

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of appeals under clause 14 of
Schedule 1 to the Resource
Management Act 1991

BETWEEN

**FEDERATED FARMERS OF
NEW ZEALAND INC**
(ENV-2012-AKL-00182)

**HORTICULTURE NEW
ZEALAND AND NEW ZEALAND
KIWIFRUIT GROWERS**
(ENV-2012-ALK-000178)

**WESTERN BAY OF PLENTY
DISTRICT COUNCIL**
(ENV-2012-ALK-000175)

**TE TUMU LANDOWNERS
GROUP, TE TUMU KAITUNA 14
TRUST, TE TUMU KAITUNA
11B2 TRUST and FORD LAND
HOLDINGS PTY LTD**
(ENV-2012-ALK-000168)

POWERCO LTD
(ENV-2012-ALK-000149)

ROTORUA DISTRICT COUNCIL
(ENV-2012-ALK-000174)

**TKC HOLDINGS, BLAKELY
PACIFIC LTD AND SCORPIANS**
(ENV-2012-ALK-000156)

MIGHTY RIVER POWER
(ENV-2012-ALK-000153)

**ROYAL FOREST & BIRD
PROTECTION SOCIETY NZ**
(ENV-2012-ALK-000179)

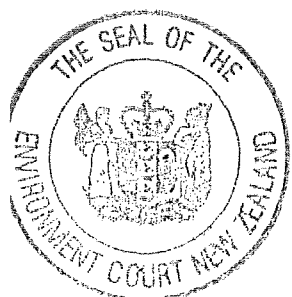
PORT OF TAURANGA
(ENV-2012-ALK-000164)

Appellants

AND

**BAY OF PLENTY REGIONAL
COUNCIL**

Respondent



BEFORE THE ENVIRONMENT COURT

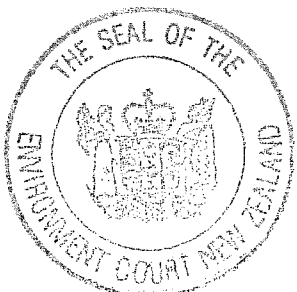
Environment Judge J A Smith, sitting alone under section 279 of the Act
IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

1. These appeals relate to the Proposed Bay of Plenty Regional Policy Statement. This consent order resolves these appeals as they relate to Topic **ENV-2012-339-000047** Matters of National Importance.
2. In making this consent order the Court has read and considered the notices of appeal and the memorandum of the parties dated 16 August 2013.
3. The following parties have given notice to become interested parties to these appeals, and are interested in the issues to be resolved by this consent order. They have signed the memorandum of the parties setting out the relief sought.

Contact Energy Ltd;
Federated Famers of NZ Incorporated;
Horticulture New Zealand;
New Zealand Kiwifruit Growers;
Royal Forest and Bird Protection Society of New Zealand Incorporated;
Environmental Defence Society;
Ford Land Holdings;
Te Tumu Kaituna 11B2 Trust;
Te Tumu Kaituna 14 Trust;
Te Tumu Landowners Group;
Mighty River Power Ltd;
The Proprietors of Taheke 8C & Adjoining Blocks Incorporation;
Tauranga City Council;
Transpower Ltd;
Port of Tauranga Ltd;
Carter Holt Harvey;
PowerCo Ltd;
Genesis Energy Ltd;
New Zealand Historic Places Trust;



Eastland Generation Ltd;
New Zealand Transport Agency;
Western Bay of Plenty District Council;
TrustPower Ltd.

4. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 279. The Court understands for the present purposes that:
- (a) All parties to the proceedings with an interest in this Topic have executed the memorandum requesting this order;
 - (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and confirm to the relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

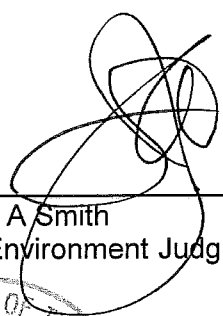
Order

5. Therefore the Court orders by consent that the Proposed Bay of Plenty Policy Statement is amended as shown in underline (for additions) and ~~strike-through~~ (for deletions) in **Annexure A** to this order.
6. The consent order disposes of all relief sought in the appeals in respect of Topic ENV-2012-339-000047, and that topic is now closed.
7. In appeal ENV-2012-AKL-000153 appeal points 8, 9 and 11 are resolved by this order. Appeal points 12 and 13 remain extant.
8. In appeal ENV-2012-AKL-000164 appeal points 7 and 8 are resolved by this order. Appeal point 9 remains extant.
9. In appeal ENV-2012-AKL-000179 appeal point 8.6 is resolved by this order. Appeal points 8.3 and 8.12 remain extant.
10. In appeal ENV-2012-AKL-000182 appeal points 16, 17, 18, 19, 20 and 21 are resolved by this order. Appeal points 5, 6, 7, 8, 12, 13, 14, 15, 22, 23, 24, 25, 26 and 27 remain extant.

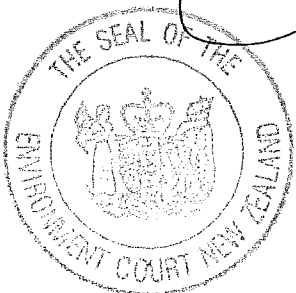


11. In appeal ENV-2012-AKL-000178 appeal points 5.3 and 35.3 are resolved by this order. Appeal points 4.3, 6.3, 7.3, 8.3, 9.3, 10.3, 12.3, 13.3, 14.3, 15.3, 18.3, 20.3, 21.3, 22.3, 24.3, 25.3, 26.3, 27.3, 28.3, 29.3, 30.3, 31.3, 32.3, 33.3, 34.3 remain extant.
12. In appeal ENV-2012-AKL-000156 appeal points 6.3, 6.4 and 6.5 are resolved by this order. Appeal points 6.6, 6.7, 6.8, 6.9, 6.10, 6.11 remain extant.
13. In appeal ENV-2012-AKL-000175 appeal point 8.7 is resolved by this order. Appeal points 8.1, 8.2, 8.3, 8.4, 8.5, 8.6 remain extant.
14. In appeal ENV-2012-AKL-000168 appeal points 7.4, 7.8, 8.4, 9.4, 10.4 resolved by this order. Appeal point 11.4 remains extant.
15. In appeal ENV-2012-AKL-000149 appeal points 9.1, 9.2, 9.4 are resolved by this order. Appeal point 9.3 remains extant.
16. In appeal ENV-2012-AKL-000174 appeal point 23 is resolved by this order. Appeal point 16 remains extant.
17. There is no order as to costs in relation to this order.

DATED at Auckland this 23rd day of August 2013



J A Smith
Environment Judge



Annexure A

1.1 Overview

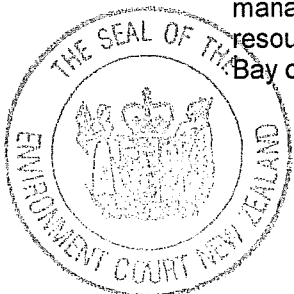
The Proposed Bay of Plenty Regional Policy Statement ('the Statement') promotes the sustainable management of the Bay of Plenty region's natural and physical resources.

This is the second such statement prepared for the Bay of Plenty region under the Resource Management Act 1991 ('the Act'). Since the commencement of the Act, a lot has been learned about what is effective resource management and what is not. This experience is reflected in the significantly revised format and the more targeted and directive approach of this Statement. The outcomes – the objectives and the monitoring indicators in part four – are the measures against which the success of this framework will be measured.

This Statement is not simply a collection of discrete policies. The policies are intended to complement each other and provide a robust, integrated approach to promoting the sustainable management of natural and physical resources.

People in the region and elsewhere are dependent on the Bay of Plenty environment and what is produced from it for their well-being. Air, water, energy, food, shelter, the pleasantness of the environment, and its role in supporting our relationship with our past, are all necessary to satisfy basic human needs. These primary resources and products derived from them need to be cared for both for ourselves and for those to come. ~~Many people value the existence of natural resources and features in their own right, and accordingly seek their protection.~~

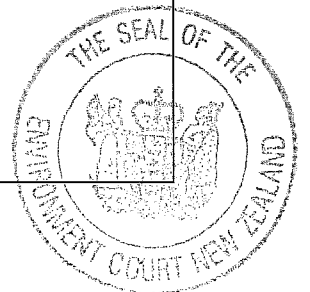
This Statement promotes the sustainable management of natural and physical resources by promoting an overview of the resource management issues of the region. It sets out policies and methods to achieve integrated management of the natural and physical resources of the whole of the Bay of Plenty region.

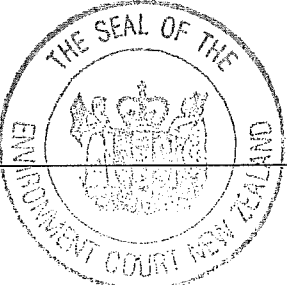


2.7 Matters of national importance

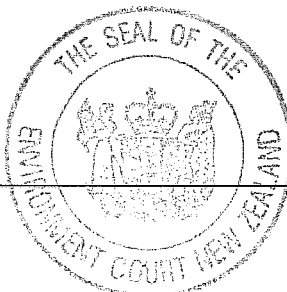
Table 7 Matters of national importance objectives and titles of policies and methods to achieve the objectives.


Objectives	Policy titles	Page	Method titles	Implementation	Page
<p>Objective 18 The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development.</p>	<p>Policy IW 2B: Recognising matters of significance to Māori</p>		<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 6A: Identify areas or sites in the coastal environment of significance or special value to Māori</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p> <p>Method 39A: Evaluate matters of significance to tangata whenua</p> <p>Method 42: Consider appointing pūkenga to hearing committees</p> <p>Method 50: Identify, map and protect view shafts</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	
	<p>Policy IW 5B: Adverse effects on matters of significance to Māori</p>		<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 6A: Identify areas or sites in the coastal environment of significance or special value to Māori</p> <p>Method 9: Recognise statutory acknowledgement areas</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p> <p>Method 39: Consider consulting</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	

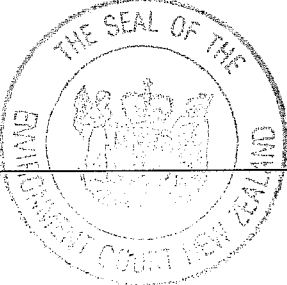


Objectives	Policy titles	Page	Method titles	Implementation	Page
			potentially affected tangata whenua	councils	
			Method 39A: Evaluate matters of significance to tangata whenua	Regional council, city and district councils	
			Method 40: Consider the necessity of consulting potentially affected tangata whenua during consent processing	Regional council, city and district councils	
			Method 42: Consider appointing pūkenga to hearing committees	Regional council, city and district councils	
			Method 1: District plan implementation	City and district councils	
			Method 2: Regional plan implementation	Regional council	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 6A: Identify areas or sites in the coastal environment of significance or special value to Māori	Regional council, city and district councils	
			Method 9: Recognise statutory acknowledgement areas	Regional council, city and district councils	
			Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects	Regional council, city and district councils	
		Method 39: Consider consulting potentially affected tangata whenua	Regional council, city and district councils		
		Method 39A: Evaluate matters of significance to tangata whenua	Regional council, city and district councils		
		Method 40: Consider the necessity of consulting potentially affected tangata whenua during consent processing	Regional council, city and district councils		
		Method 42: Consider appointing pūkenga to hearing committees	Regional council, city and district councils		

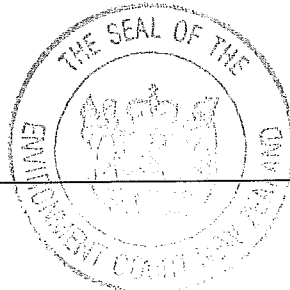
Policy MN 1B: ~~Giving priority to~~Recognise and provide for matters of national importance

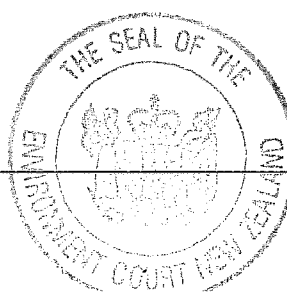
Objectives	Policy titles	Page	Method titles	Implementation	Page
 <p>Objective 19 The preservation of the region's natural character of the region's coastal environment (including coastal marine areas) wetlands, lakes and rivers and their margins, and the protection of significant indigenous habitats and ecosystems, having</p>	<p>Policy MN 3B: Using criteria to assess values and relationships in regard to section 6 of the Act</p>	23	<p>Method 55: Encourage agencies and landowners to protect key sites</p> <p>Method 56: Advocate to establish reserves</p> <p>Method 60A: Taking an inter-agency approach</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, Department of Conservation, NZ</p>	
	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>		<p>Regional council, city and district councils</p>		
	<p>Method 9: Recognise statutory acknowledgement areas</p>		<p>Regional council, city and district councils</p>		
	<p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p>		<p>Regional council, city and district councils</p>		
	<p>Method 42: Consider appointing pūkenga to hearing committees</p>		<p>Regional council, city and district councils</p>		
	<p>Method 60A: Taking an inter-agency approach</p>		<p>Regional council, Department of Conservation, NZ</p>		
	<p>Policy MN 7B: Using criteria to assist in assessing inappropriateness of development</p>	24		<p>Regional council, city and district councils</p>	
	<p>Policy MN 8B: Managing effects of subdivision, use and development</p>	24		<p>Regional council, city and district councils</p>	
	<p>Policy MN 1B: Giving priority to Recognise and provide for matters of national importance</p>	21		<p>City and district councils</p> <p>Regional council</p>	
	<p>Objective 19 The preservation of the region's natural character of the region's coastal environment (including coastal marine areas) wetlands, lakes and rivers and their margins, and the protection of significant indigenous habitats and ecosystems, having</p>			<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	

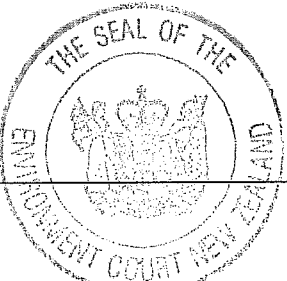
Objectives	Policy titles	Page	Method titles	Implementation	Page
<p>particular regard to intrinsic values of ecosystems.</p> 	<p>Policy MN 2B: Giving particular consideration to protecting significant indigenous habitats and ecosystems</p>	22	<p>coastal environment of significance or special value to Māori</p> <p>Method 9: Recognise statutory acknowledgement areas</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p> <p>Method 42: Consider appointing pūkenga to hearing committees</p> <p>Method 55: Encourage agencies and landowners to protect key sites</p> <p>Method 56: Advocate to establish reserves</p> <p>Method 60A: Taking an inter-agency approach</p> <p>Method 3: Resource consents, notices of requirement and when-changing, varying, reviewing or replacing plans</p> <p>Method 26: Facilitate and support community-based ecological restoration programmes</p> <p>Method 27: Provide information about sustainable land management practices</p> <p>Method 38: Promote coordination among conservation management agencies</p> <p>Method 43: Improve biodiversity values of open spaces</p> <p>Method 49: Identify and advocate for ecological corridors and buffer zones</p>	<p>councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, Department of Conservation, NZ</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	

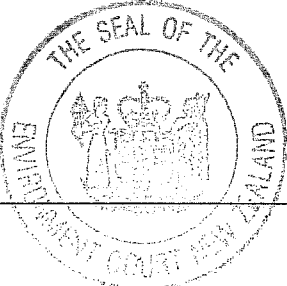
Objectives	Policy titles	Page	Method titles	Implementation	Page	
 <p>Objective 20 The protection of significant</p>	<p>Policy MN 3B: Using criteria to assess values and relationships in regard to section 6 of the Act</p>	23	<p>Method 55: Encourage agencies and landowners to protect key sites</p> <p>Method 56: Advocate to establish reserves</p> <p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 9: Recognise statutory acknowledgement areas</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p> <p>Method 42: Consider appointing pūkenga to hearing committees</p> <p>Method 60A: Taking an inter-agency approach</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, Department of Conservation, NZ</p>		
	<p>Policy MN 7B: Using criteria to assist in assessing inappropriateness of development</p> <p>Policy MN 8B: Managing effects of subdivision, use and development</p>	24	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>Regional council, city and district councils</p>		
	<p>Policy IR-8C: Allocating responsibilities for land-use controls for indigenous biodiversity</p>	24	<p>Method 9: Recognise statutory acknowledgement areas</p>	<p>Regional council, city and district councils</p>		
	<p>Objective 20 The protection of significant</p>	<p>Policy IR-8C: Allocating responsibilities for land-use controls for indigenous biodiversity</p>	20	<p>Method 1: District plan implementation</p> <p>Method 2: Regional plan implementation</p> <p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>City and district councils</p> <p>Regional council</p> <p>Regional council, city and district councils</p>	
		<p>Policy MN 1B: Giving priority to Recognise and provide for matters</p>	21	<p>Method 1: District plan implementation</p> <p>Method 2: Regional plan implementation</p>	<p>City and district councils</p> <p>Regional council</p>	

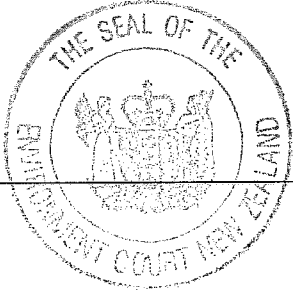
Objectives	Policy titles	Page	Method titles	Implementation	Page	
<p>indigenous habitats and ecosystems, having particular regard to their maintenance, restoration and rehabilitation of natural communities and habitats of significant indigenous flora, fauna and ecosystems, and intrinsic values.</p>	<p>of national importance</p>		<p>Method 3: <u>Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</u></p> <p>Method 6A: <u>Identify areas or sites in the coastal environment of significance or special value to Māori</u></p> <p>Method 9: <u>Recognise statutory acknowledgement areas</u></p> <p>Method 10: <u>Take into account iwi and hapū resource management plans in assessments of environmental effects</u></p> <p>Method 42: <u>Consider appointing pūkenga to hearing committees</u></p> <p>Method 55: <u>Encourage agencies and landowners to protect key sites</u></p> <p>Method 56: <u>Advocate to establish reserves</u></p> <p>Method 60A: <u>Taking an inter-agency approach</u></p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, Department of Conservation, NZ</p>		
	<p>Policy MN 2B: <u>Giving particular consideration to protecting significant indigenous habitats and ecosystems</u></p>	22	<p>Method 3: <u>Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</u></p> <p>Method 26: <u>Facilitate and support community based ecological restoration programmes</u></p> <p>Method 27: <u>Provide information about sustainable land management practices</u></p> <p>Method 38: <u>Promote coordination among conservation management agencies</u></p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils and the Department of Conservation.</p>		

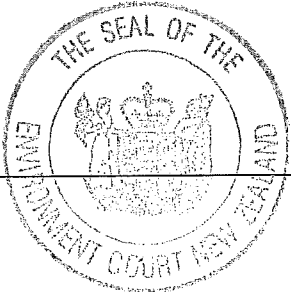


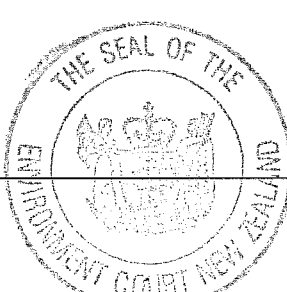
Objectives	Policy titles	Page	Method titles	Implementation	Page
			<p>Method 43: <u>Improve biodiversity values of open spaces</u></p> <p>Method 49: <u>Identify priority ecological corridors and buffers</u></p> <p>Method 55: <u>Encourage agencies and landowners to protect key sites</u></p> <p>Method 56: <u>Advocate to establish reserves</u></p>	<p><u>Regional council, city and district councils</u></p> <p><u>Regional council, city and district councils</u></p> <p><u>Regional council, city and district councils</u></p> <p><u>Regional council, city and district councils</u></p>	
	<p>Policy MN 3B: <u>Using criteria to assess values and relationships in regard to section 6 of the Act</u></p>	23	<p>Method 3: <u>Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</u></p> <p>Method 9: <u>Recognise statutory acknowledgement areas</u></p> <p>Method 10: <u>Take into account iwi and hapū resource management plans in assessments of environmental effects</u></p> <p>Method 42: <u>Consider appointing pūkenga to hearing committees</u></p> <p>Method 60A: <u>Taking an inter-agency approach</u></p>	<p><u>Regional council, city and district councils</u></p> <p><u>Regional council, city and district councils</u></p> <p><u>Regional council, city and district councils</u></p> <p><u>Regional council, city and district councils</u></p> <p><u>Regional council, Department of Conservation, NZ</u></p>	
	<p>Policy MN 4B: <u>Promoting— for ecological restoration</u></p>	24	<p>Method 3: <u>Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</u></p> <p>Method 26: <u>Facilitate and support community based ecological restoration programmes</u></p> <p>Method 38: <u>Promote coordination among conservation management agencies</u></p> <p>Method 43: <u>Improve biodiversity values of</u></p>	<p><u>Regional council, city and district councils</u></p> <p><u>Regional council</u></p> <p><u>Regional council, city and district councils and the Department of Conservation</u></p> <p><u>Regional council, city and district councils</u></p>	

Objectives	Policy titles	Page	Method titles	Implementation	Page
			open spaces	councils	
			Method 49: Identify priority ecological corridors and buffers	Regional council, city and district councils	
			Method 54: Provide and support environmental education programmes	Regional council, city and district councils	
			Method 55: Encourage agencies and landowners to protect key sites	Regional council, city and district councils	
		20	Method 1: District plan implementation	City and district councils	
			Method 2: Regional plan implementation	Regional council	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
		20	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 9: Recognise statutory acknowledgement areas	Regional council, city and district councils	
Objective 21 Recognition of and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 50: Identify, map and protect view shafts	Regional council, city and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	

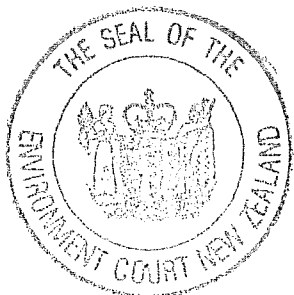
Objectives	Policy titles	Page	Method titles	Implementation	Page
			<p>Method 6A: Identify areas or sites in the coastal environment of significance or special value to Māori</p> <p>Method 26: Facilitate and support community based ecological restoration programmes</p> <p>Method 27: Provide information about sustainable land management practices</p> <p>Method 38: Promote coordination among conservation management agencies</p> <p>Method 39: Consider consulting potentially affected tangata whenua</p> <p>Method 39A: Evaluate matters of significance to tangata whenua</p> <p>Method 43: Improve biodiversity values of open spaces</p> <p>Method 49: Identify priority ecological corridors and buffers</p> <p>Method 55: Encourage agencies and landowners to protect key sites</p> <p>Method 56: Advocate to establish reserves</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils and the Department of Conservation.</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	
	<p>Policy IW 5B: Adverse effects on matters of significance to Māori</p>		<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 9: Recognise statutory acknowledgement areas</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	

Objectives	Policy titles	Page	Method titles	Implementation	Page
 <p>Objective 22 The coastal marine area, lakes and rivers are generally accessible to the public.</p>	<p>Policy MN 3B: Using criteria to assess values and relationships in regard to section 6 of the Act</p>	23	<p>approach</p> <p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 9: Recognise statutory acknowledgement areas</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p> <p>Method 42: Consider appointing pūkenga to hearing committees</p> <p>Method 60A: Taking an inter-agency approach</p>	<p>Conservation, NZ</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, Department of Conservation, NZ</p>	
	<p>Policy MN 7B: Using criteria to assist in assessing inappropriateness of development</p> <p>Policy MN 8B: Managing effects of subdivision, use and development</p> <p>Policy UF 22B: Providing for papakāinga</p>	24	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 9: Recognise statutory acknowledgement areas</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	
	<p>Policy IW 2B: Recognising matters of significance to Māori</p>	24	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p> <p>Method 39: Consider consulting potentially affected tangata whenua</p> <p>Method 39A: Evaluate matters of</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	

Objectives	Policy titles	Page	Method titles	Implementation	Page
			<p>significance to tangata whenua</p> <p>Method 40: Consider the necessity of consulting potentially affected tangata whenua during consent processing</p> <p>Method 42: Consider appointing pūkenga to hearing committees</p>	<p>councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p>	
	<p>Policy MN 1B: Giving priority to <u>Recognise and provide</u> for matters of national importance</p>	21	<p>Method 1: District plan implementation</p>	<p>City and district councils</p>	
			<p>Method 2: Regional plan implementation</p>	<p>Regional council</p>	
			<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p>	<p>Regional council, city and district councils</p>	
			<p>Method 6A: Identify areas or sites in the coastal environment of significance or special value to Māori</p>	<p>Regional council, city and district councils</p>	
			<p>Method 9: Recognise statutory acknowledgement areas</p>	<p>Regional council, city and district councils</p>	
			<p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p>	<p>Regional council, city and district councils</p>	
			<p>Method 40: Consider the necessity of consulting potentially affected tangata whenua during consent processing</p>	<p>Regional council, city and district councils</p>	
			<p>Method 42: Consider appointing pūkenga to hearing committees</p>	<p>Regional council, city and district councils</p>	
			<p>Method 55: Encourage agencies and landowners to protect key sites</p>	<p>Regional council, city and district councils</p>	
			<p>Method 56: Advocate to establish reserves</p>	<p>Regional council, city and district councils</p>	
			<p>Method 60A: Taking an inter-agency approach</p>	<p>Regional council, Department of Conservation, NZ</p>	

Objectives	Policy titles	Page	Method titles	Implementation	Page	
	Policy MN 3B: Using criteria to assess values and relationships in regard to section 6 of the Act	23	<p>Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans</p> <p>Method 9: Recognise statutory acknowledgement areas</p> <p>Method 10: Take into account iwi and hapū resource management plans in assessments of environmental effects</p> <p>Method 42: Consider appointing pūkenga to hearing committees</p> <p>Method 60A: Taking an inter-agency approach</p>	<p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, city and district councils</p> <p>Regional council, Department of Conservation, NZ</p>		
	Policy MN 5B: Encouraging public access to and along the coast, lakes and rivers			Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
	Policy MN 6B: Restricting public access to and along the coast, lakes and rivers			Method 9: Recognise statutory acknowledgement areas	Regional council, city and district councils	
				Method 55: Encourage agencies and landowners to protect key sites	Regional council, city and district councils	
				Method 56: Advocate to establish reserves	Regional council, city and district councils	
				Method 57: Assist with developing iwi and hapū resource management plans	Regional council, city and district councils	
	Policy MN 7B: Using criteria to assist in assessing inappropriateness of development	24		Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	
	Policy MN 8B: Managing effects of subdivision, use and development	24		Method 9: Recognise statutory acknowledgement areas	Regional council, city and district councils	

Energy and Infrastructure	
Specific directive policies for plans and consents	
Policy EI 5B: Giving priority to <u>Managing</u> adverse effects of regionally significant infrastructure on matters of national importance	
Integrated Resource Management	
Allocation of responsibilities	
Policy IR 8C: Allocating responsibilities for land-use controls for indigenous biodiversity	
Matters of National Importance	
Specific directive policies for plans and consents	
Policy MN 1B: Giving priority to <u>Recognise and provide for</u> matters of national importance	
Policy MN 2B: Giving particular consideration to protecting significant indigenous habitats and ecosystems	
Policy MN 3B: Using criteria to assess values and relationships in regard to section 6 of the Act	
Policy MN 4B: <u>Promoting</u> for ecological restoration	
Policy MN 6B: Restricting public access to and along the coast, lakes and rivers	
Policy MN 7B: Using criteria to <u>assist in assessing inappropriateness of</u> development	
Policy MN 8B: Managing effects of subdivision, use and development	



Energy and Infrastructure Policies

Policy EI 5B: Giving priority to Managing adverse effects of regionally significant infrastructure on matters of national importance

- a) Give priority to ensuring development and/or upgrades to regionally significant infrastructure avoid adverse effects on natural and physical resources identified in Policy MN 1B as matters of national importance.
- b) Where adverse effects on natural and physical resources identified in Policy MN 1B cannot practicably be avoided then these effects are to be appropriately remedied or mitigated, including through the use of environmental offsets.

Explanation

The development, maintenance and upgrades to regionally significant infrastructure can produce adverse effects and create management challenges for utility providers and infrastructure managers. This policy seeks to ensure priority is placed on protecting the values of those natural and physical resources identified as warranting recognition and provision for as matters of national importance from adverse effects generated by new or upgrading of regionally significant infrastructure.

However, in some circumstances avoidance of adverse effects may not be practicable and it may be appropriate for the new or upgraded regionally significant infrastructure to occur in areas where these values could be compromised. Where adverse effects on matters of national importance identified in Policy MN 1B cannot be avoided due to locational, functional, operational or technical constraints, then those effects ~~must~~should be remedied or mitigated. This may include the use of environmental offset measures. These decisions need to be made on a case-by-case basis and will depend on the scale and significance of a particular proposal.

Integrated Resource Management Policies

Policy IR 8C: Allocating responsibilities for land-use controls for indigenous biodiversity

Local authorities shall specify objectives, policies and methods (including rules), for the control of the use of land to maintain indigenous biodiversity as follows:

- (a) The Bay of Plenty Regional Council shall be responsible for specifying objectives, policies, and methods in the Regional Policy Statement;
- (b) City and district councils shall be responsible for specifying in their district plans objectives, policies, and methods (including rules) for the control of the use of land, excluding land within the coastal marine area, to maintain indigenous biodiversity; and
- (c) The Bay of Plenty Regional Council shall be responsible for specifying in regional plans objectives, policies and methods (including rules) for the control of the use of land within the coastal marine area and freshwater bodies to maintain indigenous biodiversity.

Explanation

In accordance with section 62 of the Act, Policy IR 8C sets out the local authorities in the Bay of Plenty region responsible for specifying the objectives, policies and rules, including conditions of resource consent, for the control of the use of land to maintain indigenous biological diversity.

City and district councils have primary responsibility for the control of the use of land to maintain indigenous biological diversity (other than in the coastal marine area).

The Bay of Plenty Regional Council has the primary responsibility for the control of the use of land to maintain indigenous biological diversity in the coastal marine area and freshwater bodies.

Table reference: Objectives 11, 19 and 20, Methods 1, 2 and 3



Matters of National Importance Policies

Policy MN 1B: ~~Giving priority to~~ Recognise and provide ~~for~~ matters of national importance

- (a) Identify which natural and physical resources warrant recognition and provision for as matters of national importance under section 6 of the Act using criteria consistent with those contained in Appendix F of this Statement.
- (b) ~~Afford priority to~~ Recognise and provide for the protection from inappropriate subdivision, use and development of those areas, places, features or values identified in accordance with (a) in terms of natural character, outstanding natural features and landscapes, and historic heritage ~~inappropriate subdivision, use and development~~.
- (c) ~~Afford priority to~~ Recognise and provide for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a).
- (d) ~~Afford priority to~~ Recognise and provide for enhancing and maintaining public access to and along those areas identified in accordance with (a).
- (e) ~~Afford recognition and provision to~~ Recognise and provide for the relationship of Māori and their culture and traditions identified in accordance with (a) and Policy IW 2B.
- (f) ~~Afford~~ Recognise and provide for protection to recognised customary activities.

Explanation

All persons exercising functions and powers under the Act are required to recognise and provide for, as matters of national importance:

1. The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands and lakes and rivers and their margins, and the protection of them from inappropriate

subdivision, use and development (section 6(a));

2. The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development (section 6(b));
3. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c));
4. The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers (section 6(d)).
5. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (refer section 6(e));
6. The protection of historic heritage from inappropriate subdivision, use and development (section 6(f)); and
7. The protection of recognised customary activities (section 6(g)).

For the region's matters of national importance to be sustainably managed, they need to be more reliably assessed. Criteria assist in their identification and evaluation. The criteria contained in Appendix F of this document support consistency at regional, city and district levels, and can avoid duplication.

Evaluation of matters of national importance may need to be undertaken by people who have specialist or technical knowledge, for example, archaeologists. When consistent criteria are applied specialists should reach a similar conclusion. In the event that the conclusions are different, decision makers must weigh the evidence. The involvement of a specialist does not predetermine a decision; decision makers must still exercise judgement.

The Appendix F criteria can be used to assist in identifying elements of the environment that may be so affected. An assessment is to be in such detail as corresponds with the scale and significance of the effects.

The criteria are to be used as a framework for assessment. They are not tests or standards that, by themselves, determine what protection is required. The criteria are to be applied in regional, city and district plans, and in case-by-case consents assessments.

Table reference: **Objectives 18, 19, 21, 22**



and 2, Methods 1, 2, 3, 6A, 9, 10, 39, 39A, 40, 42, 55, 56 and 60A

Policy MN 2B: Giving particular consideration to protecting significant indigenous habitats and ecosystems

Based on the identification and prioritisation of significant indigenous habitats and ecosystems in accordance with Policy MN 1B:

- (a) Recognise and promote awareness of the life-supporting capacity and the intrinsic values of ecosystems and the importance of protecting significant indigenous biodiversity;
- (b) Ensure that intrinsic values of ecosystems are given particular regard to in resource management decisions and operations;
- (c) Protect the diversity of the region's significant indigenous ecosystems, habitats and species including both representative and unique elements;
- (d) Manage resources in a manner that will ensure recognition of, and provision for, significant indigenous habitats and ecosystems.
- (e) Recognise indigenous marine, lowland forest, freshwater, wetland and geothermal habitats and ecosystems, in particular, as being underrepresented in the reserves network of the Bay of Plenty.

Explanation

Sustainable management includes safeguarding the life-supporting capacity of ecosystems. The purpose of doing this is to maintain the well-being of the biosphere (i.e. the life-supporting capacity of air, water and soil). In order to achieve this it is necessary to maintain ecosystems, providing for their restoration and rehabilitation where appropriate. Such restoration will increase the survival probabilities of species, habitats and ecosystems.

It is the totality of ecosystems presently existing within the Bay of Plenty region that

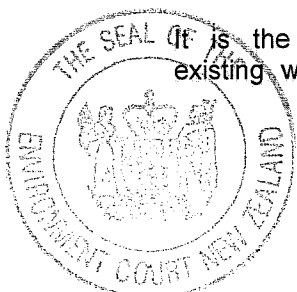
gives it its recognisable character and unique identity. This totality is not only comprised of all significant features and sites but includes remnants of indigenous vegetation and habitat. In order to preserve the regional identity it is important to protect as many of these remnants as possible. Such protection is also in accord with maintaining the well-being and health of the region's ecosystems. In order to achieve this protection it is necessary to exercise control over the activities that may adversely affect them. Efficient means of doing this are through the consent process and through councils ensuring that they integrate their resource management functions with ecological principles and considerations.

Production forestry can provide habitats for significant indigenous fauna. In these areas normal forestry operations should benefit from existing use rights and be able to continue. In such cases management efforts, including codes of practice, to provide for rare and endangered species are encouraged.

Pest plants and animals can adversely affect indigenous vegetation and habitat. The Regional Pest Management Plan addresses the management of pest species in the region and places requirements on landowners.

In order that the region's natural character and indigenous vegetation and habitats of indigenous fauna are sustainably managed for present and future generations, they need to be more reliably assessed. Policy MN 2B relies on the assessment and identification of natural character and significant indigenous habitats and ecosystems using the Appendix F criteria required by Policy MN 1B. The Appendix F criteria are tools that assist in the identification and evaluation of natural character and indigenous vegetation and habitats of indigenous fauna for the purpose of promoting their preservation and protection. Having criteria in the regional policy statement supports consistency in the assessment of section 6(a) and 6(c) matters, at regional, city and district levels, and can avoid duplication. Criteria can help agencies identify the range of values that make up our natural character and indigenous vegetation and habitats of indigenous fauna, the threats to them, and options for management.

Criteria can focus attention on the qualities of an area's natural character and the factors that make particular areas of indigenous vegetation and habitats of indigenous fauna significant, raise people's awareness of their importance



to the community, and help people understand more about themselves, their origins and their environment.

Table reference: Objectives 19, 2, 6 and 20, Methods 3, 26, 27, 38, 43, 49, 55 and 56

Policy MN 3B: Using criteria to assess values and relationships in regard to section 6 of the Act

Include in any assessment required under
~~When giving effect to Policy MN 1B, base the~~
an assessment of:

- (a) Natural character, in relation to section 6(a) of the Act, on the extent to which criteria consistent with those in Appendix F set 1: Natural character are met;
- (b) Whether natural features and landscapes are outstanding, in relation to section 6(b) of the Act, on the extent to which criteria consistent with those in Appendix F set 2: Natural features and landscapes are met;
- (c) Whether areas of indigenous vegetation and habitats of indigenous fauna are significant, in relation to section 6(c) of the Act, on the extent to which criteria consistent with those in Appendix F set 3: Indigenous vegetation and habitats of indigenous fauna are met;
- (d) Public access to and along the coastal marine area, lakes and rivers in relation to section 6(d) of the Act, on the extent to which the criteria consistent with those in Appendix F set 6: Public access are met;
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, in relation to section 6(e) of the Act, on the extent to which criteria consistent with those in Appendix F set 4: Māori culture and traditions are met; and
- (f) Historic heritage, in relation to section 6(f) of the Act, on the extent to which criteria consistent with those in Appendix F set 5: Historic heritage are met.

Explanation

In order that the region's matters of national importance are sustainably managed for present and future generations, they need to be more reliably assessed. Criteria are tools that assist in the identification and evaluation of matters of national importance for the purpose of promoting their protection. Having criteria in the Statement supports consistency in the assessment of section 6 matters, at regional, city and district levels, and can avoid duplication.

Criteria can help agencies identify the range of values that make up our region's matters of national importance, the threats to them, and options for their management. Criteria can focus attention on the qualities and factors that raise people's awareness of their importance to the community, and help people understand more about themselves, their origins and their environment.

The criteria are to be used as a framework for assessment. They are not tests or standards that, by themselves, determine what protection is required. The criteria can be applied in regional and district plans, and in case-by-case consents assessments.

It is acknowledged that some districts come under the jurisdiction of more than one regional council. In such situations other regional criteria not inconsistent with those in Appendix F will be appropriate.

The majority of archaeological heritage in the region is of Māori origin. Accordingly, there are very close links between Māori culture and traditions under section 6(e) and historic heritage under section 6(f). Therefore with the exception of geothermal features (which are assessed using the Appendix F Set 7 Geothermal features criteria) assessments involving the Appendix F Set 4 Māori culture and traditions criteria should also consider the Appendix F Set 5 Historic heritage criteria.

Table reference: Objectives 18, 19, 21, 22 and 2, Methods 3, 9, 10, 42 and 60A



Policy MN 4B: Providing for Promoting ecological restoration

Provide for Promote ecological restoration and rehabilitation through:

- (a) Retention or establishment of vegetation corridors linking otherwise isolated habitats and greater use of buffer-zones;
- (b) A co-ordinated and co-operative approach;
- (c) The protection of remaining habitats from further fragmentation, degradation and invasion by pest species;
- (d) Non-regulatory initiatives for the restoration or rehabilitation of degraded habitats; and
- (e) The protection of ecosystems and habitats identified by the National Priorities for Biodiversity Protection on Private Land (Ministry for the Environment 2006).
- (f) Mitigation measures from the effects of the use and development of land and water resources.

Explanation

Protection should be considered to include the range of tools that contribute to the maintenance and enhancement of ecosystems and ecological sites. Complementary tools are needed to ensure that the intrinsic values and processes of ecosystems are safeguarded and might include education, provisions within regional and district plans, the purchase of land for reserves, buffers to adjacent land use, and the acquisition of land through reserves contributions. In addition, the use of heritage protection orders and water conservation orders, covenants and other voluntary agreements are also valid tools. Rates relief, resource consents conditions, and operational works such as fencing could also be used. Emphasis should be placed on encouraging active management, and associated operational works, as legal protection alone will not guarantee restoration of ecological values.

There are a number of agencies with various responsibilities for ecosystems management. Greater interaction and integration of their

work could avoid duplication of effort, maximise efficiency and encourage greater on-going commitment by property owners and volunteers.

Table reference: Objectives 20, 2 and 27, Methods 3, 26, 38, 43, 49, 54 and 55

Policy MN 7B: Using criteria to assist in assessing inappropriateness of development

Assess, whether subdivision, use and development is may be inappropriate having regard to its effects and using criteria consistent with those in Appendix G, for areas considered to warrant recognition and provision for under section 6 of the Act due to:

- (a) Natural character;
- (b) Outstanding natural features and landscapes;
- (c) Significant indigenous vegetation and habitats of indigenous fauna;
- (d) Public access;
- (e) Māori culture and traditions; and
- (f) Historic heritage.

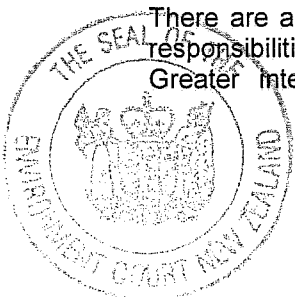
Explanation

If a value of place warrants protection under section 6 of the Act, it is a matter of national importance to recognise and provide for such. The criteria in Appendix G assist in assessing whether a subdivision, use or development proposal is inappropriate. The criteria shall be applied in regional and district plans, and resource consents in case-by-case assessments which will be considered by the decision maker when making an overall broad judgement.

Table reference: Objectives 18, 19, 21, 22, 2 and 24, Methods 3 and 9

Policy MN 8B: Managing effects of subdivision, use and development

Avoid and, where avoidance is not practicable, remedy or mitigate any adverse effects of



subdivision, use and development on matters of national importance assessed in accordance with Policy MN 1B as warranting protection under section 6 of the Act.

Explanation

Values and places assessed as warranting recognition and provision for as matters of national importance, apart from natural character which is addressed in Policy CE 2B, using criteria consistent with those in the Appendix F shall be prioritised. If avoidance of potential adverse effects isn't achievable as the highest priority than effects should be remedied or mitigated. Nevertheless, any adverse effect of an activity on such values and places needs to be addressed. Schedule 4 to the Act requires an applicant for resource consent to include with their application an assessment of environmental effects that the activity may have. The criteria in Appendix F assist in identifying elements of the environment that may be so affected. An assessment is to be in such detail as corresponds with the scale and significance of the effects. Not all activities will affect matters of national importance, and applicants and decision makers will accordingly have to exercise judgement about what is necessary to include in the assessment of environmental effects. Ultimately decision makers must make a determination weighing up all relevant matters in relation to Section 5 of the Act.

Table reference: **Objectives 2, 18, 19, 21, 22, and 24, Methods 3 and 9**

3.2.1 Directive methods

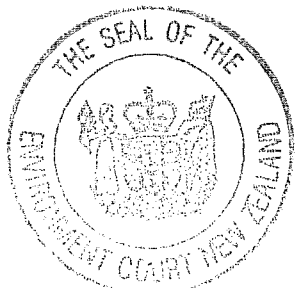
~~Method 22A: Prepare non-regulatory landscape protection guidelines – western Bay of Plenty sub-region~~

~~Develop non-regulatory landscape protection guidelines and other measures to promote reduction of the adverse visual effects of development, particularly in the foothills of the Kaimai Range and harbour and open coastal edge locations.~~

~~Implementation responsibility: Regional council, Tauranga City Council and Western Bay of Plenty District Council~~

Appendix A – Definitions

~~**Buffer zone:** An area established around an activity to separate the environment beyond from the adverse effects of that activity.~~



**Appendix G – Criteria applicable to
Policy MN 7B Matters of National
Importance: Criteria for assessing
whether subdivision, use and
development is inappropriate**

Policy MN 7B
Methods 1, 2, 3

- 1 Character and degree of modification, damage, loss or destruction;
- 2 Duration and frequency of effect (for example long-term or recurring effects);
- 3 Magnitude or scale of effect (for example number of sites affected, spatial distribution, landscape context);
- 4 Irreversibility of effect (for example loss of unique or rare features, limited opportunity for remediation, the costs and technical feasibility of remediation or mitigation);
- 5 Resilience of heritage value or place to change (for example ability of feature to assimilate change, vulnerability of feature to external effects);
- 6 Opportunities to remedy or mitigate pre-existing or potential adverse effects (for example restoration, enhancement), where avoidance is not practicable;
- 7 Probability of effect (for example likelihood of unforeseen effects, ability to take precautionary approach);
- 8 Cumulative effects (for example loss of multiple locally significant features)

