the applicator is held, and the **agrichemicals** applied, by hand, and where no part of the application method involves motorised pumping.

**Handling** in relation to bulk solid material means extraction, quarrying, mining, processing, screening, conveying, transferring, blasting, loading, unloading or crushing of any material.

**Heritage List** means the New Zealand Heritage List/Rarangi Korero.

**Heritage New Zealand** means Heritage New Zealand Pouhere Taonga.

**Incineration** *in relation to waste or other matter, means its deliberate combustion for the purpose of its thermal destruction.*

**Incinerator** means a device used for **incineration** where the primary purpose of the device is to deliberately combust *waste* or other matter by thermal destruction.

**Industry brigade** means a group of persons organised as an industry brigade in accordance with Section 69 of the Fire and Emergency New Zealand Act 2017.

**Indoor open fire** means an appliance or a structure inside a **dwelling house** or building that can burn **solid fuel** but cannot effectively control the rate of air supply to the combustion chamber. It includes a fireplace that has a cover or doors that cannot effectively control the rate of air supply to the combustion chamber, but excludes any **solid fuel burner** where the firebox is enclosed with a regulated supply of air to the fire.

**Intensive farming** means **poultry farms, piggeries, other livestock farms, and mushroom production carried out within buildings, structures, pens or yards where the stocking density limits, or prevents, dependence on natural soil on the site, and/or where food is required to be brought to the site. Excludes free-range farming, and greenhouses.**

**Liquid waste** means any *waste liquid composed of less than 20% solids and does not include hazardous substances.*

**Low pressure boom** means any boom with the following design conditions:

- the liquid pressure through the boom is less than 3 bar
- (a) the height of the discharge point on the boom is less than 1 metre from the ground
- (b) the nozzles point down
- (c) the nozzles are designed to create coarse droplets of greater than 250 microns in diameter.
- (d)

**Multifuel burner** means a **solid fuel burner** designed to burn wood and/or coal, which has one or more of the following design features:

- (a) fuel combustion air supplies with separate controls
- (b) grate in the base of the firebox
- (c) ash pan under the grate.

**Offset** means an emission reduction in one part of the **Rotorua Airshed** to compensate for an emission increase elsewhere in the **Rotorua Airshed**.

**Oil** (as defined by the National Environmental Standards for Air Quality) *means petroleum in any form other than gas including crude oil, fuel oil sludge, oil refuse, and refined oil products (for example, diesel fuel, kerosene, and motor gasoline).*

**Open burning** means the combustion of any material in the open air, other than in purpose built equipment designed to control the combustion process. Includes bonfires, **incinerators** and **recreational/cultural** outdoor burning but excludes, **enclosed incinerators, solid fuel burners, fuel burning equipment**, flaring of natural gas, smokers, fireworks, candles, lamps, and outdoor patio gas heaters.

**Particulates** means particulate matter where the particle size is small enough to become airborne. Includes:

- (a) **TSP** – total suspended particulate
- (b) **PM<sub>10</sub>** – particulate matter that is less than 10 micrometres in diameter
- (c) **PM<sub>2.5</sub>** – particulate matter that is less than 2.5 micrometres in diameter.

**Pathological waste** means *waste* that is offensive to the senses or hazardous to human health including anatomical wastes such as human tissue and organs, animal tissue, organs and carcasses, materials that may be subject to contamination by highly infectious organisms, and any product contaminated by radiation used in medical treatments.

**Pellet burner** means any **solid fuel burner** that burns manufactured pellets of compressed wood sawdust, and where the pellets and air are mechanically delivered to an enclosed combustion chamber at a controlled rate. Excludes **woodburners**, **coal burners** and **multifuel burners**.

**Poultry** means domestic fowl kept in captivity for sale or to produce meat, eggs, or other products. Includes: chickens, ducks, geese, guinea fowl, pigeons, turkeys, peacocks, doves, pheasants, swans, and quail.

**Pre-shipment application** in relation to fumigation, means the non-quarantine treatment applied within 21 days prior to export, to meet the official requirements of the importing country or the existing official requirements of the exporting country. Official requirements are those which are performed or authorised by a national plant, animal, environmental, health, or stored product authority.

**Public amenity area** means a public area where members of the public are likely to congregate for extended periods of time. This may include (but is not limited to): backcountry huts, barbeques, changing facilities, cycleways, outdoor sports facilities, parks and reserves, playgrounds and playground equipment, public toilets, seating and picnic tables, shelters, squares, and walkways.

**Quarantine application** in relation to fumigation, means treatment to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where:

- (a) official control is that performed by, or authorised by, a national plant, animal or environmental protection or health authority, and
- (b) quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

**Recreational/cultural** in relation to **open burning** means any **open burning** for the purposes of cooking or amenity (eg. hangi, umu, barbeque, braziers, pizza ovens Guy Fawkes celebrations), or recognised cultural practices, but excluding **incinerators**.

**Refurbished** in relation to **solid fuel burners** means a **solid fuel burner** that has been altered after purchase or installation in the **dwelling house** or building in a way that could change its design standard.

**Remove, removed or removing:** in relation to **solid fuel burners** means the complete physical removal (taking out, taking away or cause to be no longer present) of a **solid fuel burner** from the **dwelling house** or building.

**Replace, replaced or replacing:** in relation to **solid fuel burners** means the complete physical removal (taking out, taking away or cause to be no longer present) of a **solid fuel burner** from the **dwelling house** or building and installation of a new **solid fuel burner** that complies with the requirements of this regional plan.

**Rotorua Airshed** means the area of Rotorua specified by the Minister for the Environment as a separate **airshed**, by notice in the *New Zealand Gazette*.

**Secondary emission reduction device** in relation to **solid fuel burners** means a secondary air emission treatment device that reduces the particulates from a **solid fuel burner**.

**Sensitive area** means an activity that is particularly sensitive to adverse *effects* associated with air *contaminant* discharges either due to the vulnerability of the population or area exposed to the *contaminant*, or due to the potential for people to be exposed for prolonged periods and may include:

- (a) residential buildings and areas (including marae)
- (b) childcare centres, schools, educational facilities
- (c) hospitals, nursing homes, aged care facilities
- (d) offices, consulting rooms, gymnasiums, community centres
- (e) hotels, motels, caravan parks, camping areas, tourist accommodation
- (f) correctional facilities
- (g) **public amenity areas**
- (h) manufacturing or storage of food or beverages

- (i) manufacturing or storage of electronics
- (j) public water supply catchments and intakes.
- (k) incompatible crops or farming systems (e.g. organic farms, greenhouses)
- (l) household water supplies (including roofs from which a water supply is obtained).

**Ship** as defined by the Maritime Transport Act 1994 *means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—*

- (a) *a barge, lighter, or other like vessel;*
- (b) *a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates*
- (c) *a submarine or other submersible*

**Solid Fuel** means a solid substance that releases useable energy when burnt and includes wood, coal and its derivatives, and manufactured fuel pellets.

**Solid fuel burner** means a **solid fuel** burning appliance where combustion of the **solid fuel** occurs within a firebox, and where there may be a regulated supply of air to the fire. It includes (but is not limited to), **indoor open fires**, outdoor open fires, freestanding or built in **woodburners**, **pellet burners**, potbelly stoves, coal ranges, **coal burners**, chip heaters, water heaters or central heating units, **multifuel burners**, and similar appliances. It excludes small-scale domestic devices for smoking food, any portable unflued heaters fuelled by gas, alcohol or other liquid fuels, gas hobs or gas ranges used for cooking, any fuel burning appliance installed in a boat, caravan or motor home, and **fuel burning equipment** as defined by this regional plan.

**Space heater** means a domestic appliance designed for use within a building to generate warmth for human comfort. It includes **solid fuel burners** with water heating capabilities as a secondary purpose and appliances designed to heat water for space heating (eg. via radiators). It excludes cooking fires, ranges, and chip heaters where the primary purpose of the fire is to cook or heat water.

**Subject property** means the property where the discharge of *contaminants* to air originates.

**Thermal efficiency** means the ratio of useable heat energy output to energy input. The thermal efficiency must be calculated in accordance with:

- (a) the method specified in Australian/New Zealand Standard AS/NZS 4012:2014, Domestic solid fuel burning appliances – Method for determination of power output and efficiency, or
- (b) for a **woodburner** excluded from that method, another method that is functionally equivalent.

**Treated timber** means timber treated with preservatives, including boron compounds (except 2-thiocyanomethylthiobenzothiazole (TCMTB) compounds), copper chromium arsenic (CCA), or creosote, but does not include timber treated only with anti-sapstain compounds.

**Transmission line support structure** means a tower or pole used to support cables used for, or associated with, the overhead or underground transmission of electricity in the national grid .

**Ultra-low emission burner** means a woodburner that:

- (a) when tested according to Canterbury Method 1 (revision 1.6 June 2015) discharges no more than 0.77 grams of **particulates** per kilogram of dry wood burnt, and
- (b) is on the Regional Council's List of Approved Ultra-low Emissions Burners. This list will be available on the Regional Council's website and may be updated without further formality.

**Unimpeded vertical discharge** means the discharge from a vent or chimney is perpendicular to the ground and is not restricted in any way that increases the emission of particulates or restricts the dispersion of **particulates** (including smoke) away from the site.

**Unsealed road** means a road that is not sealed with a permanent surface of tarmac, concrete, or asphalt. For the purposes of this regional plan **unsealed roads** do not include road works on sealed roads, *forestry roads*, *forestry tracks*, or roads used for land development and/or earthworks.

**Untreated wood** means any wood material or product, including sawdust, which is not treated with copper chromium arsenic (CCA), or with any organochlorine preservative and can include timber treated only with anti-sapstain compounds.

**Waste**

- (a) means any thing disposed of or discarded, and*
- (b) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste), and*
- (c) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.*

**Woodburner** means a type of domestic **solid fuel burner** that burns wood, where combustion of wood occurs within a firebox, and where there is a regulated supply of air to the fire. It excludes **indoor open fires, pellet burners, coal burners, multifuel burners**, and also excludes cooking fires, ranges, and chip heaters where the primary purpose of the fire is to cook or heat water.

## **APPENDIX 2**

**2019-11-21 FINAL Consent Order on Plan Change 13 -  
Tauranga City Council and WBOPDC ENV-2019-AKL-  
000070 and ENV-2019-AKL-000075**





IN THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991  
(the Act)

AND of appeals under clause 14(1) of the  
Schedule 1 of the Act

BETWEEN WESTERN BAY OF PLENTY DISTRICT  
COUNCIL  
(ENV-2019-AKL-000070)  
TAURANGA CITY COUNCIL  
(ENV-2019-AKL-000075)  
Appellants

AND BAY OF PLENTY REGIONAL COUNCIL  
Respondent

Environment Judge D A Kirkpatrick sitting alone under s 279 of the Act  
In Chambers at Auckland

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**CONSENT ORDER**

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[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed in part subject to the amendments set out in this order;
- (2) the appeal by Tauranga City Council is otherwise dismissed.
- (3) The appeal by Western Bay of Plenty District Council is resolved in part.

[B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.

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## REASONS

### **Introduction**

- [1] These appeals concern the Bay of Plenty Regional Council's (**Regional Council**) decisions on Proposed Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resource Plan (**Plan Change 13**).

### **Crematoria**

- [2] Tauranga City Council appealed the Regional Council's decisions on Plan Change 13 in relation to crematoria, and in particular appealed two rules in Plan Change 13 to provide further clarification of the rules as they relate to replacements or upgrades of existing crematoria facilities.
- [3] The parties have agreed that this appeal point can be resolved by making the following amendments to Plan Change 13:
- (a) Amending the advice note to discretionary rule AQ R21(g) to clarify that this rule does not apply to replacements, maintenance or upgrades of existing crematoria facilities; and
  - (b) Amending controlled activity rule AQ R27(a) to clarify that this rule applies to upgrades, maintenance and replacements of existing crematoria.
- [4] There are no s 274 parties to the appeal.

### **Roads and Free Range Farming**

- [5] Western Bay of Plenty District Council appealed the Regional Council's decisions on Plan Change 13 in relation to roads and free range farming, and in particular appealed two rules and one definition in Plan Change 13 to provide further clarification of the rule relating to discharges of dust from vehicles on unsealed roads, and further clarification to the rule and definition of free range farming.
- [6] The parties have agreed that these appeal points can be resolved by making the following amendments to Plan Change 13:
- (a) Amending permitted activity rule AQ R4 to clarify that it relates to discharges of dust from vehicles on unsealed roads; and



(b) Amending discretionary rule AQ R21(j)(i) to further clarify that existing free range farms cannot increase the level of effects which existed at 27 February 2018, and to remove superfluous words from the definition of 'free range farming' to improve the clarity of the definition.

[7] There are no s 274 parties to these aspects of the Western Bay of Plenty District Council appeal. The remaining parts of Western Bay of Plenty District Council's appeal remain live.

[8] In making this order the Court has read and considered the appeal and the joint memorandum of the parties.

[9] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297 of the Act. The Court understands for all present purposes that:

(a) all parties to the proceedings have executed the memorandum requesting this order; and

(b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

### Order

1. Therefore, the Court orders, by consent, that:

(a) Rule AQ R4;

(b) Rule AQ R21(j);

(c) Advice note to Rule AQ R21;

(d) Rule AQ R27(a); and

(e) The definition of "free range farming"

in Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resources Plan are amended as shown in **Appendix A** of this order.

2. A clean version is included in Appendix B.



3. There is no order for costs.

DATED at Auckland this 20th day of November 2019



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D A Kirkpatrick  
Environment Judge



**APPENDIX A – tracking in underline and ~~strikethrough~~**

1. Amend Rule AQ R4 of Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resources Plan (Plan Change 13) as follows:

**AQ R4 Roads – Permitted – Ngā huarahi – E whakaaehia ana**

The discharge of ~~contaminants~~ dust to air from vehicle movements on **unsealed roads** is a permitted activity.

2. Amend Rule AQ R21(j) and the Advice Note to Rule AQ R21 of Plan Change 13 as follows:

**AQ R21 Specific activities – Discretionary – Ngā mahinga tauwhāiti – Ka whiriwhiriha**

The discharge of *contaminants* into air from any of the following activities is a discretionary activity:

...

- (g) Crematoria where a new facility with a new discharge to air is being established after 27 February 2018.

...

- (j) Farming activities as follows:

- (i) **free range farming** of pigs, or more than 100 **poultry** birds, where either a new ~~farm~~ free range farming operation is being established or where an existing farming operation increases ~~is increasing the~~ character, intensity or scale of the effects of ~~the activity, that existed as at~~ after 27 February 2018.

- (ii) **intensive farming** not controlled by AQ R19

...

Advice Note: The operation of an **incinerator** at a school or healthcare institution is prohibited under the National Environmental Standards for Air Quality, unless a resource consent was granted before 30 October





2006. To avoid doubt, Rule AQ R21(g) does not apply to replacements, maintenance or upgrades to existing crematoria facilities.

3. Amend Rule AQ R27(a) of Plan Change 13 as follows:

**AQ R27 Crematoria – controlled – E whakahaerehia ana**

From 1 February 2020, the discharge of *contaminants* to air from crematoria facilities that were established before 27 February 2018, is a controlled, non-notified activity for which applications will be considered without the need to obtain the written approval of affected persons.

The Regional Council reserves control over the following matters:

- (a) Setting conditions to control cremator operation, upgrades, maintenance and replacements, the number of cremations and contaminants discharged from the facility, including but not limited to any matter contained in relevant industry codes of practice.

...

4. Amend the definition of 'free range farming' in Plan Change 13 as follows:

**Free-range farming** means farms where poultry or pigs (other than those kept as pets) ~~are housed indoors, but~~ have free access to the outdoors.



**APPENDIX B – clean**

1. Amend Rule AQ R4 of Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resources Plan (Plan Change 13) as follows:

**AQ R4 Roads – Permitted – Ngā huarahi – E whakaaehia ana**

The discharge of dust to air from vehicle movements on **unsealed roads** is a permitted activity.

2. Amend Rule AQ R21(j) and Advice Note to Rule AQ R21 of Plan Change 13 as follows:

**AQ R21 Specific activities – Discretionary – Ngā mahinga tauwhāiti – Ka whiriwhirihia**

The discharge of *contaminants* into air from any of the following activities is a discretionary activity:

...

- (g) Crematoria where a new facility with a new discharge to air is being established after 27 February 2018.

...

- (j) Farming activities as follows:

- (i) **free range farming** of pigs, or more than 100 **poultry** birds, where either a new free range farming operation is being established or where an existing farming operation increases character, intensity or scale of the effects that existed as at 27 February 2018;

- (ii) **intensive farming** not controlled by AQ R19

...

Advice Note: The operation of an **incinerator** at a school or healthcare institution is prohibited under the National Environmental Standards for Air Quality, unless a resource consent was granted before 30 October



2006. To avoid doubt, Rule AQ R21(g) does not apply to replacements, maintenance or upgrades to existing crematoria facilities.

3. Amend Rule AQ R27(a) of Plan Change 13 as follows:

**AQ R27 Crematoria – controlled – E whakahaerehia ana**

From 1 February 2020, the discharge of *contaminants* to air from crematoria facilities that were established before 27 February 2018, is a controlled, non-notified activity for which applications will be considered without the need to obtain the written approval of affected persons.

The Regional Council reserves control over the following matters:

- (b) Setting conditions to control cremator operation, upgrades, maintenance and replacements, the number of cremations and contaminants discharged from the facility, including but not limited to any matter contained in relevant industry codes of practice.

...

4. Amend the definition of 'free range farming' in Plan Change 13 as follows:

**Free-range farming** means farms where poultry or pigs (other than those kept as pets) have free access to the outdoors.





## **APPENDIX 3**

### **2019-12-05 FINAL Consent Order on Plan Change 13 - ENV-2019-AKL-000074 Trustpower Limited v Bay of Plenty Regional Council**



**IN THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991 (**the Act**)

IN THE MATTER of appeals under clause 14(1) of the Schedule 1 of the Act

BETWEEN TRUSTPOWER LIMITED  
(ENV-2019-AKL-000074)  
Appellant

AND BAY OF PLENTY REGIONAL COUNCIL  
Respondent

Environment Judge M J L Dickey sitting alone under s 279 of the Act

IN CHAMBERS at Auckland

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**CONSENT ORDER**

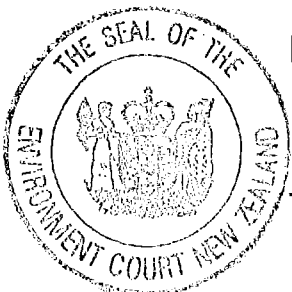
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[A] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

(a) Rule AQ R23 in Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resources Plan is amended as shown in **Appendix A** and **Appendix B** to this order.

(b) the appeal is otherwise dismissed.

[B] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



## REASONS

### Introduction

- [1] These appeals concern the Bay of Plenty Regional Council's decisions on Proposed Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resource Plan (**Plan Change 13**).

### Mobile or emergency diesel generators and pumps

- [2] The appellant owns and operates the Matahina, Kaimai and Wheao hydro-electric power schemes (**HEPS**) in the Bay of Plenty. The appellant also operates a 0.8MW (1000 kVa) diesel generator at its head office in Tauranga (**the Generator**) and a number of small generators at its HEPs, which are critical for maintaining safe operations in the event of a power failure including by being able to operate spillway gates. All of these generators are permitted under the operative rules.
- [3] Rule AQ R18 of the Plan Change sets permitted activity standards for fuel burning equipment, which the appellant considered under the notified version of the Plan Change would include diesel generators.
- [4] In its submissions the appellant submitted that the definition of "fuel burning equipment" inferred that a diesel generator would be considered to be fuel burning because these devices combust diesel to produce power. If that drafting was retained then AQ R18 would apply to the appellant's generators.
- [5] The appellant therefore proposed an amendment to the definition of fuel burning equipment to make it clearer that its generators are not classified as fuel burning equipment and caught by AQ R18.<sup>1</sup> This would mean that the appellant's diesel generators would be a permitted activity under Rule AQ R1. This submission was accepted, and the appellant understood that the Regional Council intended for diesel generators to be a permitted activity under Rule AQ R1.
- [6] However, the decisions version of the Plan Change included a new part to Rule AQ R23, which sets permitted activity standards for mobile or emergency diesel generators and pumps, which the appellant considers would apply to its generators.



<sup>1</sup> Trustpower's submission to the Bay of Plenty Regional Council dated 18 April 2018 at page 9.

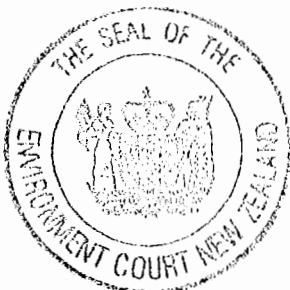
- [7] The appellant acknowledges that it lodged a further submission<sup>2</sup> supporting the original submission of Port of Tauranga Limited, which proposed a new rule for mobile or emergency generators and a 600 kVa limit.<sup>3</sup> This submission resulted in the amendments to Rule AQ R23 in the Regional Council's decision.
- [8] At 1000 kVa, the Generator does not meet the permitted standards in Rule AQ R23, which would make it a discretionary activity under Rule AQ R2 (the smaller HEPS generators would meet the permitted standards under Rule AQ R23).
- [9] The appellant, on reflection, has realised that the 600 kVa limit would result in the Generator requiring consent as a discretionary activity under Rule AQ R2, which was not the intent of its original submission. The appellant considers that while it could revert to the relief sought in its original submission (i.e. that its mobile or emergency diesel generators be permitted activities under Rule AQ R1) it considers it is preferable to amend Rule AQ R23.
- [10] Accordingly, the appellant's appeal sought an amendment to Rule AQ R23 to delete reference to 'with a maximum load of 600 kilovolt amperes', to include reference to discharges not occurring for more than 48 hours 'consecutively', and for the reference to 'geothermal' electricity generation activities to be deleted,<sup>4</sup> or such other relief as appropriate having regard to the appellant's submission and further submission and the reasons for the appeal.<sup>5</sup>

#### **The agreement reached**

- [11] The parties have agreed that this appeal can be resolved by making the following amendments to Plan Change 13:
- (a) Amending permitted activity rule AQ R23 to increase the size of mobile or emergency generator or pump, a clarification around operating time limits, and to remove unnecessary reference to 'geothermal' electricity generation.

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<sup>2</sup> Trustpower's further submission to the Bay of Plenty Regional Council dated 30 July at page 3.  
<sup>3</sup> Port of Tauranga Limited's submission to the Bay of Plenty Regional Council dated 18 April 2018.  
<sup>4</sup> Notice of Appeal dated 26 April 2019 at [8](a).  
<sup>5</sup> Notice of Appeal dated 26 April 2019 at [8](b).



## Consideration

- [12] In making this order the Court has read and considered the appeal and the joint memorandum of the parties.<sup>6</sup>
- [13] There are two s 274 parties to the appeal. Mercury NZ Limited joined as a s 274 party in support of the appeal, and Port of Tauranga Limited joined as a s 274 party neither supporting nor opposing the relief but sought to remain involved as a result of its earlier (accepted) submission on Rule AQ R23, and to ensure that any amendments are consistent with that earlier submission. Both parties have signed the memorandum seeking this order dated 21 November 2019.
- [14] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297 of the Act. The Court understands for all present purposes that:
- (a) all parties to the proceedings have executed the memorandum requesting this order;
  - (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2; and

## Scope

- [15] The test to be applied as to whether the amendments are sought are in scope is that set out in *Toomey v Thames-Coromandel District Council*,<sup>7</sup> which is as follows:

An appeal from a decision on a submission on a proposed plan must be on a provision or matter referred to in that submission.<sup>8</sup> The scope of the relief sought on appeal must be fairly and reasonably within the scope of the original submission or the proposed plan provisions or somewhere in between.<sup>9</sup>

<sup>6</sup> Joint memorandum of the parties in support of draft consent orders dated 21 November 2019.

<sup>7</sup> [2017] NZEnvC 199.

<sup>8</sup> Clause 14(2), Schedule 1 to the RMA.

<sup>9</sup> *Re Vivid Holdings Limited* [1999] NZRMA 467.



[16] I am satisfied that the amendment sought to Rule AQ R23 is within the scope of the appellant's submissions and further submissions. The appellant's submission on the definition of fuel burning equipment makes it clear that the outcome sought by the appellant was that its diesel generators be a permitted activity. The appellant also made a further submission supporting Port of Tauranga Limited's submission seeking a new rule. This submission by Port of Tauranga Limited was the basis for the amendments made to Rule AQ R23 in the Regional Council's decision.

[17] I am also satisfied that there is no prejudice to any party in granting the relief sought, as Port of Tauranga Limited has consented to the amendments proposed by this order.

### Order

[18] In the circumstances of this case I am prepared to grant the amendments sought by the parties on the grounds that an agreement has been reached between them. Accordingly, this order does not represent a reasoned decision of the Court, but confirms the agreement reached between the parties by consent.

[19] Therefore, the Court orders, by consent, that Rule AQ R23 in Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resources Plan is amended as shown in **Appendix A** of this order.

[20] A clean version is included in **Appendix B**.

[21] There is no order for costs.

DATED at Auckland this 5<sup>th</sup> day of December 2019

  
M J L Dickey  
Environment Judge



APPENDIX A – tracking in underline and ~~strikethrough~~

1. Amend Rule AQ R23 of Plan Change 13 (Air Quality) to the Bay of Plenty Natural Resources Plan (Plan Change 13) as follows:

**AQ R23 Mobile or emergency diesel generators and pumps – Permitted – (tba) – E whakaaehia ana**

- (1) The discharge of *contaminants* to air from the internal combustion of diesel in any mobile or emergency generator or pump with a maximum load of ~~600~~ 1000 kilovolt-amperes is a permitted activity provided the following conditions are met:
  - (a) the discharge must not occur for more than 48 hours during any single event within 50 metres of a **sensitive area**, and
  - (b) fuel used in the generator or pump must comply with the Engine Fuel Specifications Regulations 2011, and
  - (c) the discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.
- (2) For the internal combustion of diesel in any mobile or emergency generator or pump with a total combined output of less than 5000 kilovolt-amperes, the discharge is a permitted activity provided:
  - (a) the discharge is associated with ~~geothermal~~ electricity generation activities, including geothermal drilling, and
  - (b) the discharge must not occur for a period of more than 3 months per wellhead or generation site, and
  - (c) the discharge must not occur within 200 metres of a **sensitive area**, excluding discharges to air from pumps which may be located adjacent to *water bodies* and buildings that are defined as a **sensitive area** and are uninhabited for the duration of the discharge, and
  - (d) fuel used in the generator or pump must comply with the Engine Fuel Specifications Regulations 2011, and
  - (e) the discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.



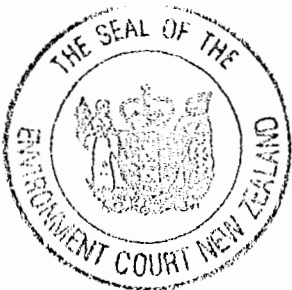


## APPENDIX B – clean

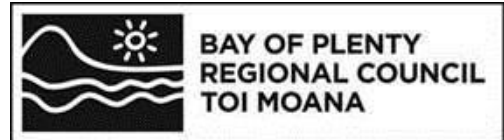
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  - (c) the discharge must not occur within 200 metres of a **sensitive area**, excluding discharges to air from pumps which may be located adjacent to *water bodies* and buildings that are defined as a **sensitive area** and are uninhabited for the duration of the discharge, and
  - (d) fuel used in the generator or pump must comply with the Engine Fuel Specifications Regulations 2011, and
  - (e) the discharge must not be noxious or dangerous, offensive or objectionable beyond the boundary of the **subject property**.







Receives Only - No Decisions

**Report To:** Strategy and Policy Committee

**Meeting Date:** 18 February 2020

**Report From:** Julie Bevan, Policy & Planning Manager

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## **Reviewing Management of the Rotorua Geothermal System - summary of engagement feedback**

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### **Executive Summary**

Bay of Plenty Regional Council is undertaking a review of the geothermal provisions of the Regional Natural Resources Plan and Rotorua Geothermal Regional Plan. The current priority is the Rotorua Geothermal System and review of the Rotorua Geothermal Regional Plan. This includes the development of a Rotorua System Management Plan to give effect to the Regional Policy Statement (RPS).

To generate discussion on the identification of issues, objectives and policy options for the management of the Rotorua System the Regional Direction and Delivery committee approved the release of the document *Reviewing Management of the Rotorua Geothermal System Issues and Options Discussion Document* in August 2019.

The document was made available online and several hui, stakeholder workshops and public drop in sessions were held in September and October 2019. Engagement was successful with approximately 130 people participating in the process. Staff have analysed the feedback received, identified key themes that emerged and highlighted things we need to work on in response. The next step is to use this analysis to inform the development of a draft Rotorua System Management Plan and a Draft Regional Plan.

Previously Council endorsed aligning the Tauranga part of the geothermal plan change with freshwater plan changes under the NPSFM to ensure that the resource be managed in a coordinated manner as it is all drawing from the same place. It is unlikely that the final direction received later this year on the NPSFM will affect the plan change process or timeframe for other geothermal systems. This is because these systems require management quite distinct from that of freshwater. Should there be any implications for geothermal systems arising from the final NPSFM these will inform a review of the geothermal work package.

### **Recommendations**

**That Strategy and Policy Committee:**

- 1 Receives the report, Reviewing Management of the Rotorua Geothermal System - summary of engagement feedback;**

## **1 Purpose**

To provide a summary of feedback received through recent community engagement on the document *Reviewing Management of the Rotorua Geothermal System - Issues and Options discussion document* and the things we need to work on in response to feedback.

## **2 Background**

Council manages the region's geothermal systems under the Resource Management Act 1991. The Bay of Plenty Regional Policy Statement provides overall direction for geothermal management and these policies are given effect to through regional plans, including the Rotorua Geothermal Regional Plan and the Regional Natural Resources Plan.

Council has previously endorsed a process for the review of the geothermal provisions of both of these plans, which once complete will be combined under the Regional Natural Resources Plan. While the plan change will cover all geothermal systems in the region, the current focus is the Rotorua Geothermal System and review of the Rotorua Geothermal Regional Plan. This includes the development of a Rotorua System Management Plan.

The broad principles of engagement for the review, includes engagement at all key stages of plan development, early engagement with Māori, and targeted workshops and hui with iwi, hapū, Māori land trusts and key stakeholders. These principles, endorsed by the Regional Direction and Delivery Committee and Komiti Māori, have guided engagement activities undertaken as part of the review of geothermal provisions for Rotorua to date.

Council's most recent engagement with our Rotorua community sought to generate discussion and gather feedback on issues, objectives and policy options identified in the document *Reviewing Management of the Rotorua Geothermal System Issues and Options Discussion Document* as approved by Regional Direction and Delivery committee on 6 August 2019.

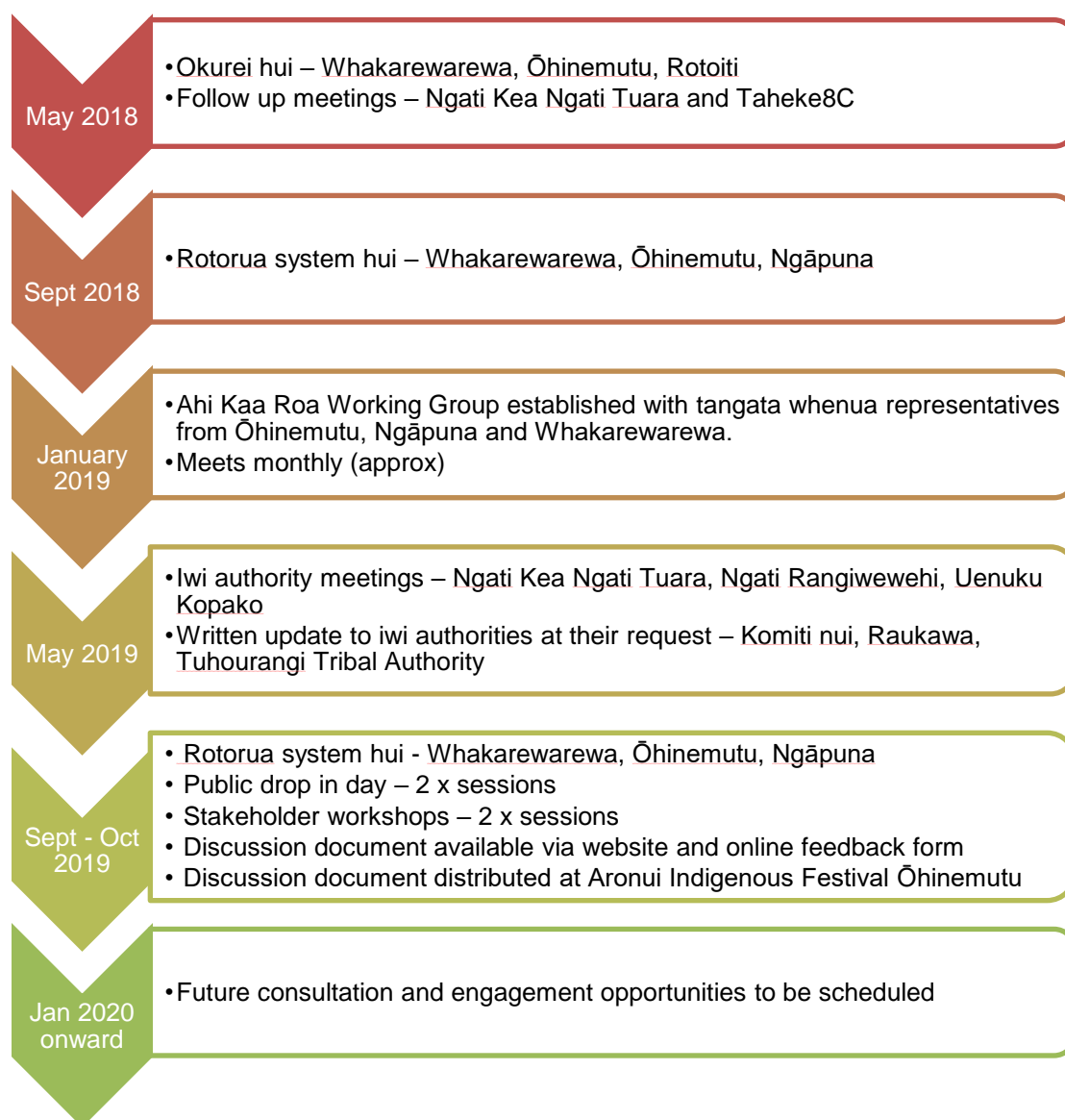
## **3 Scale of Issue**

The recommended decision has been assessed against the criteria and thresholds in Council's Significance and Engagement Policy, and is not considered to be significant.

## **4 Ways we have engaged with our Rotorua community so far**

Engagement on the Rotorua Geothermal Regional Plan commenced in 2018 and has included multiple opportunities for participation to date. Primarily this engagement has been with Māori, in line with Council's commitment to engage with Māori first and in a meaningful way.

The following diagram outlines key engagement activities undertaken.



It is early in the plan change process and there will be more opportunities for people to be involved and share their thoughts as we progress with policy development of the draft Rotorua System Management Plan and review of the Rotorua Geothermal Regional Plan.

#### 4.1 Our most recent engagement with our Rotorua community

Engagement in September and October 2019 was the first opportunity for the wider Rotorua community to provide specific feedback on possible objectives, issues and policy options for management of the Rotorua Geothermal System.

To encourage participation in this process multiple communication methods were used, including public notices, print copies at Regional Council's Rotorua office, direct messaging through emails and hard copy letters to individuals in our contact databases, and Facebook posts and advertisements.

Our engagement approach directed people to use the online version of the document where possible and an online feedback form.

Approximately 130 people participated in the process providing feedback in person or through online feedback forms.

#### 4.2 What did our Rotorua community have to say and how can we respond?

Staff have collated and considered points raised in feedback.

There was considerable support for the engagement approach taken by Council, and for the *Issues and Options Discussion Document* provided. Many of the principles, objectives, issues and policy options included in the Discussion Document, were generally supported. The workshops and hui did result in some specific suggestions around changes to the wording of issues and objectives, many of which will be used in the development of the Draft System Management Plan and Draft Regional Plan.

More general feedback on the overall direction proposed in the Discussion Document was also received. Key themes that emerged from engagement are summarised in the following table as are things we need to work on in response to feedback as we progress with our process.

Key Themes	Things to work on
<p><b>Science certainty</b></p> <ul style="list-style-type: none"> <li>- Perception that the system has recovered in response to reinjection and that Council is being too precautionary.</li> <li>- Desire for ‘absolute’ science or greater science certainty to justify what can and can’t be done.</li> </ul>	<p>Clearly communicate current science understanding, identify and communicate where there are gaps in knowledge or uncertainty and implications of this uncertainty (e.g. uncertainty analysis on the reservoir to improve understanding of risks).</p> <p>Explore various scenarios (including mātauranga Māori) of use through modelling, and clearly explain implications of different use scenarios.</p> <p>More research on sustainable uses and opportunity for efficient use.</p> <p>Clearly communicate mātauranga Māori understanding.</p>
<p><b>Efficiency, use and innovation</b></p> <ul style="list-style-type: none"> <li>- Want to know who’s using geothermal resource, how and if it is the best use of the resource.</li> <li>- Feeling that there is a need to be smarter in how the resource is used and that it should be possible to do more with what is available through using improved technologies as is done elsewhere internationally.</li> </ul>	<p>Retain and further refine the policy options identified in <i>Issues and Options discussion document</i> on efficiency and use.</p> <p>More research on efficient uses and new technology</p>

<p><b>Incorporating mātauranga Māori</b></p> <ul style="list-style-type: none"> <li>- Integration of mātauranga Māori principles a priority.</li> <li>- Strong support for inclusion across wider policy framework - use, management and understanding of the resource, not solely a monitoring focus.</li> </ul>	<p>Develop and extend possible policy options identified in the <i>Issues and Options discussion document</i> on the use of mātauranga Māori to go beyond monitoring and inform wider resource management.</p> <p>Work with Ahi Kaa Roa roopu and with staff with appropriate expertise to integrate Mātauranga Māori principles into the plan.</p> <p>Undertake body of work on the mātauranga Māori about system trends, impacts of loss of features and the systems current health.</p>
<p><b>Consenting and process barriers</b></p> <ul style="list-style-type: none"> <li>- Uncertainty for some around how the consenting process works.</li> <li>- Uncertainty regarding the process for customary uses e.g. what is and isn't allowed.</li> <li>- Uncertainty of access to resource (consent duration/renewal) resulting in unintended consequence of discouraging investment in infrastructure (maintenance) and new enterprise.</li> <li>- Decisions around consent applications having limited regard to cumulative impacts on the system.</li> </ul>	<p>Continue development of possible policy options identified in the <i>Issues and Options discussion document</i> addressing definition of terms, cumulative effects, activity status that reflects scope and significance of effects, and guidance material to enable consistent interpretation and implementation of policy.</p> <p>Review existing guidance material, systems and processes and make interim improvements where possible (e.g. develop an internal Standard Operating Procedure/Guidelines document).</p>
<p><b>Governance and ownership</b></p> <ul style="list-style-type: none"> <li>- Unresolved issue, significant depth of feeling, long standing grievances</li> <li>- Awareness of Treaty Claims in progress</li> </ul>	<p>Beyond the scope of the regional plan review to resolve.</p> <p>Remain up to date with any developments in treaty claims and agile in responding to any changes throughout policy development.</p> <p>Explore options (eg. partnerships) through the System Management Plan (see discussion under section 5 below).</p>
<p><b>Combining community</b></p> <ul style="list-style-type: none"> <li>- Concern from some that keeping Council's engagement with Maori separate from the wider community was unhelpful and that</li> </ul>	<p>Adhere to broad principles of engagement endorsed by Komiti Māori and the Regional Direction and Delivery Committee for the geothermal</p>

hearing each other's views was important.	programme.  Future engagement to include all of our Rotorua community through a variety of engagement channels that meet various needs and preferred methods of engagement.
<p><b>Negative approach</b></p> <ul style="list-style-type: none"> <li>- Sentiment from many that Council was only focussing on the problems and needed to be looking at the opportunities.</li> </ul>	<p>Continue development of possible policy options that do not place unnecessary impediments on geothermal opportunities, that enable sustainable uses and that provide sound advice to applicants.</p> <p>Support research of alternative uses.</p> <p>Acknowledge the positive effects of the use and development of the geothermal resource in the System Management Plan.</p>
<b>Things we DID NOT consistently hear from all parts of our Rotorua community</b>	<b>Things to work on</b>
<p><b><i>Strong support for the idea that protection of features should override use and development</i></b></p> <ul style="list-style-type: none"> <li>- The impact of past losses of geothermal taonga, and the importance of protecting this taonga, was raised by tangata whenua.</li> <li>- In some cases, while protection of features was seen as important, there was still a strong desire to use and develop the resource for community wellbeing (eg. home heating). There was often a feeling that protection of features can be achieved whilst still making more use of the resource.</li> </ul>	<p>The Regional Policy Statement directs that surface features values that rely on pressure and temperature override extractive values in the Rotorua geothermal system. Better communicate what this means in terms of use of the resource and that this doesn't prevent efficient uses that have no significant effects.</p> <p>Better communicate the unique and rare values of geothermal surface features.</p> <p>Better communicate the different types of uses, and the different scale and magnitude of effect of these uses on surface features (e.g. a power station versus a small home heating scheme).</p>
<p><b><i>Opposition to customary uses taking priority</i></b></p> <ul style="list-style-type: none"> <li>- There was generally across the board support that customary uses should be protected/enabled.</li> </ul>	<p>Further develop possible policy options identified in the <i>Issues and Options discussion document</i>, in particular those relating to customary allocations, definitions, consenting and process barriers.</p>
<p><b><i>Opposition to limits</i></b></p> <ul style="list-style-type: none"> <li>- Generally accepted that limits were</li> </ul>	<p>Rationale for setting limits for use of the geothermal resource will require transparent communication of both</p>



necessary to managing the field sustainably, but people want certainty and equity around how these are derived.	strengths and weaknesses of various allocation options, robust modelling and evidence based decision making around limits (e.g. the 1.5 exclusion zone)
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## 5 Implications for Māori

The plan change has important implications for Māori, both as iwi, developers of the geothermal resource and as kaitiaki. As such staff have undertaken early engagement through 6 hui in Ōkurei and additional targeted hui with iwi authorities and some post settlement entities. We have also established an Ahi Kaa Roa Working Group, with tangata whenua representatives from Ōhinemutu, Ngāpuna and Whakarewarewa, to ensure the voice of these communities is heard through the process.

Feedback received on the *Issues and Options discussion document* was consistent across our Rotorua community. However, of the key themes identified (section 4.2 above), the following are those where working alongside tangata whenua will be fundamentally important to achieving successful outcomes for Māori in Council's management of the Rotorua geothermal resource.

- Incorporating mātauranga Maori
- Consenting and process barriers

In addition, the significance of feedback regarding the governance and ownership of the geothermal resource cannot be understated. However, as indicated in the table above it is a matter that is beyond the scope of the regional plan change to be able to resolve. Potentially these concerns could be documented in the System Management Plan, and options to address this explored (e.g. alternative Governance structures or decision making processes, peer review processes, consenting processes).

## 6 Next steps

Feedback will be used to inform the development of a draft Rotorua System Management Plan and a Draft Regional Plan by late 2020. This will include refining management options through modelling and further research.

Although focused consultation on the *Issues and Options Discussion Document* has been completed, staff will continue to meet with interested parties throughout policy development.

Staff will continue to work with the Ahi Kaa Roa Working Group, the immediate focus of which will be mātauranga Māori and the development of the draft Rotorua System Management Plan.

Staff will report back to Council at key stages throughout the development process. The System Management Plan will then be used to guide the Rotorua specific provisions that will be part of a formal regional plan change under the Schedule 1 of the RMA.

Previously Council has endorsed aligning the Tauranga part of the geothermal plan change with freshwater plan changes under the NPSFM, for which national direction will be received in July 2020. While an assessment of the implications of the NPSFM will be carried out then, it is unlikely to affect the plan change process or timeframes

for other geothermal systems. This is because the management of these systems is quite distinct from freshwater. Should there be any implications for geothermal systems arising from the final NPSFM these will inform a review of the geothermal work package.

The geothermal plan change to the Regional Natural Resources Plan is progressing with the current focus on Rotorua and the development of the Rotorua System Management Plan in line with the process previously approved by the Regional Direction and Delivery committee.

## **7 Budget Implications**

### **7.1 Current Year Budget**

This work is being undertaken within the current budget for the Geothermal Activity in the Annual Plan 2019/20.

### **7.2 Future Budget Implications**

Future work is provided for in Council's Long Term Plan 2018-2028.

## **8 Community Outcomes**

This project directly contributes to the A Healthy Environment Community Outcome in the Council's Long Term Plan 2018-2028.

Freya Camburn  
**Senior Policy Analyst**

**for Policy & Planning Manager**

**10 February 2020**



**Report To:** Strategy and Policy Committee

**Meeting Date:** 18 February 2020

**Report From:** Stephen Mellor, Compliance Manager - Urban, Industry & Response

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## **Waste to resource opportunities – a continued role for the Bay of Plenty Regional Council in regional waste management ?**

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### **Executive Summary**

The Bay of Plenty Regional Council has a current Waste and Resource Efficiency Strategy which was adopted in 2013. The Strategy outlines key focus areas, actions and initiatives to be implemented to manage waste over a ten year period. This report outlines the work that this Council has been involved in regionally and nationally over the past five years.

There are increased central government actions surrounding waste reduction and a raft of new legislation has passed. While regional councils have no legislative mandate to be involved in waste management, with all central funding being directed at Territorial Authorities, there is scope for this Council to take a leadership role to ensure there is regional direction for waste reduction.

The report asks committee members to consider the future direction Council will take in waste minimisation and raises the issues surrounding the continued landfilling of waste in relation to our developing Climate Change Action Plan and the declared regional climate change emergency.

The current Waste Strategy was approved with Council having a co-ordinating role; however waste minimisation was not specified as a core regional council activity. Staff are seeking direction from the committee as to whether Council should leave waste management and minimisation in the hands of Territorial Authorities, who have the legislative mandate and receive central government funding to undertake these activities. Alternatively we re-prioritise our current and future resources to ensure Council continues to play a leadership role in regional waste issues.

### **Recommendations**

**That Strategy and Policy Committee:**

- 1 Receives the report, Waste to resource opportunities – a continued role for the Bay of Plenty Regional Council in regional waste management?**
- 2 Provides direction on the future role of the Bay of Plenty Regional Council in regional waste management; to either**

- a. **That Regional Council will continue to play a role in regional waste management and minimisation by implementing the Regional Waste and Resource Efficiency Strategy, noting that this will require additional resource for 2020-2021; and**
- b. **That staff will review the effectiveness of the current strategy in regional waste management and minimisation to ensure that it delivers on the intent, with resourcing to be considered and provided for in the 2021-2031 Long Term Plan process.**

**or**

- c. **That Regional Council has no continued substantive role in waste management and minimisation; and**
- d. **That the current Strategy be retired, and the \$50,000 annual contestable Waste Projects fund be integrated with and administered under the Environmental Enhancement Fund.**

## **1 Introduction**

This paper follows the Regional Waste and Resource Efficiency Strategy report to the Regional Direction and Delivery Committee meeting held on 19 February 2019 where staff were directed to report back on the current Strategy and its implementation, consideration of budget implications and developing a collaborative way of working with Territorial Authorities and other stakeholders.

The key points of that paper were:

- Regional Council's do not have legislative mandate for waste management.
- The Waste Resources Advisory Group (WRAG) felt it was best used to advise strategic direction, and that needed reviewing.
- WRAG sought to broaden their membership and encourage collaboration.
- WRAG advocated regional and cross-regional solutions.
- The current \$50,000 competitive fund is too small for a regional scale, but provided effective results for the cost.
- Suggested the fund be administered through the Environment Enhancement Fund, with more support to increase application quality.

Staff consider that the Regional Council has a role to play in regional waste decisions, despite the lack of legislative mandate. Council is able to provide a platform to ensure territorial authorities are working towards similar goals with regards to waste reduction, moving towards a circular economy and implementing waste management strategies that mitigate climate change.

This paper highlights that without waste being part of core council business, implementing the current Strategy has not been high priority in terms of resource. If Council is to have a leading role in regional waste issues, a decision by this Committee will be required to provide the necessary direction for appropriate prioritisation and consideration in the next Long Term Plan process.

## 2 Background – collaborative waste projects

The Bay of Plenty Regional Council has operated a Waste Resource Efficiency Strategy since 2004, and along with Waikato Regional Council and Environment Canterbury Regional Council, has been one of the most active regional council's in New Zealand with regard to collaborative waste management and minimisation funding and projects.

During the period the Waste Strategy has been operational, Council has collaborated on a number of projects with other regional councils, territorial authorities, and external organisations including: Tauranga City Council (TCC), Western Bay of Plenty District Council (WBOPDC), Whakatāne District Council (WDC), Waste Management Institute of New Zealand (WasteMINZ), Waikato Regional Council (WRC), Environment Canterbury Regional Council (E.Can), Ministry of Civil Defence and Emergency Management (MCDEM), Bay of Plenty and Waikato Local Authority Shared Services (BoPLASS/WaiLASS).

Some key projects and partnerships undertaken include:

- Conscious Consumer hospitality industry waste reduction (TCC / WBOPDC / WDC)
- Love Food Hate Waste – national food waste prevention project (WasteMINZ / TCC / WBOPDC)
- Regional Rural Waste Study – investigation into on farm waste disposal (WRC)
- National Rural Waste Study – investigation of on farm waste disposal (WRC / E.Can)
- Developing the Waste Data Network – tracking waste moving between regions (WRC)
- Disaster Waste Management Plan tool – pre planning for waste management following a disaster event (WRC, E.Can, MCDEM)
- AgRecovery rural chemical and hazardous waste collection program (WDC / WBOPDC)
- BoPLASS / WaiLASS waste projects
- A wide range of community projects supported through the Waste Resources Advisory Group fund

All of the projects supported through the Waste Strategy aimed towards regionally integrated waste management and minimisation projects, many of which had elements of national impact.

### 2.1 The Bay of Plenty Waste and Resource Efficiency Strategy

The current Strategy was adopted in 2013 to set direction for waste management and minimisation through to 2023 (with an ability to be reviewed as and when required). The Strategy replaced a prior iteration, which had been adopted in 2004.

The Strategy identifies six Key Focus Areas, which outline visions, goals, new initiatives and what success in achieving these would look like.

In the first year of the Strategy (2013/2014), approximately \$75,000 was ear-marked for regional waste and resource projects. The Strategy identifies that this is the approximate

annual budget available through the life of the Strategy, subject to annual plan processes. Over time this budget has been reduced to a \$50,000 contestable community fund.

A key action in the Strategy was establishing the Waste Resources Advisory Group (WRAG). This group has been made up of a mixture of local government agencies, Not-for-Profit organisations, District Health Board, business, industry and volunteer group representatives. There have been between 10 and 14 professionals volunteering their time in the WRAG each year with the aim of driving the aspirations of the Strategy.

For the Regional Council, implementing the Strategy has primarily meant administering the WRAG, distributing and overseeing the use of a contestable public fund to assist community based waste reduction and resource recovery projects. These projects have been based across the region from Katikati to Whakatāne to Rotorua and have included supermarket food waste collection, building demolition waste repurposing, community worm farming projects, marae recycling education through Para Kore and a number of co-funded Tauranga City Council initiatives. During the first three years of Strategy implementation, \$50,000 was distributed annually. In the 2017/18 & 19 financial years, with reprioritisation of Regulatory Compliance staff focus into projects such as Kopeopeo Canal remediation and the Mount Maunganui air project combined with the declining quality of applications, the contestable community waste fund was only partially utilised.

In the years the contestable fund has been subscribed, 14 community based waste minimisation projects (out of a total of 32 applications) were supported. Whilst all these projects had impacts at a community or local level in providing waste reduction education and support to the community, and achieved the goals of a limited number of focus areas of the Strategy, this type of support has not had a measurable regional impact on waste reduction.

## **2.2 Council's current involvement in regional waste management**

Council staff provide a liaison and support role to territorial authorities and planning or implementing cross regional waste management projects, usually in conjunction with Waikato Regional Council.

Where time permits, staff focus on the implementation of the Waste and Resource Efficiency Strategy which has traditionally occurred through the funding of community projects.

Staff remain active as convenors of the Regional Waste Liaison Group, organising three to four annual workshops for representatives of all territorial authorities from the central North Island regions (Gisborne to Taranaki, all of the Waikato and south to Ruapehu District). This is an opportunity for guest speakers, those with innovative ideas for implementing the circular economy and for TA's to learn from their colleagues about projects, waste minimisation and recycling initiatives being undertaken in each local authority area.

Together with Waikato Regional Council, we lead the nationwide project developing a Disaster Waste Management Plan, which until recently had been jointly funded by the Ministry of Civil Defence and Emergency Management. With the recent changes in the Ministry structure the councils' are currently negotiating with central government agencies to ensure funding will be available to complete the digitisation of the proposed cloud based emergency waste management tool in 2020.

Council's work on Strategy implementation is currently limited to working on waste projects with our TAs and managing the Regional Waste Liaison Group. In order to re-energise the Strategy as a truly regional document, further re-prioritisation of current resource, and additional resourcing in the long term, will ensure council's role as a regional leader is maintained.

### 2.3 Strategy implementation, success and failures, moving forward

Since the adoption of the Strategy over five years ago there have been changes in the regional waste and resource efficiency landscape. The members of the WRAG, who are tasked with driving the regional Strategy, have made it clear the Strategy and the role of the WRAG, as well as the amount of funding Council contributes to the Strategy goals and staffing resources, needs to be reviewed and ideally increased.

In a council sponsored report into the impact of Strategy implementation authored by Karen Summerhays of People & Place (2019), interviews with WRAG members showed that most members believe that the \$50k annual fund is too small to be effective, with a risk that BoPRC could be seen as paying lip-service to the regional waste minimisation challenge.

The report found applications to the fund were predominantly from not-for-profit groups needing support and the quality of applications was often low. It was felt that if the fund was to remain at \$50k per annum (or indeed, if there was a need to continue with a community fund at all), then it should be handled as part of the council's Environment Enhancement Fund under a new waste category.

The report acknowledged that Tauranga City Council and Western Bay of Plenty District Councils also provide waste minimisation funding to community groups through contestable or targeted funds. These territorial authority funds are derived from the TA's Waste Levy funding and were inaugurated after the WRAG fund was established. These funds duplicate what the WRAG was trying to achieve through community waste project funding, and we see the same organisations applying to all funding sources.

The key points identified by current members of the WRAG when interviewed during research into the People & Place report were:

- “Regional Council needs to consider and define its role in regard to waste and resource efficiency in the region. Consideration needs to be given to the fact there is no legislative responsibility for regional councils to be involved in waste minimisation strategies.
- If a council committee determines the Regional Council should maintain an active role in waste and resource efficiency, a review of the Strategy should be undertaken to clarify regional direction and take into account changing legislation regarding waste management.
- The council needs to allocate sufficient resource to ensure the Strategy can be successfully implemented with meaningful outcomes. Waikato Regional Council have been operating a budget of approximately \$130,000 per annum to implement their Regional Waste Strategy having identified working with their Territorial Authorities to achieve uniform regional wide waste minimisation goals as a key priority.. Similar resources would be appropriate to have real impact in the Bay of Plenty.
- The future of the WRAG needs to be reconsidered. It should either have broadened representation, functions and roles, with meeting and group co-ordination possibly outsourced, unless sufficient staff resource is made available internally. An entirely alternative assemblage to what currently exists could also be considered.”

The WRAG considers that, in order to move forward with the Council playing a more active role in regional waste issues, the Strategy needed dedicated resourcing and increased

financial allowance to maintain a cross regions approach. There was an identified potential for BoPLASS to take a more active role in cross-regional waste projects, and a view that increased funding may attract and support projects with a truly regional or cross-regional waste minimisation impact.

### **3 Cross-regional Partners: Waikato Regional Council's focus on the Circular Economy**

Due in part to almost all municipal waste collected in the Bay of Plenty being disposed of at landfills in the Waikato, the regional councils of the two regions have worked closely together on a range of cross-regional waste minimisation projects. The Strategies of both councils have deliberately been closely aligned in order to achieve mutually beneficial outcomes. The Waikato Waste Strategy ran until 2018 and Waikato Regional Council is now taking a fresh look at a Circular Economy Strategic Action Plan to guide their waste management through until 2025.

The Circular Economy (Figure 1) aligns with current central government direction to move to a system where we keep resources in use for as long as possible, extract the maximum value from them whilst in use, then recover and regenerate products and materials at the end of each service life. When a product is designed for the longest use possible, can be easily repaired, remanufactured or recycled it is considered to have a circular life cycle, rather than the take – make – break – dispose linear economy prevalent today.

Nationwide the amount of material being disposed of to landfills is increasing whilst the amount of resources diverted from landfill is decreasing. Some of the increase could be due to China's National Sword policy where-by they are no longer accepting the worlds waste, leaving countries to seek alternative destinations for their recyclable waste. In New Zealand this has caused the stockpiling of plastics and glass whilst new overseas markets are found and the infrastructure to recycle the volume of materials in New Zealand is developed.

The Waikato Regional Council is actively researching what a Waikato Loops Circular Economy Plan would look like and how it would impact waste to landfill in the region. As the Waikato receives the Bay of Plenty's waste it would make sense to ensure our planning for future regional waste management is aligned. Waikato Regional Council, in their Regional Policy Statement states they will:

- (i) Work with territorial authorities, industry and community groups to facilitate and encourage initiatives for the minimisation and reuse of waste; and
- (ii) Facilitate the collation and dissemination of regional waste data to support the identification of waste management priorities and trends.

Similarly the current Bay of Plenty Strategy identifies we will “work together for a resource efficient region”. The strategy outlines the goals we will implement to achieve our regional vision, including:

- Protecting our communities, land, water and air from harmful and hazardous wastes
- Encouraging resource efficiency and beneficial reuse of wastes that create sustainable economic growth in the region
- Working together to encourage and support innovative affordable solutions, with a preference for local solutions
- Reducing waste to landfill and
- Promoting consistent regulation and compliance monitoring requirements



The Strategy also identifies as a guiding principle that as a region we need to move from waste disposal to waste prevention, finding cost effective solutions and promoting closed loop or cyclical production to improve resource efficiency.



Figure 1: The Circular Economy eliminates waste creation and disposal.

#### 4 An emerging issue - landfill closure in Tauranga

There is a single consented facility (outside of TCC's transfer stations) in Tauranga for the disposal of construction and demolition (C&D), concrete and hard fill, clean fill and greenwaste. Jack Shaw's Tauriko landfill was first consented as a landfill in 1998 with the consent varied in 2018 to allow the landfill to increase its height and continue operating. Due to some large demolition projects including the Farmers building having been undertaken in Tauranga in the past two years, the landfill is now nearing capacity and is expected to close and be capped by May 2020.

Jack Shaw had proposed to open a new landfill at another Tauriko location however has withdrawn the consent application due to the costs associated with establishing a new site. This will leave a burden of C&D, cleanfill and greenwaste up to 70,000 cubic meters per annum requiring an alternate location for disposal.

Tauranga City Council and Western Bay of Plenty District Council have approached regional council staff expressing their concerns about the potential for an increase in illegal dumping and fly-tipping across the region following the closure of Jack Shaw's. The three councils are working on a combined communications strategy to ensure current users of Jack Shaw's are aware that there is capacity for their waste streams to be disposed of at TCC's transfer station in Te Maunga. As all TCC's waste is transported to landfills in the Waikato, there will be an increase in costs for users disposing waste at Te Maunga which, along with Te Maunga's location being many kilometres from the current Tauriko site, may be a disincentive for users.

Tauranga City Council is currently working on a proposal to construct a full waste diversion and recycling facility at Te Maunga to remove and repurpose C&D waste materials and increase the capacity of current facilities to deal with greenwaste, plastics and glass. They

envision this facility to become a regional hub and have entered initial discussions with BoPRC and BoPLASS to explore how this might become a jointly funded project across the organisations.

With the imminent closure of Jack Shaw's and currently there being no consent applications lodged to develop similar facilities in the region the Council needs to position itself to become a regional leader to ensure there are appropriate options available to the building and demolition industry, arborists and gardening contractors and concrete companies to dispose of or divert their waste materials.

Landfilling materials causes long term greenhouse gas emissions which impact on climate change and therefore dump sites should now be amongst the last options considered and the diversion and repurposing of recovered materials is something the regional council should be exploring along with a potential joint partnership with our territorial authorities.

## **5 The Bay of Plenty Climate Change Action Plan**

In June 2019 the Council (via the Regional Direction and Delivery Committee) moved to declare a Climate Change Emergency for the region. This declaration supported a global movement of local authorities to place human influenced climate change as a key challenge for local and regional security and development. Prior to this declaration the council had undertaken a Climate Change Stocktake and are progressing a Climate Change Action Plan which will lead the council to carbon neutrality by 2050.

The Climate Change Action Plan identifies a number of actions and pathways the council will implement in a staged manner in order to address the organisations total carbon emission loading. This includes low carbon purchasing and procurement which aligns with the Circular Economy where-by products and services have a circular long-term lifespan rather than one where they become quickly outdated and ripe for disposal.

The goal of having zero waste within the organisation is identified as an action to reduce the quantity of landfill waste (including e-waste) produced within our offices as well continued investigation into additional options to reduce landfill waste across the organisation.

The organisation has a wider responsibility beyond our own purchasing, procurement and in-house waste minimisation to set an example region wide, to be a leader when facing the climate change challenge and realising that all waste disposal, including the transfer of waste from our region to disposal sites outside the region is a cause to fail on attaining zero carbon status. Therefore waste management and minimisation is intricately aligned with the overall goals outlined in the climate change action plan, being developed as part of the declaration of a climate change emergency.

### **5.1 2050 Zero Carbon Target - Bay of Connections**

The Bay of Connections Leadership Group have agreement in principle for the proposed development of a regional economic development framework for the wider Bay of Plenty, with the objective of lifting incomes and the standard of living across the region. This would be achieved through a focus on a net zero-carbon, sustainable economy, which is integrated with global markets and supply chains.

Specific to a net zero-carbon target, a key principle for Bay of Connection's focus for 2020/21 includes recognising government's **zero carbon target for 2050** not necessarily as a target of 'where we need to get to' but rather as an 'evolution' towards understanding where our region will best prosper.

A regional economic development framework for the Bay of Plenty region will include a focus on reducing regional aggregate carbon emissions while better understanding the 'ideal future state' for our unique region, especially in consideration of those sectors with the largest footprint e.g. transport and agriculture sectors.

This framework will also include recognition of the desire for sustainability, waste minimisation and a circular economy which maximises the use of resources and an enhanced natural environment.

## **5.2 Katikati Taio - Circular Economy Project**

Katikati Taio and the Department of Internal Affairs (DIA) have entered a five-year funding and support relationship to be known as a Community-led Development Partnership with a goal to achieve a more resilient, inclusive and sustainable community in Katikati. A focus is the development of a circular economy for Katikati with a key project being establishing an industrial organic composting plant using organic waste from local horticulture.

Katikati Taio are talking to Zespri and local kiwifruit pack houses and are holding an event on Monday 23 March 2020 to engender support for the initiative from industry. There will be a panel discussion including experts in the circular economy, industrial composting, local Councillors, MBIE, and PDF.

Key to the success is support from the regional and territorial authorities. Western Bay of Plenty District Council are supportive. Regional Council staff with experience in waste, climate change, consenting and compliance who are able to provide advice and engage on the panel will be invited to attend.

The partnership will be a significant opportunity for the Katikati community to access expertise with the help of DIA for a number of proposed research projects to be undertaken in Katikati.

1. The main principles driving these projects encompass:
2. Shared local visions drive actions and change
3. Using existing strengths and assets
4. Many people, groups and sectors working together
5. Building diverse and collaborative local leadership
6. Working adaptively, learning informs planning and action.

A number of additional work streams in the areas of Environment; Manuwhenua, Youth Employment and Community Engagement could also develop as a result of this programme and it is an example of initiatives that the Regional Council can support.

## **6 What could the future look like?**

The future of waste management in the Bay of Plenty could involve Council playing a leadership role, influencing and guiding territorial authorities' Waste Management and Minimisation Plans, seeing the creation of state of the art waste diversion and recycling facilities and embedding the circular economy as a practice that expedites the council's vision of a carbon neutral 2050.

*The decision this paper is asking of Committee members to make is whether, despite no legislative mandate, Regional Council should continue to play a role in regional waste management.*

If the Regional Council's role is to continue beyond the current status quo, the Committee is asked to direct that the work load within a council team be re-prioritised to ensure there is capacity and budget to undertake a full review of the Waste and Resource Efficiency Strategy to ensure it is aligned with councils Climate Change Action Plan, is fit for purpose and working towards the 2050 carbon neutral vision. It will also direct that in future Annual Plan budget forecasting sufficient funds will be dedicated to ensuring the key role Regional Council can play will be realised.

Successfully transitioning to a circular economy requires a sea change in waste policy, particularly the use of the Waste Minimisation Act to bring about mandatory product stewardship schemes, to phase-out products and packaging that is not easily processed onshore, to increase and expand the Waste Disposal Levy, and to mandate comprehensive waste and recycling data collection. Local and regional councils have a role in continuing to call on Central Government to implement these policies, and articulate how these changes would improve waste and recycling outcomes in local areas. Articulating policy demands can be achieved with the guidance and support of the Zero Waste Network and the New Zealand Product Stewardship Council. (Zero Waste Network briefing paper).

## **7 The national context**

Central government is currently introducing waste reduction legislation as a focus of their parliamentary term. Since the elections, there has been a move towards embedding the Circular Economy as part of central government policy. As part of the move to a Circular Economy the government introduced the single use plastic bag ban in July 2019 which eliminated the production, use and ultimate disposal of an estimated 750 million bags per year.

Work is currently underway on the New Zealand Container Return Scheme which will provide a container deposit and cash return on many of the estimated two billion glass, plastic, aluminium, paperboard and other drink containers consumed in the country each year.

In June 2018 regulations were introduced that prohibit the sale and manufacture of wash-off products that contain plastic microbeads for the purposes of exfoliation, cleaning and abrasive cleaning, impacting cosmetics, body and facial exfoliants, toothpastes, hand cleaners and abrasive household, car and industrial cleaning products.

In March 2019 an unprecedented amount of rainfall in South-Westland caused a blow-out to the banks of the Fox River exposing an historical municipal waste dump which had been closed and capped for decades. Thousands of tonnes of waste from the exposed dumpsite were transported out to sea in the river torrent, ultimately washing back up on beaches along more than a 100km stretch of West Coast coastline, much of it part of a UNESCO world heritage area. This event has caused the Ministry of the Environment to compel Regional Councils to identify all municipal and other consented landfill sites, contemporary and historical and undertake a climate change risk assessment on these. A desk top study has been undertaken on known Bay of Plenty sites with those in coastal locations evaluated as low risk of being affected by climate change weather events, coastal erosion or sea level rise.

Legislation should be enacted in early 2020 with the adoption of a new National Environmental Standard for the Outdoor Storage of Tyres. New Zealand produces in the vicinity of four million waste car tyres and an additional one million waste heavy vehicle tyres annually. Many of these end up in consented or casual landfills and farm dumps around the country. But as we have discovered in the Bay of Plenty, many end up in gorges and valleys, on the back of farms or in quarries, dumped in such quantities they become a health risk

through providing vermin and mosquito habitat, a fire hazard and leach toxic chemicals into the ground they are stored upon. Locally we are in protracted court action to enforce the removal of a large illegal tyre pile in Kawarau district.

A review of the waste disposal levy is currently underway. The levy has been pegged at \$10 per tonne of waste disposed of at any municipal waste disposal site since being introduced in 2008. By international standards this is an incredibly low fee (in Australia and North America waste disposal levies are between NZ\$100 to \$200 per tonne). It is proposed to incrementally increase the levy over several years until it reaches a level around \$140 per tonne and to expand the scope of the levy to cover all classes of landfills, not only those municipally owned, so private consented landfills (except clean fills) will be covered by the levy. Funds collected from the expanded levy will continue to be distributed to Territorial Authorities to implement Waste Minimisation and Management Plans. The Bay of Plenty Regional Council has supported submissions on the Levy review through WasteMINZ, the Contaminated Land and Waste Special Interest Group (CLWSIG) and the Regional Waste Liaison Group.

## **8 Implications for Māori**

From the inception of the current Strategy staff actively sought to engage with tangata whenua, representatives of whom attended stakeholder workshops and contributed to the format of the strategy as it developed.

Māori have an important role to play in waste reduction and this has been supported by the WRAG fund financing Pare Kore marae waste minimisation and recycling schemes throughout the region. Iwi have been invited to be more actively involved in the Waste Strategy implementation by taking seats on the WRAG, and will continue to be invited to actively be part of waste and resource efficiency projects.

The role of tangata whenua and kaitiaki is to protect the natural and physical environment, waahi tapu and other sites of cultural significance to ensure community and cultural sustainability is achieved. Council is acutely aware of the impact the development of landfill sites has on the mana of Papatuanuku. Local iwi, such as Ngā Potiki see the expansion and development of sites like the Te Maunga waste water ponds and transfer station as an affront to their kaitiakitanga over what were once their ancestral whenua and Māori will continue to be impacted parties when cultural effects are considered during the development and consenting of any new waste disposal sites in the future.

## **9 Conclusion**

The Bay of Plenty Regional Council has operated a Waste Resources Efficiency Strategy since 2004 with a major review to include changing legislation undertaken in 2013. The new Strategy established the Waste Resources Advisory Group (WRAG) who primarily managed a contestable community fund of \$50,000 per annum. Whilst this fund impacted small scale community waste minimisation projects it failed to have regional impact.

The Regional Council has always supported local Territorial Authorities and worked closely with Waikato Regional Council and Environment Canterbury on waste projects with national significance. Re-prioritisation of current resource to focus on core council business has reduced the Regional Council's ability to be a fully contributing partner to Regional Waste and Resource Efficiency initiatives in recent years.

With the declaration of a climate change emergency and development of the Climate Change Action Plan, staff consider that Council should maintain and enhance its regional and national influence on waste management and minimisation projects and associated

investment and ask this Committee to direct staff to enhance their current involvement by re-energising the Strategy, undertaking a review to ensure it is fit for purpose and adequately resourced to have a truly regional impact.

## **10 Budget Implications**

### **10.1 Current Year Budget**

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

### **10.2 Future Budget Implications**

Continued and enhanced involvement in regional waste issues will require additional budget considerations in Annual Plan and Long Term Plan deliberations.

## **11 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 Compliance Manager - Urban, Industry & Response**

**7 February 2020**