

Strategy and Policy Committee

NOTICE IS GIVEN

that the next meeting of the **Strategy and Policy Committee** will be held via **Zoom (Audio Visual Meeting)**, **Bay of Plenty Regional Council, Virtual Meeting Room** on:

Tuesday, 5 May 2020 commencing at 9.30 am

This meeting is open to the public via live streaming on the BOPRC website. To watch the meeting live please click on this link <http://www.boprc.govt.nz/livestream>

Fiona McTavish
Chief Executive
28 April 2020



Strategy and Policy Committee

Membership

Chairperson	Cr Paula Thompson
Deputy Chairperson	Cr Stuart Crosby
Members	All Councillors
Quorum	Seven members, consisting of half the number of members
Meeting frequency	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.

Agenda

- 1 Apologies**
- 2 Public Forum**
- 3 Acceptance of Late Items**
- 4 Confidential Business to be Transferred into the Open**
- 5 Declarations of Conflicts of Interests**
- 6 Previous Minutes**
 - 6.1 Strategy and Policy Committee Minutes - 18 February 2020** **11**
- 7 Presentation**
 - 7.1 Building Regions – A vision for local government, planning law and funding reform**

Paul Blair, Chief Executive Officer Infrastructure New Zealand will present this item.
- 8 Reports**
 - 8.1 Chairman's Operating Environment Report**

This item will be circulated under separate cover.
 - 8.2 SmartGrowth Leadership Group Agreement and Memorandum of Understanding** **23**
 - APPENDIX 1 - SmartGrowth Leadership Group Agreement May 2020 **29**
 - APPENDIX 2 - SmartGrowth and Central Government Spatial Plan Partnership - Memorandum of Understanding DRAFT **41**
 - 8.3 Development of an Inter-regional Marine Pest Pathway Plan** **47**
 - APPENDIX 1 - 2019-08-07 FINAL Inter-regional Marine Pest Pathway Plan (IRMPP) Consultation Report **55**
 - 8.4 Natural Hazards Way Forward Project** **97**

9 Public Excluded Section

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Resolution to exclude the public

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

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

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
9.1 Public Excluded Strategy and Policy Committee Minutes - 18 February 2020	Please refer to the relevant clauses in the open minutes.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

9.1 Public Excluded Strategy and Policy Committee Minutes - 18 February 2020

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10 Confidential Business to be Transferred into the Open

11 Readmit the Public

12 Consideration of Late Items

Previous Minutes

Minutes of the Strategy and Policy Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Tuesday, 18 February 2020 commencing at 9.30 am

Present:

Chairman: Paula Thompson

Deputy Chairman: Stuart Crosby

Councillors: Norm Bruning, Bill Clark, Andrew von Dadelszen, Toi Iti, Matemoana McDonald, Chairman Doug Leeder, David Love, Deputy Chair Jane Nees, Stacey Rose, Lyall Thurston, Te Taru White, Kevin Winters

In Attendance: Namouta Poutasi – General Manager Strategy & Science, Chris Ingle – General Manager Integrated Catchments, Sarah Omundsen – General Manager Regulatory Services, Julie Bevan - Policy & Planning Manager, Donna Llewellyn – In-House Legal Counsel, Karen Parcell – Team Leader Kaiwhakatinana, Stephen Lamb - Environmental Strategy Manager, Nic Newman – Principal Advisor, Shari Kameta – Committee Advisor, Attendance in part: James Low - Team Leader Policy (Freshwater), Glenys Kroon - Senior Policy Analyst (Water Policy), Reuben Gardiner - Senior Planner (Water Policy), Mary Hill - Legal Counsel, Nassah Steed – Principal Advisor, Freya Camburn – Senior Policy Analyst, Reece Irving – Senior Regulatory Project Officer, Stephen Mellor – Compliance Manager – Urban, Industry & Response

1 **Apologies**

Nil

2 **Acceptance of Late Items**

Nil

3 **General Business**

Nil

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

Nil

5 Declaration of Conflicts of Interest

Committee Chair Cr Thompson declared an interest in Agenda item 8.6 'Consideration of Option to Withdraw Proposed Plan Change 9 (Region-wide Water Quantity Plan Change)' due to her position as a Director of Quayside Holdings Ltd (as an appellant).

6 Order of Business

Committee Chair Cr Thompson sought leave of the Committee that Agenda item 8.6 be received after Agenda item 8.3 'Freshwater Futures Update' for better continuity.

7 Previous Minutes

7.1 Regional Direction and Delivery Committee Minutes - 17 September 2019

Resolved

That the Strategy and Policy Committee:

- 1 Receives the Regional Direction and Delivery Committee Minutes - 17 September 2019.

Thompson/Thurston
CARRIED

7.2 Plan Change 13 (Air Quality) Appeals Subcommittee Draft Minutes - 16 January 2020

Resolved

That the Strategy and Policy Committee:

- 1 Receives the Plan Change 13 (Air Quality) Appeals Subcommittee Draft Minutes - 16 January 2020.

Thompson/Thurston
CARRIED

8 Reports

8.1 Operating Environment

Refer PowerPoint Presentation: Objective ID A3481362 and Tabled Documents 1 – 3: Objective IDs A3490202, A3490206, A3490208.

The report was presented by Policy & Planning Manager Julie Bevan and Environmental Strategy Manager Stephen Lamb.

Key Points - Staff

- National Policy Statement for Indigenous Biodiversity (NPSIB) was required by both regional and district councils.
- NPSIB documentation alluded to the fact that our nature was facing crisis, therefore staff considered the overall aim should be to enhance indigenous biodiversity.

- Tauranga City Council's submissions on the NPS-FM and NES-FM and draft NPSIB was requested and circulated for information (refer Tabled Documents 1–3).

In Response to Questions

- Proposed NES for Marine Aquaculture (NES-MA) aimed to make re-consenting of existing farms easier. Staff had little information about the NES-MA and no further communication had been provided by the government lead agency.

Key Points – Members

- Expectations placed on Local Government to deliver national policy direction was immense and critical for Council to work through.
- Engagement with iwi on national policy direction was a strategic priority for Council.
- Department of Conservation's participation on the NPSIB would be integral and Māori-owned land needed to be provided for.
- Practicalities of enhancement in the current climate change environment was questioned.
- The scope, frameworks and intersection of NPSIB Objective 3 Hutia Te Rito with NPS-FM Te Mana o Te Wai would be critical.
- Un-funded mandates around SNAs and spatial planning needed consideration.
- Clarification was needed on mana whenua and resourcing cost implications in the engagement space.
- Questioned practicalities of implementing highly mobile fauna within the coastal marine area and requirements for aquatic and amphibian species.
- Considered a definition for plantation forestry size and rationale of supportive targets was needed.
- Queried the definition of 'Indigenous Biodiversity' that had been created over time where there were competing environment, such as mangroves.

Actions for Staff Follow-up

- Connect with Ministry for the Environment leads on the proposed NES-MA.
- Provide further rationale on the evidence base for Part 2 Objective 1 of the NPSIB where enhancement is sought.

Resolved

That Strategy and Policy Committee:

- 1 Receives the report, Operating Environment;**
- 2 Approves the draft submission on the National Policy Statement for Indigenous Biodiversity (attached as Appendix 1), subject to receiving further information regarding matters raised at the meeting; 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 Receives the Strategy and Policy Committee Indicative 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.**

**Winters/Rose
CARRIED**

8.2 Process for the development of Council Strategic Direction

The report was presented by Principal Advisor Nic Newman and Environmental Strategy Manager Stephen Lamb.

In Response to Questions

- Clarified the committee's delegated authority on oversight of any strategic response where overlaps may occur with the Operations and Monitoring Committee.

Resolved

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.**

**Crosby/Thompson
CARRIED**

8.3 Freshwater Futures Update

The report was presented by Principal Advisor Nicola Green and Policy & Planning Manager Julie Bevan.

Key Points

- Outcomes pending on the Government's Action for Healthy Waterways policy package were uncertain.
- LGNZ's view and draft letter on outstanding issues for Local Government had been postponed until the independent advisory panel assessment was released.
- Plan Change 10 remaining issues included minor technical issues which are likely to be resolved and the issue of allocation to Treaty Settlement land that parties had not been able to resolve. This latter matter would likely go to Court with a date in June 2020.

Key Points – Members

- Industry positions regarding the proposed Action for Healthy Waterways package was moving at pace. Noted that staff resourcing to keep up with this work at the government level was in progress and would be challenging.

Resolved

That Strategy and Policy Committee:

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

**Thompson/Nees
CARRIED**

8.4 **Consideration of Option to Withdraw Proposed Plan Change 9 (Region-wide Water Quantity Plan Change)**

Refer Item Circulated under Separate Cover and Presentation Objective ID A3483360

It was noted that the title of Agenda item 6.8 was revised after publication of the agenda.

The report was presented by Team Leader Policy (Freshwater) James Low, accompanied by Policy & Planning Manager Julie Bevan, Senior Policy Analyst (Water Policy) Glenys Kroon, Senior Planner (Water Policy) Reuben Gardiner and Legal Counsel Mary Hill.

Conflict of Interest

Committee Chair Cr Paula Thompson had declared an interest in the item and accordingly withdrew from the table and from discussion and voting.

Committee Deputy Chair Cr Stuart Crosby assumed the chair.

Key Points

- Provided background on Proposed Plan Change 9 (PPC9) and the reasons, options and risks for seeking its withdrawal.
- The primary reason for a withdrawal was the remaining division between parties on fundamental issues including Te Mana o Te Wai (TMOTW) and that further direction on TMOTW would soon be provided under the new NPSFM.
- Considered that core issues were unlikely to be resolved through further mediation.
- Recommended the best option was to withdraw PPC9 in full.
- Staff were committed to working with tangata whenua to resolve and work through the issues, which would be addressed outside the pressure of PPC9 appeals processes.

In Response to Questions

- TMOTW was to be defined by the community.
- Tangata whenua engagement would be discussed at the Komiti Māori hui in April.
- Engagement had been undertaken with tangata whenua and was evolving and improving within Council, such as within geothermal management planning.
- Over-allocation issues had resulted from historic consents being granted prior to the framework being developed and evidence base being available.

Key Points – Members

- PPC9 Appeals Subcommittee Chair Cr Jane Nees clarified that the Subcommittee's recommendation had agreed to staff preparing a report for the Strategy and Policy Committee to assist the Committee in making this important decision.
- Noted the immense amount of resource and time spent, and different polarising views and positions held, by appellants.
- Noted that the mediation process had not been completed.
- Substantial changes to PPC9 had been made during mediation that had not yet been finally endorsed by the Appeals Subcommittee.

11:29am – Cr Love withdrew from the meeting.

- Emphasized PPC9 was an interim plan change prior to the NPS-FM.
- Clarification was needed on TMOTW. It was noted that the mauri and mana of the water was complex, which the NPS-FM may not be able to define.

The Committee requested legal advice from Council's Legal Counsel Mary Hill on the potential risks to Council from withdrawing PPC9.

11:38am – Cr Love entered the meeting.

Resolved

That Strategy and Policy Committee:

- 1 Confirms the public be excluded from this part of the meeting proceedings on the grounds set out in the Local Government Official Information and Meetings Act 1987 under section 48(2)(a)(i) that withholding is necessary to enable Council to deliberate in private on Council's decision in proceedings where a right of appeal lies.**

**Crosby/Thurston
CARRIED**

Members' Comments

- Recommended advice on improving tangata whenua engagement be referred to Komiti Māori.
- Leadership, trust and goodwill would be key going forward.
- Recognised the important role that Māori play in freshwater management and how Council could actively partner with tangata whenua would be vital.

MOTION

Moved: Cr von Dadelszen Second: Cr Thurston

That the recommendations be accepted.

Members sought that their reasons for withdrawing PPC9 be recorded in the resolution, which the mover and seconder of the original motion agreed to as a substituted motion.

AMENDMENT

Moved: Cr Iti Second: Cr White

That the Committee seek direction from Komiti Māori on how best to move forward with tangata whenua in freshwater management and policy development, and to be reported back to this Committee.

The amendment was put and carried and became part of the substantive motion.

Resolved

That Strategy and Policy Committee:

- 1 Receives the report, Consideration of Option to Withdraw Proposed Plan Change 9 (Region-wide Water Quantity Plan Change);**
- 2 Agrees to withdraw PPC9 in full.**
- 3 Records the reasons to withdraw PPC9 as follows:**
 - **Fundamental differences of opinion remain on key issues which are unlikely to be resolved without proceeding to court.**

- **Resolution of outstanding appeals is unlikely to occur until after the National Policy Statement for Freshwater Management is gazetted and implementation underway.**
 - **Continuing to pursue the resolution of the appeals would therefore be an inefficient use of resources, given new national direction on fresh water is imminent.**
 - **Future processes and associated plan change(s) following the gazettal of the NPSFM will enable better integration of water quality and water quantity and provide greater clarity in relation to Te Mana o Te Wai, which has been a key issue in the appeals.**
 - **Withdrawing PC9 will not create a planning vacuum, consents will continue to be processed under the operative plan having regard to the current NPS-FM.**
- 4 Seeks direction from Komiti Māori on how best to move forward with tangata whenua in freshwater management and policy development, and to be reported back to this Committee.**

**von Dadelszen/Thurston
CARRIED**

11:52 am - The meeting **adjourned**.

12:20 pm – The meeting **reconvened**.

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

Refer PowerPoint Presentation: Objective ID A3480825

The report was presented by Principal Advisor Nassah Steed and Policy & Planning Manager Julie Bevan.

Key Points

- Provided background on recognising and providing for the Kaituna River Document within the Regional Policy Statement (RPS).
- Draft Proposed Plan Change 5 (PC5) had been held up, noting expectations from Te Maru o Kaituna for PC5 to proceed.
- Staff were working to ensure effective integration with PC12 and the NPS-FM.

In Response to Questions

- Legal implications and risks of proceeding with PC5 could be managed alongside NPS-FM that would ensure good faith of key stakeholders.
- Part of Treaty Settlement legislation obligation was to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document within the RPS, providing stronger direction and weight within Council's Resource Management Act statutory policy statement and plans.
- Some National Planning Standards requirements could be complied with, without needing to go through the Resource Management Act Schedule 1 process.
- Council was obliged to engage tangata whenua on provisions included under the Tangata whenua/mana whenua heading and other parts of the RPS that relate to their interests as part of meeting the National Planning Standards RPS structure requirements.

- If the Committee deferred its approval of PC5, staff would provide an update to the scheduled meeting of Te Maru o Kaituna River Authority on 28 February 2020 and report back to them again, once the process had been approved by this Committee.

Key Points – Members

- PC5 would have legal implications for PC12, in advance of the NPS-FM.
- Sought the opportunity for councillors to provide feedback before releasing PC5 for consultation.

Resolved

That Strategy and Policy Committee:

- 1 Receives the report, Draft Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement;**
- 2 Requests staff schedule a workshop with the Strategy and Policy Committee to consider Draft Proposed Change 5 (Kaituna River) to the Regional Policy Statement, as contained in Appendix 1.**
- 3 Notes staff will provide an update on Proposed Change 5 to the Te Maru o Kaituna River Authority meeting on 28 February 2020.**
- 4 Approves including information on Proposed Change 5 on Regional Council's website.**

Thompson/von Dadelszen
CARRIED

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

The report was presented by Team Leader Kaiwhakatinana Karen Parcell.

Key Points

- One substantive matter subject to appeal remained outstanding.

Key Points – Members

- Commended staff on their efforts with resolving appeals via court mediation.

Resolved

That Strategy and Policy Committee:

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

Thompson/Love
CARRIED

8.7 Reviewing Management of the Rotorua Geothermal System - summary of engagement feedback

The report was presented by Senior Policy Analyst Freya Camburn and Policy & Planning Manager Julie Bevan.

In Response to Questions

- Confirmed that the Rotorua Energy Charitable Trust had sought to be involved in the process and would be considered as one of the stakeholders going forward.

Key Points – Members

- Endorsed and congratulated staff on the engagement process.

Resolved

That Strategy and Policy Committee:

- 1 Receives the report, Reviewing Management of the Rotorua Geothermal System - summary of engagement feedback.**

**Winters/Thurston
CARRIED**

8.8 Waste to resource opportunities – a continued role for the Bay of Plenty Regional Council in regional waste management?

Refer PowerPoint Presentation: Objective ID A3480499

The report was presented by Senior Regulatory Project Officer Reece Irving and Compliance Manager – Urban, Industry & Response Stephen Mellor.

Key Points

- Staff considered Council had a role to play in providing regional leadership in waste minimisation, despite not being mandated to do so under current legislation.
- Continued involvement aligned closely with Council's Climate Change Action Plan however would require additional staff and financial resourcing.

Key Points – Members

- Supported the continuation of Council providing leadership and playing a role in waste minimisation across the region.
- Noted that waste minimisation was a priority for the Upper North Island Strategic Alliance (UNISA).

Resolved

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 Agrees that Regional Council will consider enhanced roles in integrated waste management.**

**Thompson/Rose
CARRIED**

8.9 Public Excluded Section

Resolved

Resolution to exclude the public

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

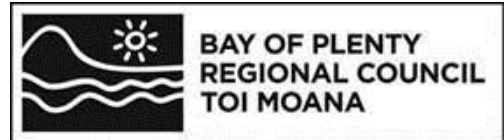
The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as 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
9.1 Public Excluded Regional Direction and Delivery Committee Minutes - 17 September 2019 – For Information Only	Please refer to the relevant section in the open minutes.	Good reason for withholding exists under Section 48(1)(a).
9.2 Public Excluded Plan Change 13 (Air Quality) Appeals Subcommittee Minutes - 16 January 2020 - For Information Only	Please refer to the relevant section in the open minutes.	Good reason for withholding exists under Section 48(1)(a).

**Thompson/Thurston
CARRIED**

The meeting closed at 1:27pm.

Reports



Report To: Strategy and Policy Committee

Meeting Date: 05 May 2020

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

SmartGrowth Leadership Group Agreement and Memorandum of Understanding

Executive Summary

Late last year, Central Government indicated that they would like to establish an urban growth partnership with SmartGrowth in order to deliver on the Government's Urban Growth Agenda and in particular the joint spatial plan component. It was decided that the best way for this partnership to occur was for Central Government to join the existing SmartGrowth Leadership Group and to also have involvement at management and technical levels.

This partnership is to be cemented through two key documents:

- An update to the SmartGrowth Leadership Group Joint Committee Agreement which allows the Crown to join the Committee (attached as Appendix 1).
- The preparation of a Memorandum of Understanding between all of the parties (attached as Appendix 2).

The Committee is asked to recommend that Council adopt the Agreement (to be signed by the Chair), and approve in principle the Memorandum of Understanding (again to be signed by the Chair once the MOU has been agreed with Central Government).

Recommendations

That Strategy and Policy Committee:

- 1 Receives the report, SmartGrowth Leadership Group Agreement and Memorandum of Understanding ;**

That the Strategy and Policy Committee recommend that the Regional Council:

- 1 Adopt the updated SmartGrowth Leadership Group Agreement and associated Terms of Reference attached to this report as Appendix 1.**
- 2 Authorise the Bay of Plenty Regional Council Chair to sign the SmartGrowth Leadership Group Agreement.**

- 3 Approve in principle the Memorandum of Understanding between the SmartGrowth partners and Central Government, attached to this report as Appendix 2.**
- 4 Authorise the Bay of Plenty Regional Council Chair to approve any minor amendments to the Memorandum of Understanding if sought by Central Government and to sign the Memorandum of Understanding once it has been agreed by Central Government.**

1 Purpose of Report

To provide the SmartGrowth partner councils, tāngata whenua, Central Government, the New Zealand Transport Agency and the Bay of Plenty District Health Board with an updated Joint Committee Agreement which allows Central Government to join the existing SmartGrowth partnership. It also provides the partners with a Memorandum of Understanding which sets out how Central Government and the SmartGrowth partners will work together.

2 Background

Late last year, Central Government indicated that they would like to establish an urban growth partnership with SmartGrowth in order to deliver on the Government's Urban Growth Agenda and in particular the joint spatial plan component. The joint spatial plan is not just having an agreed plan among the sub-regional partners, but also joining with the Crown, so that the plan is agreed and signed off by Central Government in addition to local partnership adoption.

It was decided that the best way for this partnership to occur was for Central Government to join the existing SmartGrowth Leadership Group and to also have involvement at management and technical levels. This is a similar approach to that in the Waikato which has occurred through the Future Proof partnership.

Cementing this partnership is occurring through two key documents:

- An update to the SmartGrowth Leadership Group Joint Committee Agreement which allows the Crown to join the Committee (attached as Appendix 1).
- The preparation of a Memorandum of Understanding between all of the parties (attached as Appendix 2).

The Local Government Act 2002 (LGA) mandates the establishment of Joint Committees. The SmartGrowth Leadership Group is a Joint Committee made up of representatives from Tauranga City Council, Western Bay of Plenty District Council, Bay of Plenty Regional Council, and tāngata whenua along with the New Zealand Transport Agency and Bay of Plenty District Health Board in non-voting roles. The Committee has been in place since 2004.

Clause 30A, 7th Schedule of the LGA requires all Joint Committees to have an agreement across the committee member organisations. This is particularly important for the partner councils given that joint committees are established and operate in

accordance with the provisions of the Local Government Act 2002 although their membership may extend beyond local government membership.

The current Agreement states that it may be varied from time to time, but only with the agreement of each of the partner councils.

There have also been other changes since the existing SmartGrowth Leadership Group Agreement was adopted, such as the Urban Form and Transport Initiative, new National Policy Statements and the need to develop a joint spatial plan between the Crown and SmartGrowth. The Agreement has been updated to reflect these changes.

The draft Agreement has been approved subject to some amendments, by the SmartGrowth Leadership Group at its meeting of 18 March 2020 and recommended to the partner Councils for consideration and sign-off. It is also intended to be signed off by the Cabinet as a suite of urban growth partnership initiatives in either June or July 2020. The exact timing of this is to be clarified given the Covid 19 issue. Advice is being sought from officials on this matter. It is proposed that notwithstanding this timing uncertainty, that the Agreement is progressed. Officials support this approach.

At this stage, it is intended that the agreement would come into effect on 1 July 2020.

While a briefing of Ministers in Wellington was cancelled due to Covid 19 and the lockdown, a meeting via Zoom conferencing with Minister Twyford occurred on 21 April with Mayors and Chairs and Chief Executives.

Minister Twyford indicated last year that he would like a Memorandum of Understanding (MOU) between Government and the SmartGrowth partners. At the December SmartGrowth Leadership Group meeting the Independent Chair was delegated authority to progress this MOU. The Chair presented on the MOU to the February SLG meeting and at its March meeting, the SmartGrowth Leadership Group approved in principle the MOU and recommended that partner Councils approve it in principle given that there may be requests from the Crown for amendments. The Independent Chair was delegated authority to make any minor adjustments if requested by the Crown. Any such adjustments would occur in liaison with Mayors and Chairs.

The MOU covers the relationship and how the parties work together. It is separate to the Agreement which is a formal document for establishing joint committees and mandated by the Local Government Act 2002.

3 Amended SmartGrowth Leadership Group Agreement

As considered and adopted by the SmartGrowth Leadership Group at its 18 March meeting, an amended Joint Committee Agreement has been prepared and is attached to this report as Appendix 1.

The existing agreement (adopted in 2017) has been amended as follows:

- Expanded membership to include Central Government (up to three Ministers of the Crown with voting capacity)
- References to also implementing the outcomes from the Urban Form and Transport Initiative and the joint spatial plan, in addition to the SmartGrowth Strategy.

- Three local government members instead of four (noting Councils had only appointed 3 members each post the October 2019 elections)
- Changes to the delegations, the main one being the addition of the Urban Growth Partnership and delegations associated with progressing and implementing that work, in particular the joint spatial plan
- Removal of the delegations out of the Terms of Reference as these are already covered in the main part of the Agreement and replacing these with the principles and outcomes from the Memorandum of Understanding between SmartGrowth and the Crown.
- The addition of monitoring and review to the Terms of Reference.
- No provision for alternates for the voting members of the SmartGrowth Leadership Group.
- Changing the meeting frequency from bimonthly to quarterly or as and when necessary.

The New Zealand Transport Agency and the Bay of Plenty District Health Board have membership rights but in a non-voting capacity. This is the same situation that has existed over the last three years.

The local authorities made their appointments late last year after the October elections and appointed 3 elected member per council. Unless a council wishes to change its representation, there is no need to re-nominate representatives as the number remains the same.

However, tangata whenua will need to nominate their representatives as this has not yet occurred.

4 The Memorandum of Understanding

The Memorandum of Understanding (MOU) is attached as Appendix 2. It establishes the principles and approach to the creation of an enduring spatial plan partnership between Central Government and the SmartGrowth partners. The MOU covers general principles, outcomes and next steps.

5 Implications to Māori

Tangata whenua are members of the SmartGrowth partnership. The amended SmartGrowth Leadership Group Agreement and Memorandum of Understanding do not change this relationship.

As noted above, tangata whenua will need to nominate their representatives for the SmartGrowth Leadership Group.

6 Next Steps

The amended SmartGrowth Leadership Group Agreement, and the Memorandum of Understanding are being approved by the SmartGrowth partner councils (Tauranga City Council and Western Bay of Plenty District Council) at their next respective committee/council meetings.

The Memorandum of Understanding (MOU) will be finalised by Central Government, the Mayors and Chair of the partner councils, and a tangata whenua representative. The independent Chair of SmartGrowth (Bill Wasley) is co-ordinating this process.

Once the Agreement has been signed, the SmartGrowth Leadership Group meetings will move to quarterly meetings with additional representation from central government.

7 Budget Implications

7.1 Current Year Budget

The matters in this report have no effect on the current year (2019/20) budget for SmartGrowth.

7.2 Future Budget Implications

The matters in this report are unlikely to have implications for the future governance budget for SmartGrowth. The implications of implementing the Urban Form and Transport Initiative (UFTI) and joint spatial plan for SmartGrowth are separate matters that will be brought back to the partner councils when those costs are known.

8 Community Outcomes

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

Ruth Feist
Team Leader Urban

for General Manager, Strategy & Science

24 April 2020

APPENDIX 1

SmartGrowth Leadership Group Agreement May 2020

Attachment 1

SmartGrowth Leadership Group (Joint Committee) Agreement

1. Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002 (“LGA 2002”). The purpose is to provide for a Joint Committee of Tauranga City Council, Western Bay of Plenty District Council, the Bay of Plenty Regional Council, and tāngata whenua¹ to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region² in accordance with the SmartGrowth Strategy, outcomes from the Urban Form and Transport Initiative and the joint spatial plan as agreed between the Crown and the SmartGrowth partners. This joint committee is known as the ‘SmartGrowth Leadership Group’.

The Leadership Group has additional public body representation from the New Zealand Transport Agency (NZTA) through its Director of Regional Relationships and the Bay of Plenty District Health Board (DHB). The NZTA and DHB are non-voting members but have speaking rights.

The SmartGrowth Leadership Group has expanded membership for the Urban Growth Management Partnership and associated programmes to include Central Government.

This Agreement focuses on the Leadership Group, including its membership and delegations. Any additional Memoranda of Understanding that are completed will be in addition, and complementary to, this Agreement.

The joint SmartGrowth Leadership Group has been established to focus on strategic spatial planning, including the four well-beings (social, economic, environmental, cultural), and growth management in the western Bay of Plenty sub-region. This will occur through developing and implementing plans and strategies and recommending these to the SmartGrowth partners, as well as monitoring and undertaking reviews in accordance with the delegations set out in section 4 and the principles set out in the Terms of Reference attached to this Agreement as **Appendix 1**.

The Leadership Group is a formal joint committee pursuant to the Local Government Act 2002 (Clause 30 and 30A, Schedule 7). The Leadership Group will not be discharged at the point of the next election

¹ This is a reference to western Bay of Plenty sub-region tāngata whenua.

² The ‘sub-region’ refers to the territorial areas of Tauranga City Council and Western Bay of Plenty District Council.

period (in line with Clause 30(7) of Schedule 7, LGA 2002).

2. Membership

The SmartGrowth Leadership Group is to be comprised of three elected member representatives as appointed by the local authorities, including the Mayors and Regional Council Chairperson, and four tāngata whenua representatives to be nominated by Iwi or through any other agreed mechanism. The SmartGrowth Leadership Group may at its discretion, appoint an additional tāngata whenua representative.

In addition, up to three Ministers of the Crown who will have voting capacity, are to be appointed by the Crown. Additional Ministers, if and when relevant and required, can be appointed by the SmartGrowth Leadership Group in a non-voting capacity.

An Independent Chairperson (non-elected member) is to be appointed by the SmartGrowth Leadership Group to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the SmartGrowth Leadership Group at the beginning of each triennium, from the existing voting membership.

The NZTA is to be represented through its Director of Regional Relationships with speaking rights but in a non-voting capacity. The DHB is also represented on the Leadership Group, by a person to be nominated by the Board with speaking rights but in a non-voting capacity.

The standing membership of the Leadership Group shall be limited to 17 members (including the Independent Chairperson), but with the power to co-opt up to a maximum of three additional non-voting members where required to ensure effective planning and implementation. In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Leadership Group shall be 9 voting members.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Leadership Group. Speaking rights of other representatives at Leadership Group meetings (whether in public session or not) shall only be granted with the prior approval of the Chairperson. In respect of SmartGrowth Leadership Group workshops, all members of partner governance groups can attend and participate.

3. Meeting Frequency

Bi-monthly, or as necessary and determined by the Independent Chairperson.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 and will be undertaken by the agreed administration authority.

4. Delegations

The SmartGrowth Leadership Group is delegated the following functions in support of its overall

purpose:

Co-ordinating Sub-regional Spatial Planning

- Providing sub-regional leadership on spatial planning, growth, infrastructure planning and development, focusing on key issues including the four well-beings³ and the sustainable management of natural resources.
- Undertaking high-level spatial planning and dealing with cross boundary matters.
- Determining as far as practicable consistency between the various Government National Policy Statements
- Overseeing and coordinating National Policy Statement on Urban Development implementation.
- Reviewing and updating the SmartGrowth Settlement Pattern
- Overseeing infrastructure / facilities and the funding necessary to implement the Settlement Pattern.
- Setting overarching sub-regional policy, actions and approaches relevant to the SmartGrowth Strategy.
- Sharing the challenges of implementation and overcoming the barriers moving forward.

Urban Growth Partnership

- Overseeing the development and implementation of a joint spatial plan for the western Bay of Plenty sub-region and associated work streams, including adopting any drafts for public consultation.
- Overseeing, including any reviews and monitoring, a joint urban growth programme.
- Ensuring organisation systems and resources support implementation of the joint spatial plan and any associated urban growth programme.
- Addressing cross-boundary matters within the western Bay of Plenty sub-region, as well as with other neighbouring regions.
- Addressing housing affordability matters.
- Monitoring the implementation of the spatial plan and associated work streams.
- Reviewing and recommending changes to the spatial plan if circumstances change.
- Ensuring alignment with existing council plans, strategies and policies, and with existing evidence.
- Ensuring alignment with initiatives already underway such as the Urban Form and Transport Initiative.
- Facilitating consultation with the partners and the wider community where relevant.

Future Thinking and Advocacy

- Having a united voice where issues require joint advocacy.

³ The four well-beings refer to cultural, economic, environmental and social matters.

- Development and leadership of an agreed sub-regional advocacy programme
- Engagement on intra and inter-regional matters where there are impacts beyond the sub-region, including matters of Upper North Island or national importance.
- Facilitating community understanding and discussions/conversations.
- Facilitating specific consultation with the community on SmartGrowth implementation matters.
- Establishing, maintaining and engaging with the SmartGrowth Partner Forums.
- Communicating and engaging with key stakeholders where a sub-regional level view is required.
- Identifying and resolving any consultation inconsistencies between the SmartGrowth strategies and subsequent public consultation processes of the partner Councils

SmartGrowth Strategy Development, Implementation and Alignment Monitoring

- Overseeing the implementation of the 2013 SmartGrowth Strategy, in particular the strategy actions, and undertaking any reviews or updates to the Strategy, including adopting any drafts for public consultation.
- Ensuring organisation systems and resources support strategy implementation.
- Taking responsibility for progressing those actions specifically allocated to the SmartGrowth Leadership Group in the strategy and making sure implementation does occur.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Approving submissions to Local Authorities, Central Government and other agencies on SmartGrowth related matters
- Monitoring of the strategic outcomes and ensuring a joined-up approach to strategy implementation, including monitoring and reporting implementation progress against key milestones
- Overseeing the management of the risks identified in implementation.
- Making specific recommendations to partners on the joined-up thinking needed for resolving issues

Committee Operations

- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Implementing any Memoranda of Agreement or Understanding, as adopted by the Leadership Group.
- Establish protocols and arrangements to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

Central Government's participation in the SmartGrowth Leadership Group does not constitute endorsement of initiatives in any way, and all financial, policy and other decisions still need to be approved by Central Government.

5. Variation of this Agreement

This agreement may be varied from time to time, but only with the agreement of each of the partners.

Execution

Bay of Plenty Regional Council by:

Chairperson: Doug Leeder

Chief Executive: Fiona McTavish

Dated:

Dated:

Tauranga City Council by:

Mayor: Tenby Powell

Chief Executive: Marty Grenfell

Dated:

Dated:

Western Bay of Plenty District Council by:

Mayor: Garry Webber

Chief Executive: Miriam Taris

Dated:

Dated:

Tāngata Whenua Representative by:

Buddy Mikaere

Dated:

Central Government by:

Dated

Appendix 1: SmartGrowth Leadership Group

Terms of Reference

SmartGrowth Leadership Group (SLG)

Purpose:

The purpose of the Joint Committee (SmartGrowth Leadership Group) is to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region⁴ in accordance with the SmartGrowth Strategy, outcomes from the Urban Form and Transport Initiative and the joint spatial plan as agreed between the Crown and the SmartGrowth partners.

The SmartGrowth Leadership Group carries out its purpose in accordance with the delegations set out in the Agreement.

General Principles:

The SmartGrowth Leadership Group operates under the following principles:

- Supporting the aim of developing a thriving western Bay of Plenty sub-region that is prosperous, has high levels of sustainable economic growth, supports affordable housing along with a transport system that can support that growth.
- Supporting a four well-being approach to urban growth and spatial planning which incorporates cultural, economic, environmental and social well-being and builds on the SmartGrowth 'live, learn, work and play' vision.
- Reinforcing an integrated planning approach incorporating land use, all infrastructure and funding.
- Building on existing SmartGrowth work, including the 2013 Strategy, outcomes from Urban Form and Transport Initiative ("UFTI"), and the general SmartGrowth arrangements already in place.
- Adopting a shared evidence base so that all parties are using common data.
- Recognising and supporting the existing Urban Form and Transport Initiative ("UFTI") which will underpin the development of one joint sub-regional spatial plan.
- Taking account of the Western Bay Transport System Plan findings.
- Acknowledging the benefits of a collaborative approach to urban growth and spatial planning, and to share responsibility for such planning between the parties in consultation with key sector groups and the sub-regional community.
- Supporting the economic and social aspirations of tāngata whenua while protecting cultural identity.
- Sustaining and improving the natural environment.

⁴ The 'sub-region' refers to the territorial areas of Tauranga City council and Western Bay of Plenty District Council.

Monitoring and Review:	<p>The SmartGrowth Leadership Group has responsibility for:</p> <ul style="list-style-type: none"> ▪ Six- monthly monitoring and reporting on implementation of the principles set out in this Terms of Reference. ▪ Monitoring the implementation of any joint urban growth programme developed. ▪ Monitoring and reporting SmartGrowth implementation progress against key milestones. ▪ Reviewing and recommending any changes to the SmartGrowth Strategy if circumstances change.
Membership:	<p>That representation of the SmartGrowth Leadership Group be comprised of:</p> <ul style="list-style-type: none"> ▪ Three elected member representatives as appointed by the contributing authorities, including the Mayors and Regional Council Chairperson - voting ▪ Four representatives to be nominated by tāngata whenua - voting ▪ An Independent Chairperson, to be appointed by the Leadership Group, to chair the Group – voting ▪ Up to three Ministers of the Crown – voting ▪ Additional Ministers, if and when relevant and required – non-voting ▪ One DHB representative – non-voting ▪ One NZTA representative – non-voting <p>That the standing membership of the Leadership Group shall be limited to 17 members (including the Independent Chairperson), but the SmartGrowth Leadership Group has the power to co-opt up to a maximum of three additional non-voting members where required to ensure the effective implementation of any part or parts of the Strategy including the joint (Crown and local partners) spatial plan.</p>
Meeting Frequency:	<p>Quarterly, or as necessary and determined by the Independent Chairperson.</p>

APPENDIX 2

SmartGrowth and Central Government Spatial Plan Partnership - Memorandum of Understanding DRAFT

Attachment 2

SmartGrowth and Central Government Spatial Plan Partnership - Memorandum of Understanding

Establishing the principles and approach to the creation of an enduring spatial plan partnership between Central Government and the SmartGrowth partners (Bay of Plenty Regional Council, Tauranga City Council, Western Bay of Plenty District Council and tāngata whenua)

Section 1 - Purpose

The purpose of this Memorandum of Understanding (“MOU”) is to:

Establish the principles and approach to the creation of an enduring spatial plan partnership between Central Government and the SmartGrowth partners (Bay of Plenty Regional Council, Tauranga City Council, Western Bay of Plenty District Council and tāngata whenua¹).

Section 2 - Parties

The Parties to this MOU are Central Government, western Bay of Plenty sub-region tāngata whenua, the Bay of Plenty Regional Council, Tauranga City Council and Western Bay of Plenty District Council.

Section 3 - General Principles

The parties to this MOU will use best endeavours to:

SUPPORT the aim of the spatial plan partnership to develop a thriving western Bay of Plenty sub-region that is prosperous, has high levels of sustainable economic growth, supports affordable housing and a transport system that can support that growth.

SUPPORT a four well-being approach to urban growth and spatial planning which incorporates cultural, economic, environmental and social well-being and builds on the SmartGrowth ‘live, learn, work and play’ vision.

COMMIT to the shared purpose and outcomes as outlined in this MOU while assisting each other to achieve individual partner objectives.

REINFORCE an integrated planning approach incorporating land use, all infrastructure and funding.

AGREE to build on the existing SmartGrowth work, including the 2013 Strategy, outcomes from Urban Form and Transport Initiative, and the general SmartGrowth arrangements already in place.²

ADOPT a shared evidence base so that all parties are using common data.

¹ This is a reference to western Bay of Plenty sub-region tāngata whenua.

² SmartGrowth Leadership Group membership, functions and procedures are dealt with through a different process, namely a Joint Agreement under Clause 30A, Schedule 7 of the Local Government Act 2002.

RECOGNISE AND SUPPORT the existing Urban Form and Transport Initiative (“UFTI”) which will underpin the development of a joint sub-regional spatial plan.

ACKNOWLEDGE the benefits of a collaborative approach to urban growth and spatial planning, and to share responsibility for such planning between the parties in consultation with key sector groups and the sub-regional community.

AGREE to six- monthly reporting to the SmartGrowth Leadership Group on implementation of the principles and achievement of the outcomes as set out in this MOU.

ACKNOWLEDGE that this partnership is part of a wider Government Urban Growth Agenda initiative.

SUPPORT the economic and social aspirations of tāngata whenua while protecting cultural identity.

SUSTAIN and IMPROVE the natural environment.

Section 4 – Outcomes

The outcomes sought from the urban growth partnership are to:

- Commit to the development and implementation of a joint, comprehensive sub-regional spatial plan. The first phase to be completed by June 2020 concentrates on an integration of the current UFTI and spatial planning work. Phase 2, that is likely to be completed by the end of 2020 will also encompass the Future Development Strategy as well as an update of the 2013 SmartGrowth Strategy. The aim is to develop in two phases a single strategic document for the western Bay of Plenty sub-region, which is implemented through co-governance arrangements. Engagement and consultation will occur as part of this process. It is likely that formal consultation will take place at the end of Phase 2.
- Commit to the development and implementation of an agreed investment and funding plan that is co-governed across all partner agencies, to enable timely implementation of the outcomes arising from the Urban Form and Transport Initiative, and the agreed joint spatial plan as outlined above.
- Take account of the Western Bay Transport System Plan findings.
- Commit to examining the opportunities for the development of an inter-regional collaboration between the SmartGrowth and Future Proof partnerships, with the strategic intent to have a joint Auckland-Hamilton-Tauranga corridor approach to spatial planning, particularly relating to transportation.
- Invest in all infrastructure, together, through innovative funding and financing tools.
- Work together on improving the quality of the built and natural environments.
- Ensure that tāngata whenua are adequately resourced to effectively engage in the partnership and the key outcomes.
- Advance planning reform, through legislation and local planning instruments, to encourage growth both up and out.
- Commit, where possible, to supporting the development aspirations of Maori landowners for housing and other economic initiatives.
- Undertake joined up central and local government thinking, funding and commitments, including greater co-ordination of service delivery.
- Maintain a focus to ensure that housing affordability remains top of mind through all initiatives.
- Commit to funding the operation of the enhanced SmartGrowth partnership.

Section 5 – Next Steps

The parties to this MOU will use best endeavours to implement the spatial planning partnership by:

SUPPORTING an expansion of the SmartGrowth Leadership Group to include Central Government representatives.

COMMITTING to a review of tāngata whenua representation to ensure this is appropriate and comprehensive and will allow for meaningful contribution.

NOMINATING representatives to participate in SmartGrowth structures at all levels.

ALLOCATING sufficient resources to enable the partnership to deliver the outcomes.

COMMITTING to completing a draft of the joint spatial plan no later than June 2020.

COMMITTING to agreeing a draft joint transformational urban growth – spatial planning programme no later than June 2020.

COMMITTING to investigating the establishment of an urban growth partnership fund where applications can be made for funding transformational projects on an annual basis.

Section 6 - Interpretation

- SmartGrowth partners refers to the Bay of Plenty Regional Council, Tauranga City Council, the Western Bay of Plenty District Council and tāngata whenua. It also includes the New Zealand Transport Agency and the Bay of Plenty District Health Board as non-voting partners. This membership is subject to review from time to time.
- Central Government refers to all Government ministries and agencies.
- Joint spatial plan refers to a plan that is agreed by central government, local government partners and tāngata whenua and implementation partners
- SmartGrowth means the western Bay of Plenty Spatial Plan 2013 as approved by the three partner Councils and tāngata whenua and supported by strategic partners.
- The SmartGrowth Leadership Group is the joint governance committee responsible for overseeing the SmartGrowth Strategy.
- The western Bay of Plenty sub-region refers to all of the land within the administrative areas of Tauranga City and the Western Bay of Plenty District and includes that part of the administrative area of the Bay of Plenty Regional Council as it relates to the two districts.

Any questions of interpretation of this MOU are to be raised with the parties to this MOU and collectively resolved. The parties agree to act in good faith in respect of implementing this MOU.

This MOU will run until the next review or update of the SmartGrowth Strategy, or alternatively no later than October 2022.

This MOU takes effect on the date it is signed by all parties.

SIGNED for and on behalf of Central
Government by:

SIGNED for and on behalf of Central
Government by:

SIGNED for and on behalf of the Tāngata
Whenua by:

SIGNED for and on behalf of the Bay of Plenty
Regional Council by:

Buddy Mikaere

Doug Leeder
Chair Bay of Plenty Regional Council

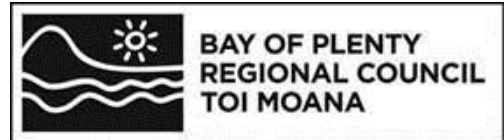
SIGNED for and on behalf of the Tauranga City
Council:

SIGNED for and on behalf of the Western Bay of
Plenty District Council:

Tenby Powell
Mayor Tauranga City Council

Garry Webber
Mayor Western Bay of Plenty District Council

Dated:



Report To: Strategy and Policy Committee

Meeting Date: 05 May 2020

Report From: Chris Ingle, General Manager, Integrated Catchments

Development of an Inter-regional Marine Pest Pathway Plan

Executive Summary

The Top of the North Biosecurity Partnership is a collaboration between Waikato, Northland, Bay of Plenty, Gisborne and Hawkes Bay Regional Councils, Auckland Council, Biosecurity New Zealand and the Department of Conservation). The Partnership has been considering how best to manage the inter-regional spread of marine pests. This work has included seeking our communities' feedback marine pest issues and options via a discussion document in 2019.

This work has identified the management of biofouling on vessels as the preferred option for the Partnership to pursue.

This report recommends Council agree that the Partnership develops a formal proposal for an inter-regional marine pest pathway plan under the Biosecurity Act 1993, to manage the spread of marine pests in a consistent manner across the Northland, Auckland, Waikato and Bay of Plenty regions.

If Council approves this step, staff would develop the proposal and supporting information required under the Biosecurity Act, for Council consideration later this year.

Recommendations

That Strategy and Policy Committee:

- 1 Receives the report, Development of an Inter-regional Marine Pest Pathway Plan;**

That the Strategy and Policy Committee recommend that the Regional Council:

- 1 Authorise the development of an inter-regional marine pest pathway proposal on the basis of Option 3 as outlined within this report.**
- 2 Authorises staff to develop a formal proposal for an inter-regional marine pest pathway plan under the Biosecurity Act 1993 in conjunction with project partners.**
- 3 Authorises staff to engage with Māori and key stakeholders in developing the proposal.**

- 4 Request that staff bring the proposal back to Council for consideration later in 2020, including the supporting information required under the Biosecurity Act 1993 and the results of further consultation with Māori and key stakeholders.**

1 Background

Marine pests pose a major threat to the ecological, cultural, economic and recreational values of the marine environment of the Top of the North (TON) regions. They can out-compete, smother, predate on or otherwise adversely affect native species and impact marine habitats, with consequential impacts on ecological, cultural, economic and recreational values. Once established, marine pests are extremely difficult to eradicate or contain. Prevention methods are far more effective.

Most marine pests are predominantly introduced to New Zealand waters by 'hitchhiking' on incoming vessels from overseas and can be subsequently spread through domestic vessel movements. These marine pest 'pathways' are typically hull biofouling (the build-up of marine organisms on hulls) and the discharge of ballast and bilge water. Scientific evidence to date indicates that biofouling on vessels is the most common and highest risk pathway for the spread of marine pests.

For vessels coming from overseas, there are new national rules in place to manage the risk of marine pests being introduced to New Zealand (under the Craft Risk Management Standards managed by Biosecurity New Zealand). However, there are no equivalent national rules that apply to domestic vessel movements. It is estimated that the four main TON regions are home to approximately 50% of New Zealand's domestic 'fleet'. This, in combination with the wide variety of relatively benign habitats available, means the wider TON area is particularly vulnerable to marine pest incursions.

2 Summary of Work to Date

To address these risks, the TON Biosecurity Partnership (a collaboration between Waikato, Northland, Bay of Plenty, Gisborne and Hawkes Bay Regional Councils, Auckland Council, Biosecurity New Zealand and the Department of Conservation) has been assessing options for better managing marine pests in the upper North Island. This included the release of a discussion document seeking feedback on a range of options to manage marine pests released in March 2019 - 'Better ways to stop marine pests? Ētahi tikanga pai atu mō te ārai orotā o te moana?'

The discussion document focused primarily on options for improving consistency of management of the 'pathways' for marine pest spread across the four key TON regions (Northland, Auckland, Waikato and Bay of Plenty). The consultation results were reported to Council on 1 August 2019. The consultation indicated there is a good level of support for more action to prevent the spread of marine pests. Council subsequently authorised staff to develop a preferred option for managing marine pests across the four regions in conjunction with the TON partnership.

3 Legal Requirements

The Local Government Act (LGA) gives broad delegation powers to the Regional Council, which includes section 92 and 93 powers. However, restrictions on delegation in the Biosecurity Act override LGA provisions.

Section 100H of the Biosecurity Act expressly provides that the following powers cannot be delegated in relation to a regional pest management plan or a regional pathway management plan:

- a. the power to determine the ways in which consultation must be undertaken; or
- b. the power to make, review, amend, or revoke a plan.

Whether ‘making’ a pathway plan means includes all the consecutive steps set out in the Biosecurity Act (sections 90-95) or just the final step (the actual adoption) is open to legal interpretation. Due to that delegation uncertainty, staff recommend Council authorise development of the Inter-regional Marine Pest Pathway proposal.

4 Option Analysis

4.1 Options

The options considered and preferred approach with supporting rationale are discussed below.

The options assessment is summarised in Table 1 below. Note: the inclusion of rules under the Biosecurity Act 1993 for bilge and ballast water discharges were initially considered but were not pursued on the basis of a lack of information and implementation difficulties (implementation and associated difficulties is a key consideration in the Biosecurity Act plan making process).

Table 1: Options Assessment

	Option 1	Option 2	Option 3	Option 4
	Status quo – each council continues with its own programmes	Develop consistent inter-regional pathway rules requiring biofouling thresholds for craft be met <u>at all times</u>	Develop consistent inter-regional pathway rules requiring biofouling thresholds for craft be met <u>when moving*</u>	Develop consistent inter-regional pathway rules requiring biofouling thresholds for craft be met <u>when moving into / between designated places</u>
Consistency	X	✓✓	✓✓	✓✓
Efficiency (including compliance costs)	✓	X	✓✓	✓
Effectiveness (across regions)	X	✓✓	✓✓	✓
Ability to implement, monitor and enforce	✓	✓	✓✓	✓

**moving = when not moored or berthed at a structure designed and authorised for that purpose*

The preferred approach recommended by the project partners is: a joint marine pest pathway plan applying within the coastal marine area of all four regions that sets a requirement for all craft to meet biofouling standards when moving (i.e., when they are not moored or berthed). The rationale for this recommended approach is:

- The movement of biofouled craft / vessels is the primary mechanism for the spread of marine pests.
- Requiring craft to comply with a specified level of fouling is proactive in that it manages risk without relying on detecting pest species on craft / vessels (i.e., compliance action can be taken in relation to fouled craft / vessels without needing to confirm the presence of marine pests which can be costly / problematic in many cases).
- The four regions of Northland, Auckland, Waikato and Bay of Plenty have a high proportion of New Zealand's vessel fleet and therefore face the greatest risk from this pest pathway.
- The approach is generally consistent with the controls that already apply to craft / vessels entering New Zealand under the international craft risk management standards.
- There is a precedent established through the Fiordland and Northland marine pest pathway plans and the Biosecurity Act 1993 provides for pathway plans to be jointly prepared and implemented by councils.
- Requiring vessels to meet a biofouling standard at all times is likely to be cost-prohibitive (Option 2 is likely to have very high compliance costs).
- Tracking vessel movements between designated places can be problematic (Option 4 relies on establishing a vessel has moved between places).
- The status quo will not lead to consistency and is complex for boat owning public (with different rules / standards in each region).

4.2 Cost Benefit Analysis

A preliminary benefit-cost analysis was undertaken based on a 10 year timeframe. It shows that currently all the costs associated with managing marine pests are paid by the regional community and benefits are relatively low. The alternative options leverage benefits for the top of the North Island through a joined-up approach. Such an approach is expected to provide a range of ecosystem benefits, including to cultural, recreational and commercial fishers.

Table 2 shows point estimates from a low-high range of values for four scenarios. Options 3 and 4 are more likely to result in net benefits than Options 1 and 2.

Table 2 - Initial Bay of Plenty cost benefit analysis for inter-regional marine pest management pathway options

Variable by upper and lower bound		Option 1 - Status quo (education and incursion response)	Option 2 - All the time	Option 3 - When moving	Option 4 - when moving into/between designated places
		No specified LOF	LOF 2		
Average across upper and lower bounds	Benefit (\$M)	\$0.7	\$5.6	\$5.6	\$5.3
	Private costs (\$M)	\$0.0	\$3.8	\$2.0	\$1.3
	Public costs (\$M)	\$4.7	\$5.7	\$5.5	\$5.3
	Total Cost (\$M)	\$4.7	\$9.5	\$7.5	\$6.6
	Net benefit (B-C) (\$M)	-\$4.0	-\$3.9	-\$1.9	-\$1.3
	Benefit/Cost ratio	0.1	0.6	0.7	0.8

The three alternative scenarios recognise that boat owners contribute to the marine pest issue, and that the community benefits, so the costs are shared between the community and boat owners. Many boat owners will already be achieving the requirements of Option 3 (LOF2), and so will not have any additional costs. Those boat owners who do not meet the standard will have additional costs. Measurement of private costs is based on an estimate of the number of boat owners who do not currently meet the prescribed standard, multiplied by the costs of meeting that standard (regular anti-foul and maintaining a clean hull).

5 Next Steps

If Council approves the development of a proposal for an inter-regional marine pest pathway plan, staff would present the formal proposal (with supporting information required under the Biosecurity Act 1993) to Council for consideration later in 2020 (depending on priorities post covid-19 lockdown). Council (and the other partner councils) would then consider the proposal against six key steps in the Biosecurity Act 1993. The process for making an inter-regional marine pest pathway plan can effectively be condensed into two sets of decisions. These are summarised in Table 3 below.

Table 3: Statement of Proposal process

Plan making step	Section of the Biosecurity Act
Steps 1 – 3	<ul style="list-style-type: none"> Initiate the plan by proposal under section 90; Assess the draft against the requirements of section 91; and Decide to publicly notify the proposal for a submissions and hearings process under section 92. This step would also decide on the nature of that process.
Steps 3 – 6	<ul style="list-style-type: none"> Achieve satisfaction on consultation under section 92 after the public submissions and hearings process; Approve preparation of the plan and decide the management under section 93;

- Assess the plan against the requirements of section 94 (which includes satisfaction that there will be adequate funding for the implementation of the plan for the shorter of its proposed duration and five years; and
- Decide on the plan under section 95 by producing a report which sets out the reasons for accepting or rejecting submissions, and the decided form of the plan.

The development of the proposal itself is not expected to require significant resource and for the most part can be progressed by the project partners in-house and on a cost-sharing basis (as has been the case to date). In the event the proposal is pursued, submissions could be heard by independent commissions or a panel of elected representatives from each council to ensure consistent recommendations back to each partner council.

Staff recommend that Council authorise the development of an inter-regional marine pest pathway proposal on the basis of Option 3 as outlined above. Once developed, the proposal would be put to council for consideration and a decision on whether or not to proceed further (i.e., public notification and submission processes). It is also recommended that staff / project partners be authorised to undertake targeted engagement with Māori and key stakeholders in further developing the proposal and preferred option. The results of this consultation would be reported to council.

6 Community Views

As reported above, community views have been sought via a discussion document released last year. This consultation revealed good support for developing consistent rules across the TON regions (80%) and significant support for requiring clean hulls (27% of submitters wanted to requirements for clean hulls when moving and 55% wanted boat owners to keep their hull clean at all times).

7 Implications for Maori

Engagement with Māori to date, through the annual plan consultation last year suggested a good level of support amongst māori for an increased level of action and agency co-ordination to prevent the spread of marine pests. Also, past submissions received from iwi, whānau and hapu have supported rules aimed at preventing the spread of marine pests.

However, specific consultation on the preferred option outlined in this paper has yet to be undertaken. This report recommends that staff / project partners be authorised to undertake targeted engagement with Māori in further developing the proposal and preferred option. The results of this consultation would be reported to council. The Biosecurity Act process of making the Pathway Plan (subject to future council decision) requires council to be satisfied consultation has been adequate.

8 Budget Implications

8.1 Current Year Budget

There are no implications for this year's budget as all staff time involved has been allowed for in the current year's budget.

8.2 Future Budget Implications

There are no implications for future year's budgets as the staff time involved is not significant and has been allowed for in future year's budgets.

9 Community Outcomes

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

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for General Manager, Integrated Catchments

23 April 2020

APPENDIX 1

2019-08-07 FINAL Inter-regional Marine Pest Pathway Plan (IRMPP) Consultation Report



Consultation results

Better ways to stop marine pests?
Ētahi tikanga pai atu mō te āria orotā o te moana?

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1 Executive summary

Background

This report summarises the views of 370 submitters on the discussion document '*Better ways to stop marine pests?*'. The report has been prepared by the Top of the North (TON) Marine Biosecurity Partnership and is intended to provide an overview of the preferences of submitters in relation to questions posed.

The report summarises the overall preferences of submitters and examines the differences between regions (Northland, Auckland, Waikato, Bay of Plenty, and elsewhere in New Zealand or overseas) and according to boat ownership. It also outlines key themes identified in submitter comments and highlights points made by majority groups and notable submitters. It is not intended to be a comprehensive presentation of all points made by submitters.

Feedback was collected via an online survey hosted on Bionet.nz as well as in hardcopies made available from a range of places including regional council offices, iwi workshops, marinas, and boat clubs (See Appendix Table 4 for a full summary of the publicity and engagement activities each region, Biosecurity New Zealand, and DOC conducted to publicise and attract submissions). Email submissions were also accepted.

Summary of feedback

1. Which is your preferred option for managing marine pests, and why?

The preferred option was Option 3 (go even further and make rules for other pathways too; 37%), followed by Option 2 (lead the way with consistent rules for clean hulls; 30%), 'none of the above' (20%), and finally Option 1 (the status quo; 13%).

The majority of submitters (60%) were boat owners and, overall, their most commonly selected preference was Option 2 (31%) whereas the vast majority of submitters who do not own a boat that lives in the water selected Option 3 (60%).

2. If hull-fouling rules were developed, which option do you think is best, and why?

The preferred option for hull-fouling rules was Option 1 (clean hull at all times; 42%), followed by Option 2 (clean hull required only when moving; 24%), 'none of the above'; 19%), and finally Option 3 (clean hull required only when moving to specially identified places; 15%).

Overall, boat owners were not polarised on this issue, with relatively equal numbers of submitters choosing each of the four options. Specifically, boat owners preferred 'none of the above' (29%), Option 1 (27%), Option 2 (24%), and Option 3 (20%), whereas the vast majority of submitters (65%) who do not own a boat selected Option 1.

Themes

There were nine key themes that were identified during the analysis of submitters comments, based on the questions posed in the discussion document. These were: 1) The importance of protecting marine environments; 2) Practicality and compliance issues; 3) Regional differences require local management; 4) Managing other pathways is also important (not just vessel hull biofouling); 5) The

practicality of current tools (e.g., the effectiveness of anti-fouling, a lack of haul-out facilities, and in-water cleaning rules); 6) The allocation and distribution of costs (e.g., international/commercial vessels and ballast water issues); 7) The need for a national pathways plan; 8) Pests having already established; and 9) Exemptions are needed for stationary vessels.

Key messages

Overall, there was a clear call for greater action to address marine pests across the TON regions from both the individuals and the agencies that responded, some of which represent considerable numbers of marine users. In addition, there is likely to be benefit in implementing a consistent approach across the regions because issues around practicality and the ease or difficulty of compliance were of high importance to many submitters.

Results also indicate there is a significant percentage of submitters who support some form of control on hull-fouling, although this is notably more muted in Northland than the other regions with 33% either opposed to hull-fouling rules or seeking further detail about their implementation.

The differences in submitter responses and comments seen in Northland compared with the other TON regions likely reflect both a higher level of boat ownership and the recent introduction of the Northland Marine Pest Pathway Plan with an associated charging regime. While it seems clear that further engagement with boat owners is required, it is encouraging that many already support the introduction of new hull-fouling rules and desire consistency in these rules across the regions.

2 Introduction

2.1 The Top of the North Marine Biosecurity Partnership

For several years, Auckland Council, Gisborne District Council, Northland, Bay of Plenty Toi Moana, Waikato, and Hawkes Bay Regional Councils alongside Biosecurity New Zealand (part of the Ministry for Primary Industries) have worked together to prevent the spread of marine pests in New Zealand's northernmost regions. Together these organisations have formed the Top of the North (TON) Marine Biosecurity Partnership.

The four northernmost regions are home to the largest boating populations in the country and there is extensive vessel movement (recreational and commercial) throughout. However, the rules and management approaches for marine pests currently vary between the TON councils:

- Northland Regional Council has had marine pest-led rules in place since 2010 and recently introduced pathway rules requiring a clean hull when entering the region or moving from place to place. The pest-led rules are implemented through a surveillance programme which inspects more than 2000 hulls each year. The pathways plan rules are yet to be fully implemented, however the pathways approach is a proactive way to manage the impacts of marine pests rather than a reactive measure of managing pests once they are already established.
- Auckland Council has risk-based rules in the Unitary Plan to manage the spread of harmful and invasive organisms, which include marine pests, via fouled hulls.
- Waikato Regional Council currently has no marine pests or pathway plan rules in place but is active in managing the impacts and risks of marine pest species.
- Bay of Plenty Regional Council has pathway-style rules in the Proposed Regional Pest Management Plan, and currently has small-scale management programmes for *Sabella* and *Styela*.

2.2 Public Consultation and Engagement process

A key area of focus for the TON Partnership is the management of risk pathways that have the potential to introduce or spread marine pest populations in the TON regions, and throughout New Zealand. Feedback on the discussion document '*Better ways to stop marine pests?*' was gathered to help the TON Partnership understand people's views on how to prevent the spread of marine pests. To explore whether inter-regional hull-fouling rules could be a better way forward, a public consultation was run to assess answers to the following questions:

1) Which is your preferred option for managing marine pests, and why?

- Option 1 – Status quo
Continue our combined efforts and work towards a collaborative national pathway approach. In the meantime, each region keeps its own rules or policies for managing marine pests.
- Option 2 – Lead the way with consistent rules for clean hulls
Develop consistent rules on managing hull-fouling across the four biggest boating regions – Northland, Auckland, Waikato and Bay of Plenty.
- Option 3 – Make rules for other pathways too
Along with rules for hull-fouling, develop rules for other pathways like ballast water, aquaculture, bilge water, and marine equipment.

- None of the above

2) If hull-fouling rules were developed, which option do you think is best, and why?

- Option 1 – Clean hull required at all times
All vessel hulls required to have no more than a slime layer and/or barnacles at all times.
- Option 2 – Clean hull required only when moving
No more than a slime layer and/or barnacles permitted when moving from one harbour/place to another. This rule is already in place for Northland.
- Option 3 – Clean hull required only when moving to specially identified places
No more than a slime layer and/or barnacles permitted when moving to specially identified high value places.
- None of the above

See Appendix (Table 4) for a summary of the publicity and engagement activities each region, MPI, and DOC conducted to publicise and attract submissions.

The feedback received on the ‘*Better ways to stop marine pests?*’ has been collated and is presented in this report. This information will be used to help the relevant agencies decide whether to formally proceed with developing shared rules within the Northland, Auckland, Waikato, and Bay of Plenty regions. If new rules were proposed, these would need to follow the public consultation and decision-making processes set out in the Biosecurity Act 1993. This would include consideration of implementation, including roles and responsibilities, where costs should lie, and how these should be funded.

3 Methodology

3.1 Survey collection

Feedback was collected via an online survey hosted on Bionet.nz as well as in hardcopies distributed to:

- Regional council offices
- Iwi workshops
- Marinas
- Harbour master offices
- Haul-out facilities
- Boat clubs
- Boat ramps
- Community groups
- Mooring holders
- Hutchwilco New Zealand Boat Show

Email submissions were also accepted. All email submissions which did not answer the questions posed in the survey, and all paper surveys that were incomplete, were recorded and

comments were included in qualitative analyses. See Appendix Table 4 for a full summary of the publicity and engagement activities each region, Biosecurity New Zealand, and DOC conducted to publicise and attract submissions.

3.2 Analysis

Quantitative data are presented as counts and percentages, in total and per region, as well as according to boat ownership. Qualitative data from submitters' comments were categorised and quantified according to common themes identified and a general discussion of key points from submitter's comments is included.

4 Results

4.1 Number of responses

Overall, 370 responses were received; 341 submitters completed the survey and responded to the main questions, and an additional 29 submitters responded but did not provide an answer to one or both of the main survey questions. These additional submitters responded via email or by sending incomplete paper surveys and their comments are included in the report (Table 1).

Table 1. Number of submitters from each key region and the percentage of those from each region who owned a boat.

Survey completed	Number of submitters	Boat ownership
Northland	120	89 (74%)
Auckland	123	70 (57%)
Waikato	22	12 (55%)
Bay of Plenty	49	23 (47%)
Elsewhere in NZ	22	10 (45%)
Overseas	1	1 (100%)
No region given	4	–
Incomplete submissions		
No region given	29	–
Total responses considered	370	–

4.2 Submitter types


Submitters mainly included individuals from across New Zealand but also a range of notable organisations including maritime/boating interest groups (Aquaculture New Zealand, the New Zealand Defence Force (NZDF), Far North Holdings Limited, Coromandel Marine Farmers Association (CoroMFA), New Zealand Marina Operators Association, New Zealand Federation of Commercial Fisherman, Sanford Limited, New Zealand Marine Industry Association, Russell Mooring Owners and Ratepayers, Bay of Islands Maritime Park Incorporated Society), Iwi (Te Kawerau Iwi Tribal Authority, Te Rūnanga o Ngāti Whātua), Regional and District Councils (Greater Wellington Regional Council, Thames-Coromandel District Council, Waikato Regional Council Coromandel Catchment Committee), conservation groups/societies (New Zealand Marine Sciences Society, Royal Forest and Bird Protection Society of New Zealand Inc.).

4.3 Key themes identified in submitter comments

There were nine key themes identified during the analysis of submitter comments, based on the questions posed in the discussion document:


1. The importance of protecting marine environments
2. Practicality and compliance issues
3. Regional differences require local management
4. Managing other pathways is also important (not just vessel hull biofouling)
5. The practicality of current tools, including:
 - The effectiveness of anti-fouling
 - A lack of haul-out facilities
 - In-water cleaning rules
6. The allocation and distribution of costs, including:
 - International/commercial vessels
 - Ballast water
7. The need for a national pathway plan
8. Pests having already established
9. Exemptions for stationary vessels (relevant to Question 2 only)

5 Question 1: Which is your preferred option for managing marine pests, and why?




OPTION 1 ✓

Status quo.



OPTION 2 ✓

Lead the way with consistent rules for clean hulls.



OPTION 3 ✓

Go even further – make rules for other pathways too.

- Or —————> None of the above

5.1 Overall feedback

Of the 341 submitters who completed the survey and responded to this question: 44 (13%) agreed with Option 1; 102 (30%) agreed with Option 2; 126 (37%) agreed with Option 3; and 69 (20%) agreed with 'none of the above' (Figure 1). Eight of the additional 29 submitters who did not provide direct answers to the survey questions preferred Option 2, three preferred Options 1 and 3, respectively, and one preferred 'none of the above'. Preferences of the remaining additional submitters were not clear from their comments.

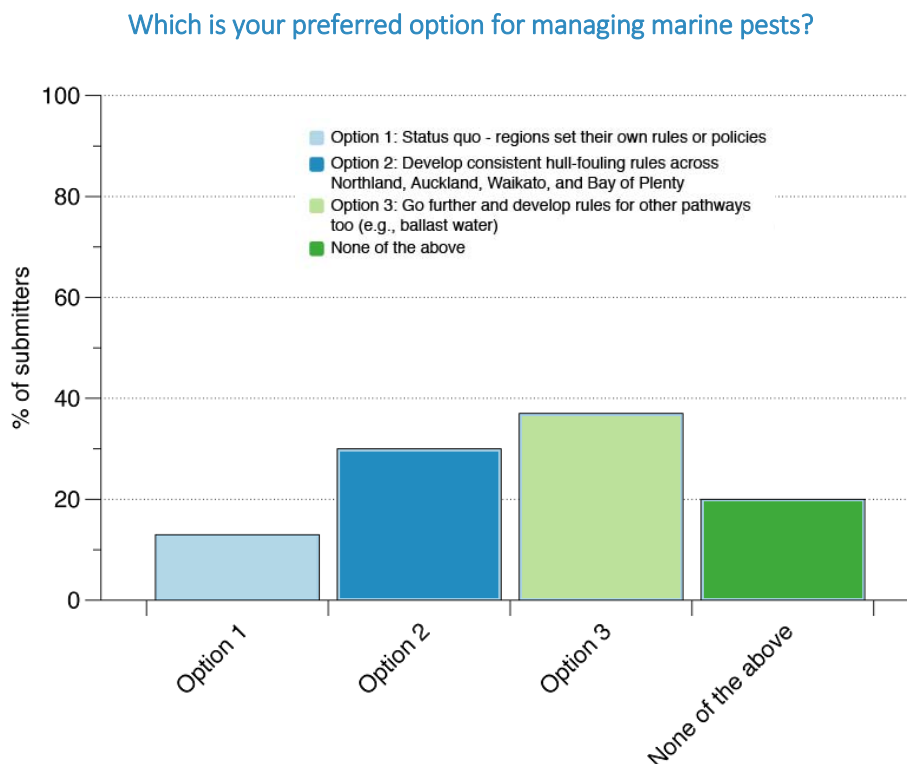


Figure 1. Submitter responses to the question: What is your preferred option for managing marine pests, and why? The total number of submitters was 341.

5.2 Feedback according to region

There were regional differences, with the preferences of Northland submitters being notably different to the other TON regions. In particular, only 16% of Northland submitters chose Option 2 compared with 39%, 46%, and 47% of submitters from Auckland, Waikato, and Bay of Plenty, respectively. In contrast, 37% of Northland submitters chose ‘none of the above’ compared with only 8–9% of those from the other TON regions (Figure 2). In addition, 64% of submitters from elsewhere in New Zealand selected Option 3 (22 submitters). The total number of submitters who responded to this question was 314 (a number of submitters either did not complete the question or were from elsewhere in NZ, overseas, or did not identify a region).

Which is your preferred option for managing marine pests?

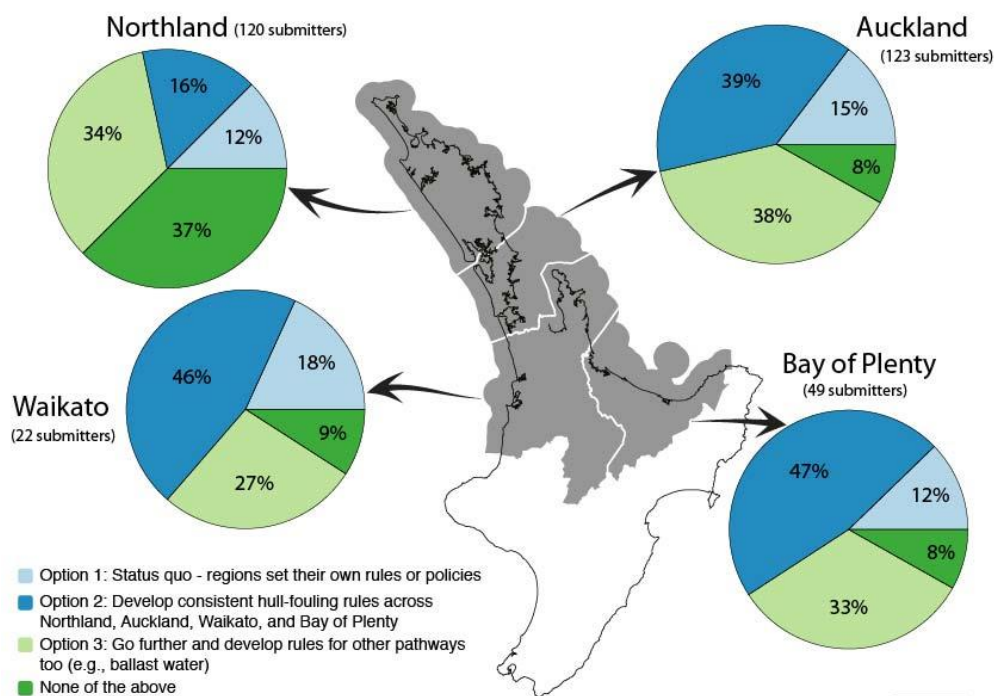


Figure 2. Preferred options for managing marine pests by region.

5.3 Feedback according to boat ownership

In total, 331 of the 341 submitters responded to the question of whether or not they owned/co-owned a boat that lives in the water. The majority (205, 60%) were boat owners, and most kept their boats in Northland (82 submitters) and Auckland (57 submitters). Overall, the most commonly selected preference by boat owners was Option 2 (64, 31%), followed by ‘none of the above’ (61, 30%) and Option 3 (46, 22%), whereas the vast majority of submitters who do not own a boat that lives in the water preferred Option 3 (76, 60%) (Figure 3). There were also regional differences in the preferences of boat owners, as shown in Figure 4. Most notably, boat owners in Northland were more likely to prefer ‘none of the above’ whereas the majority of those from the other TON regions preferred Option 2. All submitters who do not own a boat showed similar preferences across the regions.

Which is your preferred option for managing marine pests?

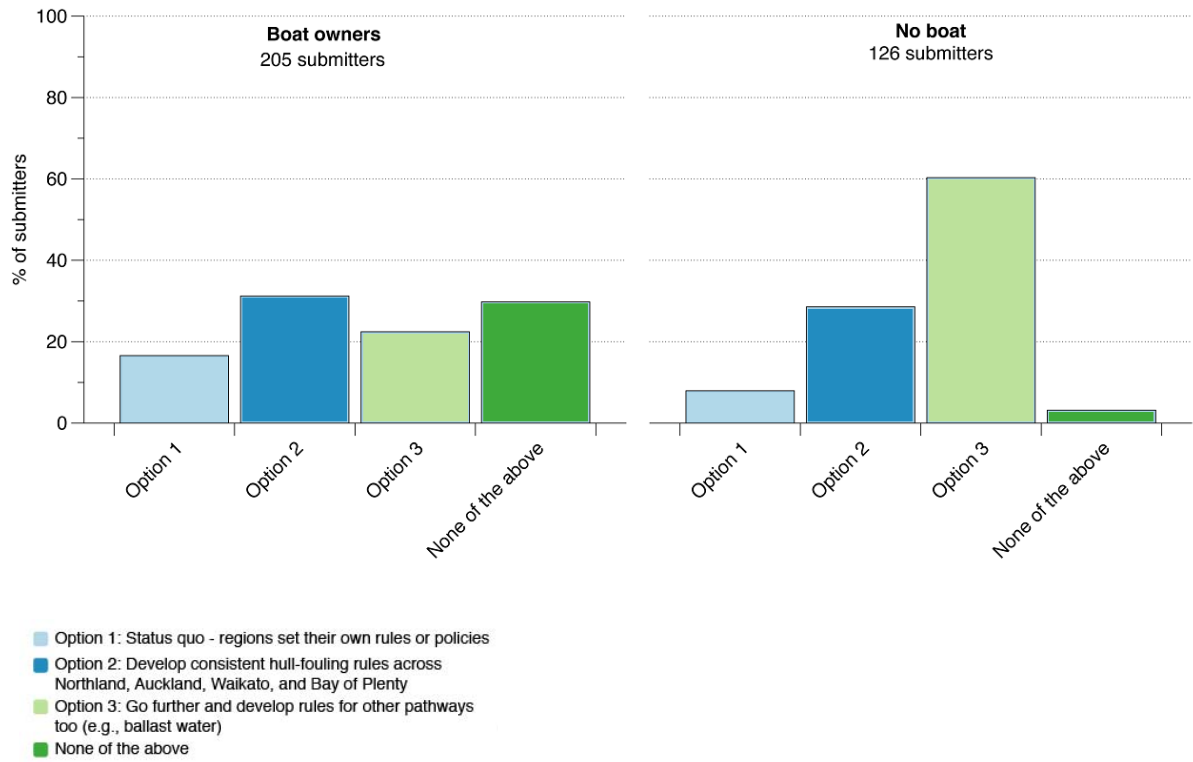


Figure 3. Preferred option for managing marine pests, according to boat ownership.

Which is your preferred option for managing marine pests?

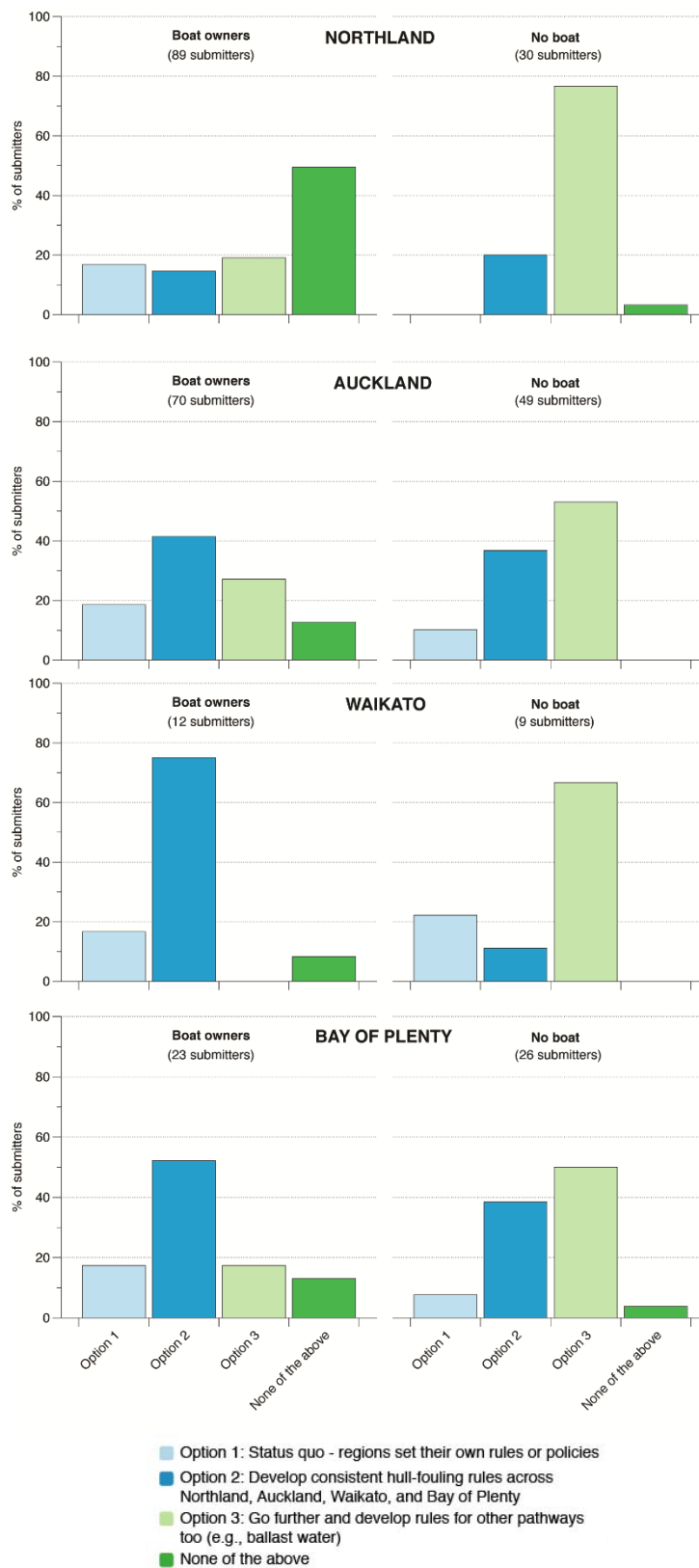


Figure 4. Regional feedback according to boat ownership in response to the question: What is your preferred option for managing marine pests, and why?

5.4 Summary of comments explaining preferred Option

Overall, 258 submitters (76%) provided a comment with their answer to Q1 (96 from Northland, 82 from Auckland, 14 from Waikato, 41 from Bay of Plenty, 21 from elsewhere in New Zealand and 1 from overseas (Table 2). In addition, there were relevant comments from the majority of the 29 submitters who did not complete the survey. Similar themes were addressed in comments across all options; however, the same theme could be presented either in general support of, or in general opposition to, the new rules initiative depending on the option selected. For example, several submitters who selected Option 3 and 'none of the above' cited concern regarding international vessels and ballast water. The former submitters were more likely to suggest the need for as robust rules as possible across all pathways, while the latter were more likely to suggest no rules were worthwhile at all, least of all regional hull-fouling rules, because they felt marine biosecurity was impossible to control.

Table 2. Total number of submitter comments in relation to the question: Which is your preferred option for managing marine pests, and why? from each of the four northernmost Top of the North (TON) regions according to the key themes identified.

Submitter comments relating to key themes						
Theme	Northland	Auckland	Waikato	Bay of Plenty	Elsewhere in NZ	Overseas
Practicality and compliance	20	31	4	24	4	0
Marine protection important	4	11	2	3	3	0
Regional differences	4	4	0	2	1	0
All pathways are important	8	6	1	1	5	0
Distribution of costs						
International/commercial vessels	24	4	1	3	2	0
Ballast water	9	7	0	3	1	1
No practical tools						
Anti-fouling ineffective	9	1	1	1	0	0
Haul-out facilities	5	1	0	0	0	0
In-water cleaning	2	0	0	0	0	0
Pests already established	7	5	1	2	0	0
National plan required	16	7	1	1	5	0
Total number of submitters	120	123	22	49	22	1
Total number of comments made	96	82	14	41	21	1

Option 1: Status quo – regions set their own rules or policies

Of the 44 submitters who preferred Option 1, 28 made a comment. The Thames-Coromandel District Council (TCDC) cited the need for a National Pathways Plan, and the New Zealand Defence Force (NZDF) commented that decisions about pathway rules should be made at a national level:

“NZDF supports Option 1, which proposes to continue combined efforts and work towards a collaborative national pathway approach, yet in the meantime allow each region to keep its own rules or policies for managing marine pests. Although NZDF agrees that consistent

pathway rules across the country would create certainty for vessel operators, such decisions should be made at a national level following detailed consideration of the practicalities of their implementation for larger vessels with unique operating profiles. The approach would also need to consider the possible effects on the RNZN fleet, so that the operational capability of the NZDF is not restricted."

"TCDC submits that marine biosecurity is of such critical significance to New Zealand that as a matter of urgency, central government, working collaboratively with regional councils and other key stakeholders, should lead the development of a national pathway approach for coastal waters."

The majority of the comments relating to Option 1 highlighted regional differences in pest species (9 comments), the importance of international and/or commercial vessels as a vector of invasive species (5 comments), and that pests are already established, particularly on marinas and permanent structures (5 comments). For example, a private submitter from the Bay of Plenty suggested *"the one rule fits all denies local situations"*, and two other submitters thought that *"the spread of pests across all regions is inevitable"* and *"the resident boating public are the injured parties through lack of border controls."*

Option 2: Develop consistent hull-fouling rules across Northland, Auckland, Waikato and Bay of Plenty

Of the 102 submitters who chose Option 2, 68 made a comment. The majority who commented (52) suggested this was the best option because it would be the most practical and would achieve the greatest level of compliance. For example, an individual submitter from Northland suggested:

"Consistent rules make compliance and enforcement easier for all parties. The issues are the same throughout the regions."

Key stakeholders that supported Option 2 included Aquaculture New Zealand, the New Zealand Marine Industry Association and the Coromandel Marine Farmers Association. Aquaculture New Zealand commented:

"Acknowledging the risks of spreading organisms between operational regions, the aquaculture industry is developing biosecurity standards for the salmon, mussel, and oyster industries that will set rules for the pathways that are within its control, particularly between Operational Regions (e.g. Top of the North; Top of the South, Banks Peninsula, Southland etc.). Given that aquaculture is setting its own biosecurity standards, it seems appropriate that other pathways in the marine environment have consistent rules and standards applied."

Similarly, the Coromandel Marine Farmers Association commented:

"Given that marine Biosecurity is desirable and important, our CoroMFA supports; Firstly, that there be consistent hull-fouling rules as per Option 2, and which appears to be the key risk pathway. Secondly, that there be further consideration and consultation re the Option 3 matters of "rules for other pathways" in the marine environment."

Peter Busfield, Executive Director of the NZ Marine Industry Association, was also supportive of Option 2 and commented:

“We like the concept of the 4 noted regions working together to have one set of rules for vessels in each of and moving to and from each region. We do wish to make sure that any rules are fair, practical, easily understood and easy to comply with by boat owners.”

In addition, Thomas Malcolm, of Auckland, cited the need for a National Pathways Plan, commenting:

“Having run a workshop for Auckland Council with Mana whenua from the area, there was a strong sense that something needed to be done. Option 2 was the bottom line for the majority of the people present, but some wanted option 3. I feel that some of the mana whenua will not have time to make a submission. That being said, I would like to see ToN develop the IRMPPP based on option 2 whilst holding MPI accountable for their lack of national direction.”

Option 3: Go further and develop rules for other pathways too (e.g., ballast water)

The largest proportion of submitters (126, 37%) selected Option 3 and 94 also made a comment. Overall, the most common themes identified in these comments were practicality and compliance (28 comments), followed by the importance of marine protection (21 comments), all pathways are important (20 comments), ballast water (9 comments) and international/commercial vessels (8 comments) as vectors of pest species, and that a national pathway approach is required (7 comments).

There was a high level of support for this option by the notable individuals and organisations who submitted. For example, the New Zealand Marine Sciences Society (NZMSS) supported Option 3, highlighting the importance of all pest pathways:

“We do not believe option 2 will be effective as it does not consider all pathways (e.g. aquaculture). In the management of marine pests it is important to consider all of the ways in which pests can enter and be spread within New Zealand. Pathway management should not just concentrate on vessel hulls. The transport of invasive species in ship ballast water and through movement of aquaculture infrastructure (vessels, buoys, harvesting and processing equipment) has been widely demonstrated. Furthermore, structures within harbours, ports and marinas, such as buoys, pontoons, moorings, platforms, walls and boat traffic, are known to harbour and spread a range of marine pests. These aspects therefore all need to be included in pathway management.”

Similarly, an individual submitter from Nelson suggested:

“The most prudent approach is to fill all gaps in pathway management as much as resources allow. This will take longer to implement than other options, and involve stakeholder consultation to optimize strategies and management tools without unnecessary impact on user groups. But significant gaps in vector management can (is likely to) undermine progress made on other pathways. The cost of implementation should diminish over time as a culture of pathway management is ingrained. This approach is the most comprehensive long-term management vision, which can be developed and implemented over time in a step-wise approach as resources allow.”

In addition, the Greater Wellington Regional Council “strongly supports development of the comprehensive national marine pathway management plan”, as does the Royal Forest and Bird Protection Society of New Zealand Inc.:

“We support the inclusion of pathways into an inter-regional pest management approach, either under a National Pest Pathway Plan or through a coordinated approach to developing and implementing Regional Pest Pathway Plans. We want a pathway plan(s) that is proactive, sets requirements for Councils to designate harbours and popular anchorages as discrete ‘places’ (as per the Northland RPMP) in order to control the introduction and spread of marine pests and to protect our significant indigenous marine biodiversity. We agree with the consultation documents that there is a risk that councils will delay action while considering this approach. We have already seen evidence of this in Auckland where their recently adopted regional pest plan refers to a possible inter-regional pathway plan as a reason for not including pathway management at this time in that plan. This means that the Ministry for Primary Industries needs to be very clear in pursuing an inter-regional approach that this should not delay current responsibilities of councils which can be addressed under a regional pest plan in the interim. MPI needs to move faster, too often we have seen delays and inaction which result in the spread of pests and disease. Whatever option is adopted we consider that Councils need to have responsibility for implementing and enforcing rules and that the pathway management plan be completed by the end of 2020.”

Tame teRangi, on behalf of Te Rūnanga o Ngāti Whātua, commented:

“The arrival of invasive marine-pests in any of the waterways is deemed culturally inappropriate. The significance of iconic places across the extent of the Ngāti Whātua tribal rohe also carries the upper-most obligation to ensure the environmental integrity of those areas including the marine environment. [This] submission states that the classification of managing invasive marine pests be assigned the highest of priorities with strict enforceable penalties for any such breaches of unwonted disregard. That such prohibition be applied to any public marine place including those waterways where wild-catch wild-harvest activities occur.”

Several individuals from places in New Zealand outside the TON regions also commented on the importance of a national plan. For example, a submitter from Nelson commented:

“Considering that the Marlborough Sounds has such a significant percentage of NZ coast it should be one of the areas on the survey. Being a 'lifetime boatie' I am only too willing to help but it needs help from all sides - not just from the 'easy victims'.”

With regards to practicality and compliance, five independent submitters all supported Option 3 with a replicated submission, stating their reasons as:

“1) Boats move readily between regions, especially from Auckland and Waikato to Northland. It is logical that there be consistent rules for hull fouling between regions; and 2) It is more cost-effective if the same message is promoted in the four regions as many boat-owners will not know about, or refer to, the different regional marine biosecurity plans.”

Comments that related to international and/or commercial vessels usually highlighted concern over the distribution of costs. For example, an individual submitter from Nelson suggested:

“We cannot ignore foreign shipping or NZ Based commercial fishing vessels The recreational boating community always gets the short end of the stick.”

None of the above

All but one of the 69 submitters who chose 'none of the above' also provided a comment as to why they preferred this option. The majority of comments related to the importance of international and/or commercial vessels (22 comments) as vectors of pest species, the need for a national pathways approach (20 comments), ballast water (10 comments), the ineffectiveness of anti-fouling paint (10 comments), and the feeling that pests were already established, particularly on permanent structures and marinas (9 comments).

Just under 20% (13 submitters) were comments according to a template document distributed by the Russell Mooring Owners & Ratepayers group. These submitters felt that:

"Councils impose considerable compliance costs on recreational boaties who by and large care for the marine environment, and yet boaties' efforts are stymied by the lack of rules on the commercial sector. New Zealand should have consistent domestic rules across the country that apply to both commercial and recreational vessels for methods that mitigate the biosecurity risk aspects of their vessels and gear."

Submitters who were concerned about ballast water generally felt the risks from this pathway, and others, overruled any posed by domestic boat travel. For example, an individual submitter from Northland commented:

"Without including ballast water in the regulations there is no sense in doing anything. And even including ballast water is simply delaying (at great cost) the inevitable. Perhaps allowing more toxic bottom paint is a more economical and effective way to slow the spread of undesirable organisms. Punishing yachts when the marine pests are moving by other means is not only unfair but pointless. If you are serious about controlling marine pests you must consider all pathways including natural within the ocean."

Several submitters mentioned the ineffectiveness of current anti-fouling options, and suggested superior alternatives, or highlighted the lack of other practical tools such as cleaning grids. For example, an individual submitter from Northland asked:

"Where have all the cleaning grids gone? Don't expect clean hulls if you deny boat owners affordable access to cleaning facilities."

Those who mentioned anti-fouling paints almost unanimously cited their ineffectiveness, for example:

"The rules on hull fouling are frustrating, the effective paint additives have been removed, then boat owners are required to somehow have clean hulls (barnacles excluded)."

However, a number of submitters also suggested implementing alternative solutions, such as:

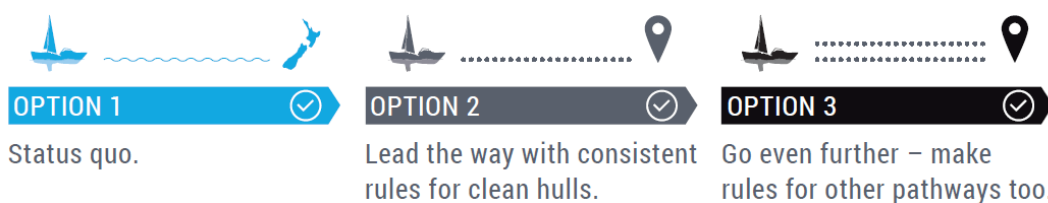
"Need[s] some lateral thinking. Antifouling paint is poisonous, expensive, short-term only. I was owner of the scow Alma (75ft) in 1980's, we moved her into "fresh water" in the Waima river, to kill teredo worm and all marine pests, worked well. Fresh water canals/basins, should be a part of all marina developments. (Think Marsden Cove (inland canal development), Hatea River)."

Many of these submitters expressed a desire to protect the environment and comply with council to control marine pests, however they believe any plans should be ratepayer funded. The incursion of the

Sabella was central to many comments, particularly those that felt pests were already established. For example, an individual submitter from Northland suggested:

“What’s the point? They are here to stay, perfect example is Marsden Cove stopped trying to get rid of the fan worm, was too hard and expensive. It will be everywhere in a few years no matter what is done. Stop burdening the boat owners with a solution that won’t stop the outcome.”

6 Question 2: If hull-fouling rules were developed, which option do you think is best, and why?



- Or —————> None of the above

6.1 Overall feedback

Overall, 341 submitters completed the survey and responded to this question: 144 (42%) agreed with Option 1; 80 (24%) agreed with Option 2; 51 (15%) agreed with Option 3; and 66 (19%) agreed with 'none of the above' (Figure 5). In addition, two of the 29 additional submitters (who did not answer the survey questions directly) provided clear feedback in accordance with a preference for Option 1, while the remaining comments from this cohort did not provide a clear answer.

If hull-fouling rules were developed, which option do you think is best?

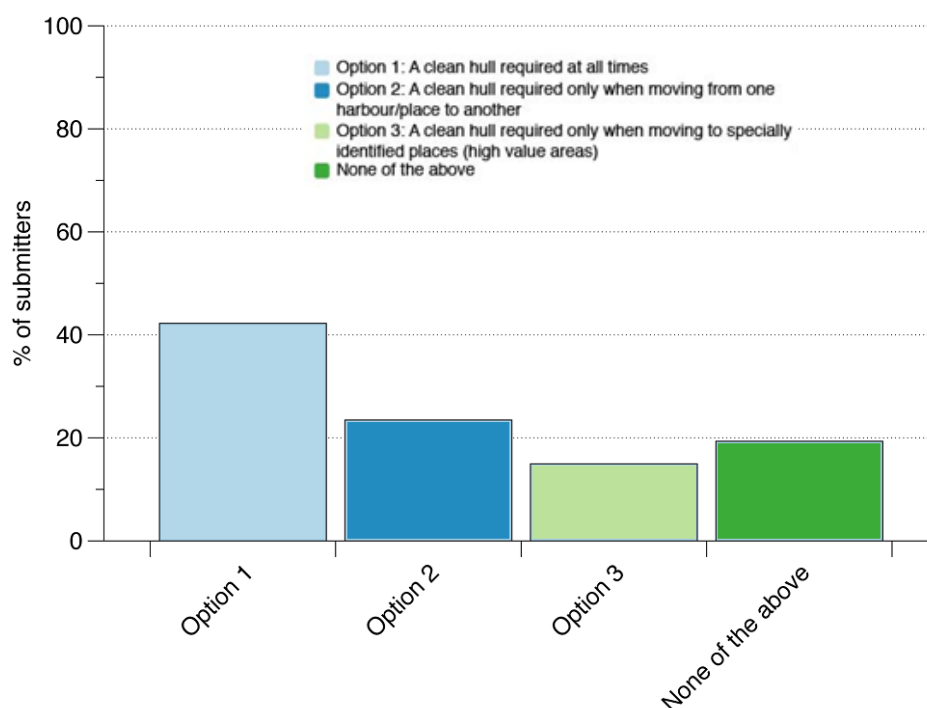


Figure 5. Submitter responses to the question: If hull-fouling rules were developed, which option do you think is best and why? The total number of submitters was 341.

6.2 Feedback according to region

As was the case for Question 1 detailed above, the preferences of Northland submitters were notably different to the other regions. Specifically, while only 8–14% of submitters from Auckland, Waikato, and Bay of Plenty chose 'none of the above', the greatest proportion of Northland submitters (33%) selected this option. Instead, the vast majority of submitters from these former regions selected Options 1, 2, or 3 (Figure 6). The 22 submitters from elsewhere in NZ, and one from overseas, who answered this survey question selected Option 1 (9 submitters), Option 2 (8 submitters), Option 3 (1 submitter) and 'none of the above' (5 submitters).

If hull-fouling rules were developed, which option do you think is best?

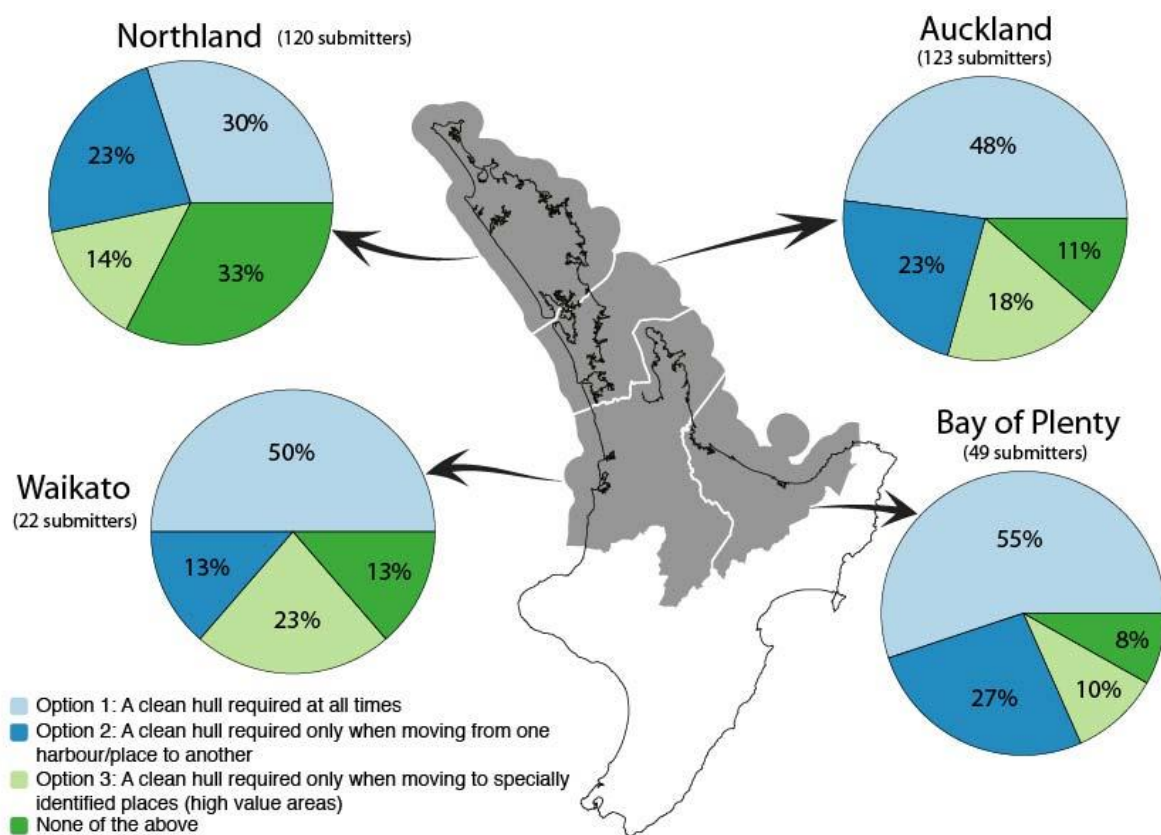


Figure 6. Preferred option for hull-fouling rules by region.

6.3 Feedback according to boat ownership

Overall, the most commonly selected preference by boat owners was ‘none of the above’ (60, 29%), followed by Option 1 (56, 27%), Option 2 (49, 24%), and Option 3 (40, 20%), whereas the vast majority of submitters (82, 65%) who do not own a boat selected Option 1 (Figure 7).

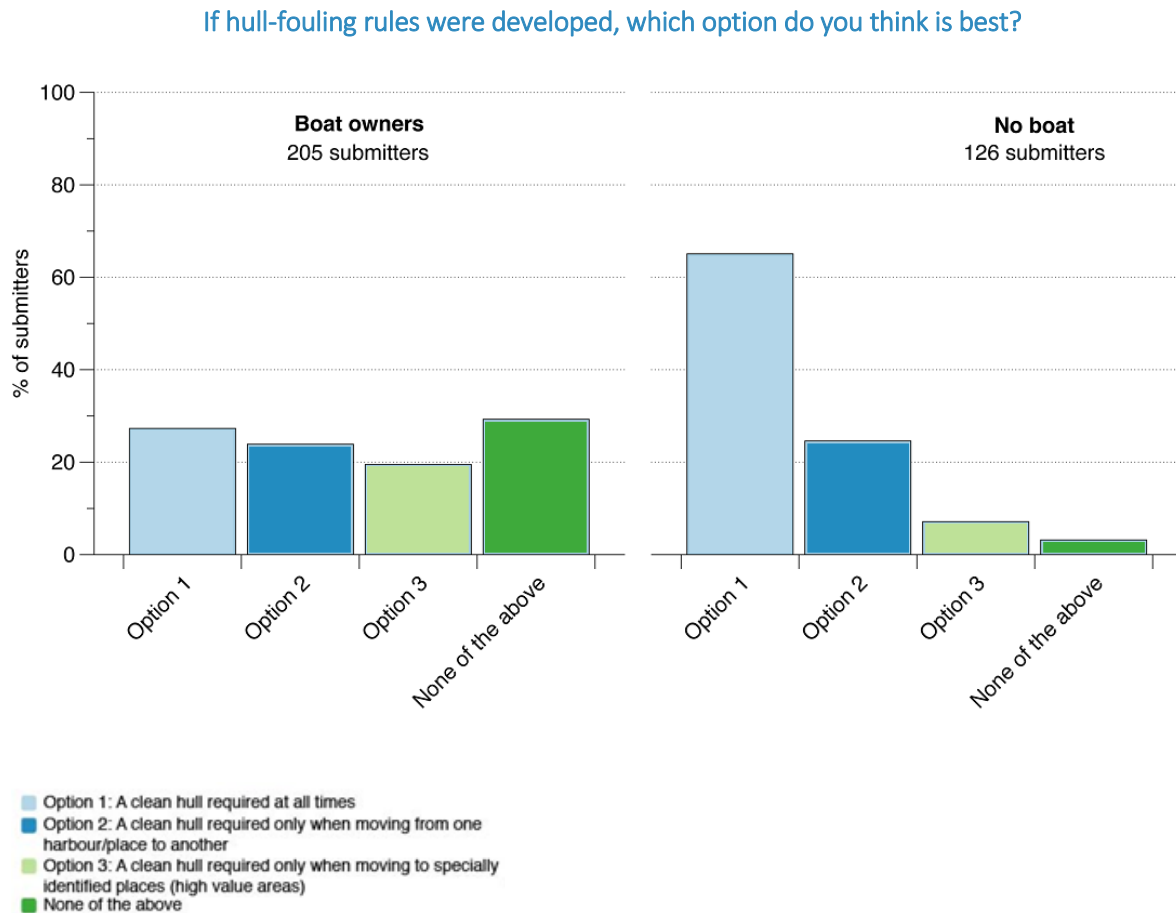


Figure 7. Survey feedback according to boat ownership in response to the question: If hull-fouling rules were developed, which option do you think is best and why?

Notable regional differences included Northland boat owners showing a clear preference for ‘none of the above’ while boat owners from Waikato favoured Option 3. In contrast, boat owners from Auckland and the Bay of Plenty had less clear preferences between the options but overall the majority selected Option 1 (Figure 8).

If hull-fouling rules were developed, which option do you think is best?

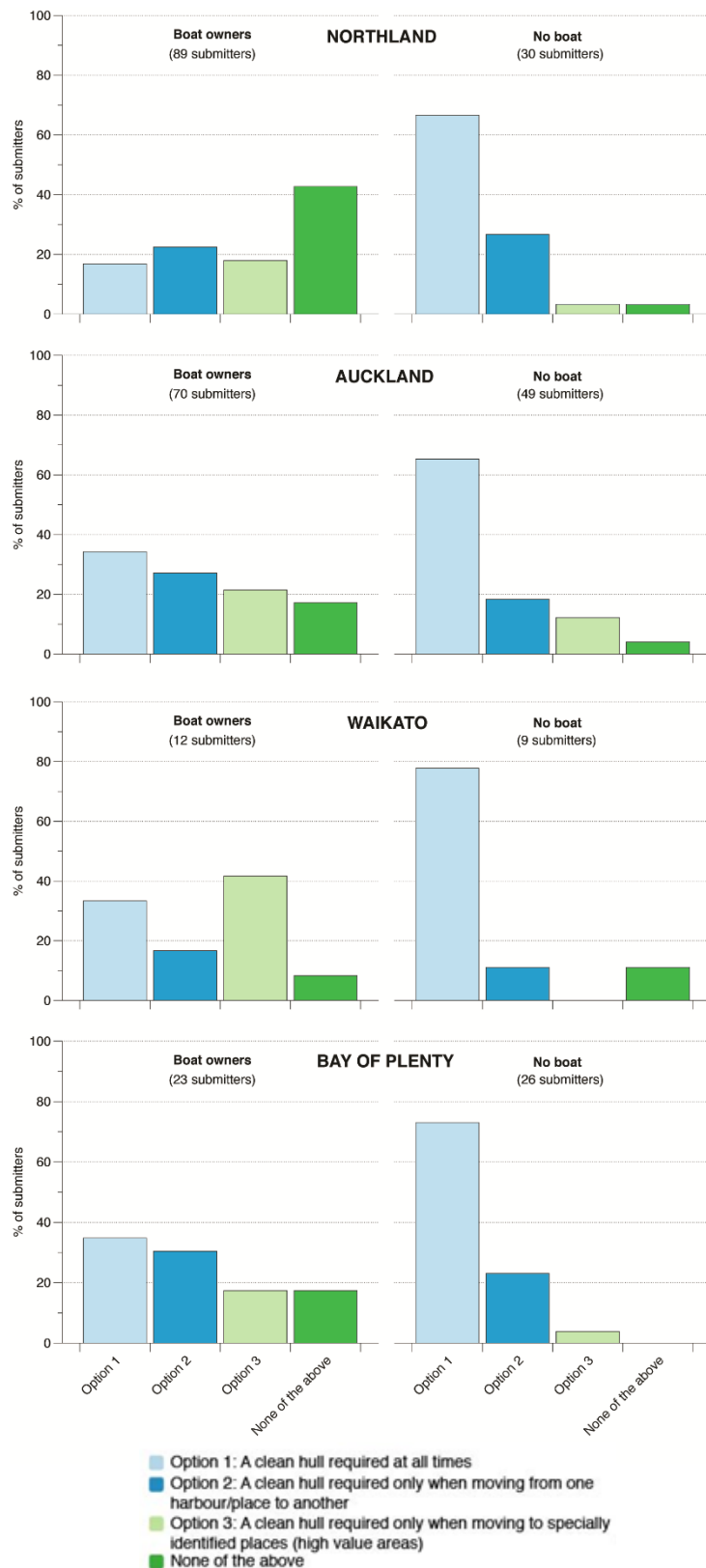


Figure 8. Regional feedback according to boat ownership in response to the question: If hull-fouling rules were developed, which option do you think is best and why?

6.4 Summary of comments explaining preferred Option

In total, 232 (68%) submitters provided an answer to why they preferred their chosen option, and approximately half of the additional 29 submitters also provided relevant comments.

Option 1: A clean hull required at all times

The majority of submitters preferred Option 1 (144, 42%), with 92 providing comments. Two thirds of these comments related to practicality and compliance (60 comments). Other themes were the importance of marine protection (15 comments), and issues around practical tools, e.g., a lack of haul-out facilities (6 comments) and ineffective anti-fouling paints (5 comments).

Amongst the majority of submitters that cited practicality and compliance in support of the option of enforcing a clean hull at all times were NZMSS and the Greater Wellington Regional Council, the latter also commenting on the need for a national pathways approach:

“Northland require a clean hull, we suggest the other three regions match this – if it is a standard that is working in one area, it should be successful when applied to the whole region. It is also the least confusing rule, with no exceptions, and on that basis is likely to be the easiest option to carry out surveillance activities for, bearing in mind that funding must be available to police it. Again, the marine biosecurity will only truly benefit if a national marine pathway management plan is in place.”

In addition to supporting the development of a national plan, NZMSS suggested clarification on the definition of a ‘clean hull’ citing concern over the allowance of ‘barnacles’:

“Option 1 is clearly the best option in terms of clarity, compliance, enforcement and minimising the spread of invasive marine species. The other options will be less effective as they are considerably more difficult from a compliance and enforcement perspective. From a practical perspective Option 1 could be implemented by issuing boats that are fouled with a notice that means they cannot be used or moved until they have been cleaned. This will mean that boats are not being used do not incur a fine, but prevent movement of that boat until it is cleaned. This will be more effective than Option 2 as it means boats can be inspected within ports and marinas. Option 3, which only requires clean hulls in high value areas, is highly problematic and not a practical solution due to the highly dispersive nature of marine species and high connectivity in the marine environment. NZMSS believes it is important to clarify the rules regarding a standard for a ‘clean’ hull’. It appears that these have changed recently and we encourage the development of a standard that is fit for purpose. It should therefore include specific information on all of the types of organisms likely to foul boats. Slime is a very vague term and a more precise definition is needed. Furthermore, we are concerned that “barnacles” are generally incorporated in the allowable clean hull standard as (a) there are numerous species and (b) they provide a complex surface for other biofouling species to be associated with them, providing increased opportunity for marine pests to settle. NZMSS believes a comprehensive ‘clean’ hull standard needs to be developed that is easy to use and allows regulators to assess the level of biofouling on a vessel. The efficacy of implementing an inter-regional pathway management plan is currently unknown so monitoring will be essential to evaluating the uptake of the rules and assessing the effectiveness of the plan in preventing the introduction and spread of marine pests.”

The Royal Forest and Bird Protection Society of New Zealand Inc. expressed similar questions/concerns as NZMSS above:

“Clean hull requirements need to be in place at all times to ensure that boating does not contribute to an increase in marine pests where they already exist or the introduction of marine pests into areas where they are currently not established. However it is not clear at what level of slime cover or barnacle infestation cleaning is required. Even at low levels there can be an unacceptable risk of spreading pests to new areas/harbours and to our high value areas.”

Three submitters using a shared template also highlighted concerns over exemptions for boats not moving for long periods and the ineffectiveness of anti-fouling paints:

“There needs to be an easy way to apply for an exemption if a boat is not being moved for two months or longer (e.g. on-line form addressing dates, place of mooring (including mooring number or marina berth), owner details, boat name and type, New Zealand contact details if different, time period for exemption up to a maximum). There needs to be careful consideration as to what constitutes a “clean hull” especially for boats in the Opua-lower Waikare-Veronica Channel area. Pacific oysters and barnacles grow very quickly in this area and there are abundant sources of local oyster spat. Boats moored in this locality and hauled and antifouled in December 2018, had extensive and rapid barnacle regrowth and some oyster regrowth after less than six weeks. From then the hulls have required significant in-water cleaning approximately every four weeks. It seems that irrespective of the hull material and the antifouling paint used, the application of new anti-fouling paint has not made much difference to the hull fouling rates in this location.”

In contrast to the above comments, other submitters suggested that though option 1 was their preferred choice, they thought it may not be the most practical option, e.g., an individual submitter from Auckland commented that option 1 was:

“... obviously the best, however impractical.”

Several submitters who selected Option 1 also mentioned a desire to protect the marine environment. For example, a Northland resident commented:

“The weight of recreational values should not outweigh the importance of water quality and the marine environment.”

Option 2: A clean hull required only when moving from one harbour/place to another

Following Option 1, the next highest number of submitters chose Option 2 (80 submitters, 24%), with 53 of these providing comments. Themes were identified in much the same pattern as for Option 1, with the greatest proportion relating to practicality and compliance (25 comments), followed by a lack of practical tools (haul-out facilities [5 comments] and ineffective anti-fouling paint [2 comments]), and international and/or commercial vessels as a vector for pests (4 comments).

Several submitters noted this seemed much more affordable than Option 1 for boat owners, which would result in higher compliance. For example, the following three comments were provided by individual submitters from across different regions:

“This will be much more affordable for boaties which will hopefully result in higher uptake and compliance.”

“Easier to enforce (but this does need to be enforced to work, particularly at entry point with right of refusal for entry) and simpler to understand for boaties. Does not penalize so much boaties while they are not going anywhere and deals with inconsistency between requiring boaties to maintain a clean hull whilst moored in places (e.g., marinas) with existing extensive biofouling and NIS.”

“Pro-active vector management (option 2) promotes a clean hull culture; addresses the compounding effects of pest spread among marinas (and high-value sites); focuses on biofouling associated with moving vessels (the core problem); and provides flexibility to address biofouling (any time at home marinas or at the point of pre-departure [for boaters] and at arrival [for managers]). Adopting a pathway management plan that reduces 'export', as well as 'import', of pests provides the strongest basis for minimizing pest spread.”

Option 3: A clean hull required only when moving to specifically identified places (high value areas)

Of the 51 submitters who preferred Option 3, 27 comments were provided. These mostly related to practicality and compliance (7 comments), lack of haul-out facilities (3 comments), and the feeling that pests were already well established in the environment (3 comments).

Notable submitters who agreed with Option 3 and cited practicality issues included the NZDF and Tom Hollings, Executive Officer of the Coromandel Marine Farmers Association.

NZDF commented:

“This option is the most pragmatic and achievable. It ensures that rules are developed having regard to the different marine environments of the specific regions, and gives the RNZN comfort that ships can return to their home port at DNB without having to be cleaned off-shore (which is not a preferred option by MPI).”

The Coromandel Marine Farmers Association felt:

“Having clean hulls when moving between regions is valuable and it is planned to very soon be incorporated into Aquaculture industry biosecurity standards. That concept is likewise seen as valuable for all northern coastal vessels. We suggest the need is to identify and minimise the higher risk movements and that moving around nearby is not per se the issue but rather the issue is as per option 3, moving from where (define) to where (define).”

Those submitters concerned about practical tools for keeping hulls clean most commonly mentioned prohibitive costs and accessibility. For example, two individual submitters from Auckland and Waikato respectively commented:

“It is difficult to get a lift out even in Auckland at short notice as well as expensive to get a hull cleaned may be as often as monthly.”

“I agree with action needing to be taken, I also feel the affected areas and councils must take practical steps to ensure relatively easy access to haulout facilities to allow boat owners the opportunity to keep their boat hulls clean and regularly anti fouled.”

Finally, the feeling that pests are already established in the marine environment concerned several submitters who made points such as:

“Marine pests of the type this discussion is subject to are already established in many Marinas, infrastructure structures and vessel bottoms in Auckland and Northland. The cost of compliance if a blanket regulation was enacted will be excessive. New Zealand is very under supplied with marine service industries and locations that can cope with the implications of the suggested requirements for continual clean bottom. Particularly larger craft in excess of 100 tonne.”

None of the above

The majority of respondents who selected ‘none of the above’ also provided a comment (60 comments made by 66 submitters). More than a third of these cited a lack of practical tools (including the ineffectiveness of current anti-fouling paint options [23 comments] and lack of haul-out facilities [13 comments]), and another third (21 comments) questioned the fairness of targeting small boat owners, specifically mentioning international and/or commercial vessels and ballast water as important vectors of pest species. The incursion of the *Sabella* was also central to many of these comments, with 11 submitters stating that pests were already well established. Only 6 comments related to practicality and compliance, in contrast to the majority of comments made in support of each of the previous options.

Notable submitters who selected this option were not necessarily opposed to new rules, but tended to request clarification on the possible new rules or provide practical ideas on how they saw the rules being enforced. For example, Chris Galbraith, of the New Zealand Marina Operators Association, commented:

“We would like to discuss options but need to be clear on how structure/facility owners are affected by the rules that would be decided for vessels and how these would be policed and who would pay the costs of enforcement.”

Sanford Limited commented:

“Sanford supports the concept of a yearly clean hull pass that is issued to all boats both commercial and recreational prior to summer similar to a warrant of fitness. It is important that the certificate is easy to obtain and keep updated - for example the certificate can be stored on a smart phone and linked to the name of the boat. Not carrying a certificate could be subject to minor infringement notices, that escalate in penalty and consequence for repeated non-compliance. The aim of the programme should be to improve boat owner awareness and encourage responsibility. Sanford also supports the clean hull pass being part of a wider pest management awareness education programme and voluntary compliance.”

Aquaculture New Zealand highlighted the importance of all pathways:

“Given that aquaculture is setting its own biosecurity standards, it seems appropriate that other pathways in the marine environment have similar rules and standards applied. As such AQNZ would support the development of a rule that ensured clean hull requirements on movements between operational regions and look forward to further consideration and consultation on the development of such a rule. One option would be to develop a 'clean vessel pass' for all watercraft that are anchoring in areas of special significance (or moving

between operational regions). The pass would be kept on the boat and renewed each year (e.g. between August-December). It could be free for recreational boats, and for commercial ones they would need to have it certified by a registered dive company. Not carrying it would result in an infringement notice with more serious penalties on repeated non-compliance.”

Finally, the TCDC commented on the need for a national pathways plan:

“TCDC does not have a view on which of these options is the best approach, Rather, it considers that central government, in collaboration with regional councils and other stakeholders should lead the development of a consistent national rule framework for coastal waters that includes rules, standards, management systems and timeframes for implementation across various pathways. This approach needs to be fully integrated with the frameworks for managing international vessels and aquaculture-related movement of marine pests if effective biosecurity is to be achieved.”

The submitters who highlighted practicality and compliance were all highly concerned that any new rules would be unpractical and unachievable. For example, a resident of Northland commented:

“How could you possibly achieve any of these options without astronomical costs? It seems to me the process is almost self limiting.”

In addition, approximately half of the comments (12) relating to the lack of practical tools and concern over international and/or commercial vessels were based off a template document distributed by the Russell Mooring Owners & Ratepayers group. The individuals from this group stated:

“My preferred option is that boat owners should be required to ensure their vessel is antifouled and maintained according to manufacturer’s specifications and provide evidence to a regional council when requested, such as copies of invoices etc. The cost to boat owners of meeting the unachievable standard, if it meant they had to antifoul their vessels at a shorter interval than recommended by the manufacturer, would be prohibitive. It would also be a waste of boat owners’ money because councils are proposing no rules to cover other pathways.”

7 Conclusion

Overall, 370 responses were received; 341 submitters completed the survey and responded to the main questions, and an additional 29 submitters responded (by email or a hardcopy version of the survey) but did not provide an answer to one or both of the survey questions.

There were nine key themes that were identified during the analysis of submitters comments, based on the questions posed in the discussion document. These were: 1) Marine protection is important; 2) Practicality and compliance; 3) Regional differences; 4) All pathways are important; 5) No practical tools (including sub-themes of the effectiveness of anti-fouling, a lack of haul-out facilities, and in-water cleaning rules); 6) Distribution of costs (including sub-themes of international/commercial vessels and ballast water); 7) National Plan needed; 8) Pests already established; and 9) Stationary vessels.

Of the 341 submitters who completed the survey, the preferred option for managing marine pests was Option 3 (go even further and make rules for other pathways too) for 126 submitters (37%), followed by Option 2 (lead the way with consistent rules for clean hull) for 102 submitters (30%), ‘none of the

above' for 69 submitters (20%), and finally Option 1 (the status quo) for 44 submitters (13%). There were some regional differences, with the preferences of Northland submitters being notably different to the other regions. Only 16% of Northland submitters preferring Option 2 compared with 39%, 46% and 47% of submitters from Auckland, Waikato, and Bay of Plenty, respectively. In contrast, 37% of Northland submitters chose 'none of the above' compared with only 8–9% of those from the other TON regions. The majority of submitters (205, 60%) were boat owners, and overall, their most commonly selected preference was Option 2 (64, 31%), followed by 'none of the above' (61, 30%) and Option 3 (46, 22%), whereas the vast majority of submitters who do not own a boat that lives in the water selected Option 3 (76, 60%).

The preferred option for hull-fouling rules, if they are to be developed, was Option 1 (clean hull at all times) for 144 submitters (42%), Option 2 (clean hull required only when moving) for 80 submitters (24%), 'none of the above' for 66 submitters (19%), and finally Option 3 (clean hull required only when moving to specially identified places) for 51 submitters. Again, the preferences of Northland submitters were notably different to the other regions. Specifically, while only 8–14% of submitters from Auckland, Waikato, and Bay of Plenty chose 'none of the above', the greatest proportion of Northland submitters (33%) selected this option. Overall, boat owners were not polarised on this issue, with relatively equal numbers of submitters choosing each of the four options. Specifically, boat owners preferred 'none of the above' (29%), Option 1 (27%), Option 2 (24%), and Option 3 (20%), whereas the vast majority of submitters (65%) who do not own a boat selected Option 1.

Key messages

Overall, there was a clear call for greater action to address marine pests across the TON regions from both the individuals and the agencies that responded, some of which represent considerable numbers of marine users. In addition, there is likely to be benefit in implementing a consistent approach across the regions because issues around practicality and the ease of compliance were of high importance to many submitters.

Results also indicate there is a significant percentage of submitters who support some form of control on hull-fouling, although this is notably more muted in Northland than the other regions with 33% either opposed to hull-fouling rules or seeking further detail about their implementation.

The differences in submitter responses and comments seen in Northland compared with the other TON regions likely reflect both a higher level of boat ownership and the recent introduction of the Northland Marine Pest Pathway Plan with an associated charging regime. While it seems clear that further engagement with boat owners is required, it is encouraging that many already support the introduction of new hull-fouling rules and desire consistency in these rules across the regions.

8 Appendix A – List of submitters

Table 3. Full names and organisations* of submitters grouped according to their main region of residence.

*Not all listed organisations are officially represented by the listed individual and these must therefore be taken as private submissions.

NORTHLAND

Full name	Organisation
Steve Sinclair	S.V.Crazyhorse
Irene Middleton	Ramboll New Zealand
Robert Powell	
Nigel Brown	
Lorinda Robinson	
Scott Gavin	
Donna Marie Buck	
Nico Sieling	
Mark Huggins	
Max Haag	
David Dalziel	
Don Barker	
Antony Lydiard	
Tim Bingham	
Anonymous	
Geoff Cunningham	
Gary Tettelbach	
Mario Hohaia	
Bridget Marsh	
Matthew	
Richard Israel	Northland Sea Kayaking
James McGlone	Outward Bound Fishing
Guy Carnaby	
Jack Hamilton	
Gregory Hayes	NZ Federation of Commercial Fisherman
Michael Paul Bowker	
Isabel Krauss	
Amanda Griffin	
Carl Mather	
Tony Milicich	
Bruce Cartwright	
Tim Workman	
B J Chetham	Patuharakeke
Antje Muller	
Gary Brian Reti	
Hori Puturangi Mahanga	
Gillian Durham	
John Durham	
Jeanette Harris	

Klaus-Peter Kurz	Russell Mooring Owners & Ratepayers
Warwick Goldstone	
Guy Wilson	
Anonymous	
Peter Williams	Kerikeri Cruising Club
Gary John Underwood	Russell Boat Club NZ
Richard Duley	
Neil Forrester	
David and Avril Warren	
Wayne Monk	
Pip Todd	
Lucy Bilyard	
Warwick Petty	
Tai Petersen	
Clive Nothling	
Anne Walker	
Allan Luckman	
Ross Wagener	
John Buck	
Kevin Philpott	
Graham Gallagher	Northland Fish and Game
Charles Stephen Western	Kingfisher Yacht Charters
Brian Candy	
Jim Ashby	
Margaret Bishop	
Samara Nicholas	Experiencing Marine Reserves
Steve Croft	
John Grant	
Kim Borgstrom	
Lance Dent	
Donald Beillingham	
William Harold Moloney	
John Fugler	
Philip Lissaman	
Bruce Taylor	
Chris Galbraith	Far North Holdings Limited
Victor Claud Holloway	
Arnold Maunsell	Nga Hapu ki Waitangi
A W Newton	
Peter Boyd	
Karl Fuller	
Garth Craig	
Dean Wright	
Michael John McGlynn	
Jan Henry	Fish Forever
Alan Martiensen	
Rolf Mueller-Glodde	
Kelly Mabee	
Gareth Doull	

Scarlett Bodnar	
Anna Clarke	
Cynthia Matthews	
Pete Richards	
Ben Tombs	
Robert Van pierce	
Rowan Tautari	Te Whakapiko hapu
Ali Judd	
Anne Russell	
Bruce William Mauchline	
Sarah Granich	
David Tiller	
Rene De Vries	
Kerry Payne	
Robyn Parker	
John Martin	Sail South Pacific
F D Godbert	Fish Forever
Stephen Rush	Te Runanga o Whaingaroa
Rodney Dey	
Michael Ludbrook	
Doug Buchan	
Anthony Paul Dunlop	
Vibeke Wright	Marsden Maritime Holdings Ltd
Claire Braiden	
Ian Blackwell	
Caitlin Gray	
K Crosbley	
Ron Cousins	
John Booth	
Hilton Ward	
Victoria Froude	Bay of Islands Maritime Park Incorporated Society
Nicholas Wells	
Judy McHardy	Bushmans friend. LTD

AUCKLAND

Full name	Organisation
Keith Ingram	
Matt Paulin	Neptunes Gear Ltd
Murray Arthur	
Mels Barton	
Shaun Lee	
Brittany Mathis	
Dean	
Michael Backhurst	
Wayne Radford	RnR Charters Ltd
Stephanie Railey	RnR Charters Ltd
H K	
Carina Sim-Smith	
Colin Graham Swabey	

Jonathan Cole	Hobsonville Marina
Mike Ure	
John Snashall	
K W Salmon	K W Salmon
Neil K Williams	
Michael McKeown	
Martin Baker	
Keren Spong	
Catherine Lea	
Brett Green	
Kimberley Margaret	
Edwin Ainley	
Zoe Annys Allan	
Alienor Izri	
Christopher John Field	
C Hawkins	
Roderick Vickery	
Edward (Ted) Marcus Bosch	yachtclub
Neville Mace	
Pani Gleeson	Nga Maunga Whakahii o Kaipara (Ngati Whatua o Kaipara)
Scott Lomas	Te Kawerau Iwi Tribal Authority
Scott Trask	Western Computers
Andy Winter	
Simon Briscoe	
Boud Hammelburg	Weiti Boating Club
John Wicks	
Antony Barker	
Anonymous	
Dennis George	
Nerine Walbran	
Anonymous	
Chris Hamblin	
Christopher Hood	
Laura Richardson	
Malcolm Woolmore	Tainui
Bob Hessey	
Maria Heer	Waiheke High School
Taryn Wilks	Sustainable Aotea
Thomas Malcolm	Puna Consultants Ltd
Chad Thompson	
David Melrose	David Melrose Design Marine Ltd.
Evert B Metz	
Allen Moore	
richard hart	
Ann Franich	
Anonymous	
Lucy Underwood	
Grant Brown	Sandspit Marina Society
Hugh O'Reilly	
Justin Hamilton	

Mike Leyland	
D Dolbel	
John Ellingham	
John Welsford	Engineering and Marine Design Ltd
Shaun Holmes	
Shane Wright	UoA
Dan Breen	AUT
Neil Bramley	
Sharron Todd	
James Thompson Hudson	
Anonymous	
Simon Adamson	
James	
Joe Nowak	Marathon Products Ltd
Graeme Haszard	
Anonymous	
Marea Gorter	
Iain Newton	
Lyn Happy	
Wayne Blair	
Kat Garrett	
Pieter deBruis	
Jerome Pretorius	
Bryan Connell	Riko Boat Charters
Simba Mtakwa	
Mila Mionnet	
Quentin Allan	AUT
Danny Brown	
Ben Skelton	
Terry McCarthy	
Matthew Macdonald	
David Charles Smith Roberts	
Arielle Rae Aguilar	
Patrick O'Meara	Tamaki Estuary Protection Society Inc
Darren Knott	
Andrew Wardman	
Kim McNamara	
Aamon Chetty	Isthmus
Elizabeth Norquay	
Helen Gregan	
Steve Davies	
Brian Feldtman	
James Andrews	Ngati Paoa
Warren Edwin Crook	
Nick Beveridge	Royal Forest and Bird Protection Society of New Zealand Incorporated
Tina Paye	
Peter Crane	
Tony Simpson	

Tayla-Paris Tabrum	
Jenny Dare	
Peter Sharps	
Zack Fell	
Poi Teei	
Glenn Aguitar	Unitec
David Hollingsworth	Marina Consultants Ltd
Chris Galbraith	NZMOA
Kevin Pugh	
Marcus Cameron	Tonkin+Taylor
Ian Duncan	
New Zealand Defence Force	New Zealand Defence Force
Alison Undorf-Lay	Sanford Limited

WAIKATO

Full name	Organisation
Chris pevreal	
Glenn Clough	Marine Protection Solutions
Anonymous	
Joe Kuizinas	
Lionel Gibbs	
Mitch Pascoe	
Guy Banhidi	Dive Revive Ltd
John Sanford	Waikato Regional Council Coromandel Catchment Committee
Mitchell Edwards	Thames Sailing Club
Anne Stewart Ball	Nil
Elizabeth M Young	
Bruce McKenzie	
David Munday	Whitianga Marina Society Inc
Brian Gilliland	TYPBC
Alison Denton	
Peter Abrahamson	Whitianga Canal Management Ltd
Paula Thompson	Ngati Paoa
Messina Waitaci	
Luke Turner	
Dr Kate James	
Leslie Vyfhuis	Thames-Coromandel District Council
Tom Hollings, Exec. Officer	Coromandel Marine Farmers Association

BAY OF PLENTY

Full name	Organisation
William Dyck	
Bill Faulkner	
Gregg Marchant	Ocean Protection Foundation
Helen Coatsworth	
Peter Goad	
Murray John McAlonan	

Andy Price	
Murray Grainger	
Sam Dunlop	
Russ Hawkins	Fat Boy Charters Ltd
Reuben Fraser	Bay of Plenty Regional Council
Keith Taylor	Carson Taylor Co Ltd
Philippa Judith Howcroft	
Te Peara Webster	All Iwi
Richard James (Chair)	Tauranga Forest and Bird
Kate Graeme	
Sunny Peeters	
Karan Alten	
Cara Venter	PVT
Andrew Knowles	
Peter Hughes	
Roger John Rushton	TYPBC
Adam yates	
Ramon Carter	
Graeme burton	
Bruce Goodwin	
Anna Barnes	
Geoff Inwood	
Talbot Munro	
Christopher Noel Battershill	University of Waikato
Rex Fairweather	Self employed
Kevin B Johnson	Florida Tech/University of Waikato
Paul Mitchell	
Peter Vitasovich	Whakatohea Mussels (Opotiki) Ltd.
John Wilson	Whakatohea Mussels (Opotiki) Ltd.
Tracey Blackwell	
Carl Smith	
Doug Esterman	
Gun Caundle	
Bill van der Vlerk	
Ray Findlay	
Nick Wrinch	Kensington Gardens
Tracy Scherer	Seahorse Equipment Ltd.
Jo Robertson	
Tony Arnold	Tauranga Bridge Marina
John Gray	
Julie Bailey	
John Crisp	
Sam Weiss	
Phil Wardale	Tauranga City Council

ELSEWHERE IN NEW ZEALAND

Name	Organisation/iwi
James Higgins	Sanford
Peter Lawless	The Lawless Edge Ltd
Jeannine Fischer	
Chris Woods	NIWA

David Webb	Marlborough District Council
Craig Nasey	
David Owen	
Jono Underwood	Marlborough District Council
Rob Greenaway	
Viki Moore	
Bruce polkinghorne	
Richard Morris	
Paul Wilson	
David John Clark	
Alice McNatty	Hawke's Bay Regional Council
Alex Halliwell	Student, Victoria University of Wellington
Davor Bejakovich	Greater Wellington Regional Council
Lu Maultsaid	
Graham Sullivan	Environment Canterbury
Ian Davidson	Cawthron
New Zealand Marine Sciences Society	
Dave Taylor	Aquaculture New Zealand

OVERSEAS/REGION NOT GIVEN

Full name	Organisation/Iwi
Nigel Fox	
Omer Aksoy	
Juliane Chetham	Patuharakeke Te Iwi Trust Board
Klaus Kurz	
Adrian Pettit	
Hugh Rihari	
Mere Kepa	
Colin Summers	
Fritz Scharnweber	
Toni Lloyd	
Pete McNabb	
Ray Chaprieu	
Sabbir	
Daniel Ross	
Lee Cahill	
Duke George	
Ashneha	
David Collins	
Toni Stevenson	
Anthony Good	
Steven Farrar	
Peter Lord	
Akioti Rishal Lal	
Bill Maxwell	
Malcalm Kidd	

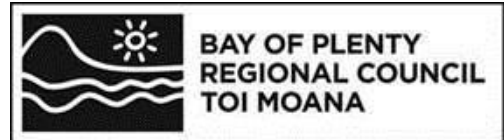
Tony Cox	
Peter Busfield	Executive Director, NZ Marine Industry Association
Nigel Tutt	
Tame teRangi	For and on behalf of Te Rūnanga o Ngāti Whātua
Sandra Barber	
Peter Charles Rolfe	
U Schmutzler	
Vic Campbell	
Denise Campbell	
John Booth	

9 Appendix B – Engagement summary

Table 4. Summary of publicity and engagement activities each region, Biosecurity New Zealand, and DOC conducted to publicise and attract submissions.

Stakeholder	Date(s)
Email	
MPI national stakeholder list	<ul style="list-style-type: none"> 18/03/2019
Marine biosecurity partnerships (Fiordland and TOS)	<ul style="list-style-type: none"> 18/03/2019
Internal MPI to all MPI marine experts	<ul style="list-style-type: none"> 18/03/2019 4/04/2019
Internal DOC to all marine and biosecurity staff	<ul style="list-style-type: none"> 2/05/2019
Auckland Council stakeholder email list	<ul style="list-style-type: none"> 15/03/2019 24/05/2019
Mahurangi Harbour marine farmer email list	<ul style="list-style-type: none"> 16/04/2019
Auckland Council iwi representative list	<ul style="list-style-type: none"> 19/03/2019
Northland mooring register list + Northland Regional Council iwi and stakeholder list + Northland territorial authorities	<ul style="list-style-type: none"> 20/03/2019 7/05/2019
Waikato marine stakeholder and iwi email list	<ul style="list-style-type: none"> April
Bay of Plenty Regional Council Toi Moana to Tame Malcom	
Media release	
Auckland Council website	<ul style="list-style-type: none"> 19/03/2019
Northland Regional Council website	<ul style="list-style-type: none"> 18/03/2019
Bay of Plenty Regional Council Toi Moana website	<ul style="list-style-type: none"> 21/03/2019
Waikato Regional Council website	<ul style="list-style-type: none"> 18/03/2019
Printed Material	
Discussion documents and pamphlets distributed at all Auckland high-use boat ramps and marinas through an extensive outreach programme	<ul style="list-style-type: none"> Throughout consultation
Discussion documents and pamphlets distributed to all Northland marinas, some boating/fishing clubs and haul outs	<ul style="list-style-type: none"> Throughout consultation
Discussion documents and pamphlets distributed to all Northland Regional Council offices, posters at key sites	<ul style="list-style-type: none"> Throughout consultation
Discussion documents and pamphlets distributed to Waikato mooring holders, community groups and industry	<ul style="list-style-type: none"> During April

Available from all Waikato Harbour Masters and Waikato Regional Council reception	<ul style="list-style-type: none"> Throughout consultation
Public Event	
Orewa Community Centre (Auckland)	<ul style="list-style-type: none"> 17/04/2019
Westhaven Marina (Auckland)	<ul style="list-style-type: none"> 18/04/2019
Buckland and Eastern beaches Memorial Hall (Auckland)	<ul style="list-style-type: none"> 10/04/2019
Henderson Council Chamber (Auckland)	<ul style="list-style-type: none"> 2/05/2019
Bay of Plenty Regional Council Toi Moana hosted public drop-in workshops	<ul style="list-style-type: none"> 29 April and 1 May – Tauranga 30 April – Whakatane 2 May - Rotorua
Hutchwilco boatshow stand, Auckland	<ul style="list-style-type: none"> 16–19 May
Social Media	
Biosecurity New Zealand Facebook page and Ko Tatou “This is Us”	<ul style="list-style-type: none"> 19/03/2019
Northland Regional Council Facebook page	<ul style="list-style-type: none"> 12 April + reminders: 19, 29 April 15, 23 May
Waikato Regional Council Facebook page	<ul style="list-style-type: none"> 19/03/2019
Bay of Plenty Regional Council Toi Moana Facebook page	<ul style="list-style-type: none"> 14/05/2019
Auckland Council Biodiversity Facebook page	
Sailword Facebook page	
Westhaven Marina Facebook Page	
Webpage	
Sailworld.com	<ul style="list-style-type: none"> 17/04/2019
bionet.com with links to further information	<ul style="list-style-type: none"> Throughout consultation
Other	
Auckland	<ul style="list-style-type: none"> 2/04/2019
Auckland Council iwi hui	
Bay of Plenty Regional Council Toi Moana Key Stakeholder workshop	<ul style="list-style-type: none"> 14/05/2019
Waikato iwi	
Waikato territorial authorities	<ul style="list-style-type: none"> April



Receives Only – No Decisions

Report To: Strategy and Policy Committee

Meeting Date: 05 May 2020

Report From: Julie Bevan, Policy & Planning Manager

Natural Hazards Way Forward Project

Executive Summary

In February 2020 a Natural Hazards Way Forward (NHWF) project was commissioned by Bay of Plenty Regional Council in collaboration with Tauranga City Council and Western Bay of Plenty District Council. The project was initiated in response to issues implementing the Bay of Plenty Regional Policy Statement (RPS) Natural Hazards policy framework and risk assessment requirements. Specifically the RPS Natural Hazards provisions are impacting the ability to meet SmartGrowth settlement pattern and the RPS urban growth management objectives.

A series of workshops and interviews were held with Council employees (namely Engineers and Planners) and external practitioners experienced in applying the RPS Natural Hazards provisions in subdivision, large scale land use, structure planning and district plan change related processes.

Eleven (11) priority implementation themes/issues have emerged with an action plan recommending a pathway forward to address these issues. Among other things the action plan recommends establishing a Natural Hazards Working Group to assist BOPRC to collaborate and produce simple, accessible practical guidance and agreed interpretations, solutions, best practice examples and agreements on process, timing and service provision between and within councils.

Some of the issues indicate a need for an RPS change and the delegation to approve any RPS changes sits with Regional Council's Strategy and Policy Committee. Staff foreshadow the need to workshop the outcomes and implications of the NHWF project at the upcoming 18 June Strategy and Policy Committee Strategic Session.

An RPS changes arising from unforeseen implementation issues is probable. As a matter of priority, these will be progressed through the proposed Natural Hazards Working Group and a revised Natural Hazards Planning Charter to support the urban growth agenda. The potential for un-programmed RPS changes is the primary reason for reporting on this project. Other information is provided for background purposes to keep elected members informed of BOPRC's collaborative efforts to progress this work.

Recommendations

That Strategy and Policy Committee:

1 Receives the report, Natural Hazards Way Forward Project.

1 Purpose

The purpose of this report is to inform Councillors of the Natural Hazards Way Forward (NHWF) project commissioned by Bay of Plenty Regional Council in collaboration with Western Bay of Plenty District Council (WBOPDC) and Tauranga City Council (TCC). The NHWF project sought to identify and validate issues encountered implementing the Bay of Plenty Regional Policy Statement (RPS) Natural Hazards provisions and identify a pathway forward to resolve them.

2 Background

The primary objective of the RPS Natural Hazards provisions is the avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifelines utilities. They were made operative on 5 July 2016 and developed collaboratively with TCC and WBOP in response to a wider regional issue to manage natural hazard risk in the region. The provisions are progressive, in particular to quantify natural hazard risk in the context of land use planning under the RMA.

In response to issues associated with implementing the Bay of Plenty Regional Policy Statement (RPS) Natural Hazards policy framework and risk assessment requirements, Bay of Plenty Regional Council commissioned a review of the RPS Natural Hazards provisions to:

1. Identify implementation and interpretation issues;
2. Collate and prioritise emerging themes on the basis of giving effect to the RPS Appendix E urban limits (SmartGrowth settlement pattern) and other central government imperatives including NPSs
3. Prepare an action plan of agreed solutions, a timeframe for delivery and resource/budget implications.

The Natural Hazards Way Forward (NHWF) project was independently led by Sharron Wooler (Barrister) with technical assistance from James Hughes (Climate and Resilience Specialist at Tonkin and Taylor).

A series of workshops and interviews were held with Council employees (namely Engineers and Planners) and external practitioners experienced in applying the RPS Natural Hazards provisions in subdivision, large scale land use, structure planning and district plan change related processes.

The key recommendations of the NHWF project are:

- 1 BOPRC lead and fully resource a Natural Hazards Working Group (NHWG) to collaboratively resolve the technical and planning policy implementation issues associated with the Natural Hazards provisions. Further details of the NHWG are outlined further below; and
- 2 Amend the Natural Hazards Planning Charter to better ensure cross-organisational collaboration occurs to support the hazard mapping and city-wide risk assessment (i.e. sharing and aligning work priorities with Annual and Long Term Plans).

2.1 Priority Implementation Themes / Issues

The NHWF project identified eleven (11) priority themes/issues in implementing the RPS Natural Hazards provisions and produced an action plan recommending a pathway forward to address these issues. The eleven issues identified are broadly described as:

1. General issues interpreting and implementing RPS provisions leading to duplication, inconsistent implementation and lack of clarity
2. The Natural Hazards provisions do not enable a clear and efficient pathway for achieving the RPS urban growth sequencing patterns
3. Consistent approaches to hazard data creation/provision and timeliness of delivery
4. Capacity, capability and awareness of council staff and external practitioners
5. Natural Hazards Charter not working as intended
6. Overlaps between legislation, national and regional planning instruments
7. Clarification of policy interpretation issues
8. Appendix L technical issues
9. Planning for low likelihood events as mitigation options to achieve low risk level is very challenging
10. Lifelines outage times difficult to meet and uncertainty whether existing lifeline utilities need to be assessed as part of a proposed development
11. Floor levels – the process and responsibilities for setting floor levels and providing for on-site attenuation has created conflict, difficult relationships and questionable outcomes.

The most critical issue for the western Bay of Plenty sub-region is to enable development in expanding urban capacity. While overall the Natural Hazard provisions are considered an appropriate policy response to managing natural hazard risk, some unforeseen implementation issues have eventuated particularly with regards to Appendix L.

2.2 Natural Hazards Working Group

The NHWG role is to assist BOPRC to collaborate and produce simple, accessible practical guidance and agreed interpretations, solutions, best practice examples and agreements on process, timing and service provision between and within councils.

Some of the issues indicate the need for an RPS change and the delegation to approve any RPS changes sits with Regional Council's Strategy and Policy Committee. The extent of any potential RPS Natural Hazards changes are not yet agreed by operational staff. Further work is required to determine the processes and terms of reference of these groups joining forward with our implementation partners (i.e. territorial authorities) before agreeing specific details.

The primary purpose of the NHWG is to support implementation of the natural hazard provisions to enable urban growth proposals with a focus in the western sub region where growth pressure is highest.

The NHWG will be led by BOPRC and include representatives from territorial authorities with expertise in policy planning, natural hazards and engineering.

If the NHWG collectively agrees the most appropriate option for addressing an issue is an RPS change it can only make recommendations to this Committee for consideration.

2.3 Natural Hazards Charter

Changes are recommended to the Natural Hazards Planning Charter originally agreed to in August 2016 between the Chief Executives of BOPRC, WBOP and TCC. The Charter's purpose is to ensure delivery of an integrated approach to the management of natural hazard risk under the Resource Management Act 1991. It provides a forum for cross council alignment of modelling and mapping work and annual and long term financial planning.

Since it's signing a number of implementation issues have been identified by territorial authorities and private planning practitioners when considering large scale development proposals through resource consent and plan change processes.

For avoidance of the doubt:

- BOPRC do not consider significant changes to the RPS Natural Hazards provisions are necessary to enable urban development at this time.
- No special delegation is sought for the NHWG or Natural Hazards Charter. All matters of significance (including any RPS change) will be referred directly to the Strategy and Policy Committee;
- The Committee will be informed of milestones as the project progresses.

3 Implications for Māori

Many Māori communities are situated in areas subject to one or more natural hazards. A number of iwi and hapū resource management plans have highlighted natural hazards as an issue of resource management significance. The NHWF project seeks to address various RPS Natural Hazards implementation issues. The implication for Māori of overcoming these challenges will better ensure achievement of the overriding objective of the RPS Natural Hazards provisions which is the avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifelines utilities.

The difficulties developing Māori land is a recognised issue in the western Bay of Plenty sub-region with a number of undeveloped Māori land blocks situated within the urban limits. Research undertaken, underway and pending will collectively help identify the extent of risk existing communities are exposed to and assist Māori landowners future proof their development aspirations.

If the NHWG recommend an RPS change consultation with regional iwi will be required.

4 Budget Implications

4.1 Current Year Budget

The Natural Hazards Way Forward project will come out of the RPS budget within the Regional Planning Activity. The current financial year has a total budget of \$292,901 with sufficient allowance to cover the consultants' costs for this project which are expected to total between \$60,000 and \$70,000.

4.2 Future Budget Implications

The RPS budget for 2020 is \$214,553. This budget was planned to provide for Proposed Change 5 (Kaituna River) which has yet to be approved by Council for external consultation. Also implementation of the National Planning Standards compliance including realigning to meet the structure and format requirements.

Implementation of the Natural Hazards Way Forward project action programme will mostly be consumed by staff time. Additional technical expertise will be sought for the NHWG. As noted there is an expectation a Regional Policy Statement change could be recommended by the NHWG. The scope of any change to the RPS Natural Hazards provisions is not yet known but if agreed to by the NHWG would be expected to at least include amendments to Appendix L.

5 Community Outcomes

The NHWF project directly contributes to the Safe and resilient communities Healthy Environment and Vibrant Region Community Outcomes in the Council's Long Term Plan 2018-2028.

Nassah Rolleston-Steed
Principal Advisor, Policy & Planning

for Policy & Planning Manager

24 April 2020

