

# Regional Direction and Delivery Committee

## NOTICE IS GIVEN

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

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**Wednesday, 27 June 2018 commencing at 9.30 am.**

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Mary-Anne Macleod  
Chief Executive  
20 June 2018





# Regional Direction and Delivery Committee

## Terms of Reference

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

### Delegated Function

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

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

### Membership

Chairman and all councillors.

### Quorum

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

### Term of the Committee

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

### Meeting frequency

Six-weekly.

### Specific Responsibilities and Delegated Authority

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

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

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

Note:

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

## Public Forum

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



# Membership

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

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

## Agenda

- 1 Apologies**
- 2 Public Forum**
- 3 Acceptance of Late Items**
- 4 General Business**
- 5 Confidential Business to be Transferred into the Open**
- 6 Declarations of Conflicts of Interests**
- 7 Previous Minutes**
  - 7.1 Regional Direction and Delivery Committee minutes - 15 May 2018** 13
- 8 Presentations**
  - 8.1 Te Mana Whakahono**

Claire Gibb from Ministry for the Environment to korero about Te Mana Whakahono
  - 8.2 Te Mana o Te Wai**

Tina Porou to korero about Te Mana o Te Wai
  - 8.3 Urban Development**

Shad Rolleston from SmartGrowth Tangata Whenua Forum to discuss Urban Development

## 8.4 Operating Environment

Updates on the National Operating Environment will be provided

## 9 Reports

### 9.1 Approval of Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan 29

SUPPORTING DOCUMENT - Draft Plan Change (14) Version 2.0 - June 2018 39

### 9.2 Confirmation of Direction from May 2018 Freshwater Workshop 41

APPENDIX 1 - Initial results from surface water catchment modelling of contaminant loads and sources 47

## 10 Public Excluded Section 157

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	Ground(s) under Section 48(1) for the passing of this resolution
10.1 Public Excluded Regional Direction and Delivery Committee minutes - 15 May 2018	Good reason for withholding exists under Section 48(1)(a)	Please refer to the relevant clause in the open meeting minutes.
10.2 Freshwater Futures Update	Good reason for withholding exists under Section 48(1)(a)	To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

### 10.1 Public Excluded Regional Direction and Delivery Committee minutes - 15 May 2018 159

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APPENDIX 1 - RWAP - Draft minutes from meeting - 9 May 2018 173

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## 11 Confidential Business to be Transferred into the Open

## 12 Readmit the Public



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<b>14 Consideration of General Business</b>	



# Previous Minutes



**Minutes of the Regional Direction and Delivery Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Tuesday, 15 May 2018 commencing at 9.32 a.m.**

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**Present:**

**Chairman:** P Thompson

**Deputy Chairman:** A von Dadelszen

**Councillors:** J Cronin, T Marr, L Thurston, D Love, A Tahana, J Nees, W Clark, S Crosby, K Winters

**In Attendance:** C Ingle (General Manager, Integrated Catchments), J Graham (General Manager, Corporate Solutions), S Omundsen (General Manager, Regulatory Services), E Grogan (Principal Regulatory Advisor), D Phizacklea (Regional Integrated Planning Manager), S Lamb (Natural Resources Policy Manager), N Poutasi (Water Policy Manager), G Corbett (Biosecurity Manager), K O'Brien (Strategic Engagement Manager), R Fraser (Consents Manager), S Pimlott (Project Manager – Water Programme), T Briggs (Project Manager – Water Programme), C Brewer (Regulatory Compliance Team Leader), S Pickles (Regulatory Compliance Team Leader), R Burton (Freshwater Team Leader), N Steed (Programme Leader, Statutory Policy), S Grayling (Biosecurity Team Leader), J Holst (Senior Regulatory Compliance Officer), R Waltham (Planner), H Singh (Marketing and Communications Advisor), M Pasengrouw (Committee Advisor), J Durham (Committee Advisor)

External: J Hughes (Infrastructure Resilience Specialist, Tonkin & Taylor), J Smith (Strategic Coordinator, COBOP)

**Apologies:** Crs J Nees and D Love (lateness), and Crs N Bruning, M McDonald, and Chairman D Leeder

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**1 Apologies**

**Resolved**

That the Regional Direction and Delivery Committee:

- 1 Accepts the apologies of Crs J Nees and D Love (lateness), and Crs N Bruning, M McDonald and Chairman D Leeder tendered at the meeting.

Thompson/Crosby  
**CARRIED**

**2 Public Forum**

Nil.

### 3 **Acceptance of Late Items**

Nil.

### 4 **General Business and Tabled Items**

It was advised a Regional Direction and Delivery Committee (RDD) freshwater workshop would be held on Thursday 17 May 2018 from 9.30am until 4pm.

Document Number	Item Number	Item Name	Document Name
Tabled Document 1	Agenda Item 9.3	Brown Bullhead Catfish - Incursion Update	Communications Strategy

### 5 **Confidential Business to be transferred into the Open**

Nil.

### 6 **Declaration of conflicts of interest**

Nil.

### 7 **Previous Minutes**

#### 7.1 **Regional Direction and Delivery Committee minutes - 4 April 2018**

#### **Resolved**

That the Regional Direction and Delivery Committee:

- 1 **Confirms the Regional Direction and Delivery Committee minutes - 4 April 2018 as a true and correct record.**

Thompson/von Dadelszen  
**CARRIED**

### **Chair's Announcement**

The Chair announced all discussion regarding freshwater would be deferred to the RDD freshwater workshop.

### 8 **Presentations**

#### 8.1 **Operating Environment**

#### **Climate Change Local Initiatives**

*Presentation Id: A2878216*

James Hughes (Infrastructure Resilience Specialist, Tonkin & Taylor) gave an overview of national and international climate change mitigation (reducing emissions) and

adaptation (reducing risks) work underway; climate change was rated as the top risk globally.

### **Attendance**

Crs Nees and Love joined the meeting at 9.42am

Central government was looking to put more responsibility onto local government to address climate change. It was expected Minister Shaw would release an Options Report for Adaptation stating councils undertake asset risk assessments every five years to feed up to central government and identify the resilience of councils' infrastructure. Several councils had signed up to international climate change initiatives that provide support and resource networks.

Internationally and nationally, cities were quantifying emissions and setting reduction targets.

Mr Hughes showed footage of coastal inundation in Hawkes Bay in 2017. It was noted the situation was complex, any decisions would be precedent-setting, and discussion with the community on the best way forward and development of trigger points and flexible approaches was underway.

Concern was raised that coastal homes would begin facing insurance retreat and issues with bank lending. The Climate Commission was responsible for risk assessments and identifying trigger points on a national level.

Staff follow up:

- Latest forecasted sea level changes.
- Further information on climate change initiatives (including from a freshwater and natural hazards point).

*Presentation Id: A2875817*

Stephen Lamb (Natural Resources Policy Manager) outlined local initiatives addressing climate change. It was noted territorial local authorities in the region were carrying out risk assessments, developing sustainability strategies and action plans, quantifying emissions, and focussing on building resilient communities. It was noted transport was the biggest cause of emissions in Tauranga, whereas in Western Bay, Whakatāne, Rotorua, and Ōpōtiki, it was agriculture.

Staff follow up:

- Consideration of the effect of forestry offsetting emissions.

### **Collaboration Bay of Plenty (COBOP) – Climate Change Cluster**

*Presentation Id: A2874072*

Jo Smith (Strategic Coordinator, COBOP) and James Graham (General Manager, Corporate Solutions) provided background to COBOP; which supported collaboration between 28 agencies operating in the Bay of Plenty.

Cluster groups were developed within COBOP to allow relevant agencies to collaborate effectively and efficiently in order to address relevant issues. Council was involved in the climate change cluster whose terms of reference were being developed.

## **Local Government New Zealand (LGNZ)**

Cr Crosby discussed the 2018 Central and Local Government Forum, which had centred on the budget, four well-beings (likely to be incorporated into the Local Government Act 2002 shortly), poverty, water, and stronger communities.

Minister Shaw's focus was on climate change mitigation within the 2030 target. Asset risk profiles were undertaken, with 47,000 houses assessed as "at risk" to sea level and groundwater rises. National adaptation plans were being developed.

The provincial growth fund could be utilised for transport, infrastructure, getting people back to work, and would support the Rotorua forestry hub. Getting ultrafast broadband into regional black spots was also a priority.

Concern was raised around the Government Policy Statement on transport, particularly around spatial planning for rail, consideration of employment, health and social services, modal shift, and replacing old roads if new roads were not to be built.

Sir Michael Cullen would chair the Productivity Commission enquiry into local government funding which would link with a tax review. Terms of reference were being developed and the panel would be populated by skillset rather than representation.

Minister Davis was considering extra funding for tourism within the region which would be the first enduring revenue scheme outside of rates. Few details were available yet.

## **Adjournment**

The meeting adjourned at 11.03am and reconvened at 11.21am

## **8.2 Region wide Land Use Mapping**

*Presentation Id: A2876856*

Sharon Pimlott (Project Manager – Water Programme) outlined the region wide land use mapping undertaken for Proposed Plan Change 12 in 2017. All nine water management areas were mapped parcel-by-parcel.

## **Attendance**

Cr Marr re-joined the meeting at 11.23am

Cr Cronin re-joined the meeting at 11.24am

The mapping strengthened and increased existing knowledge, and was validated by the community and relevant industry. It was suggested staff approach AvocadoNZ to validate avocado orchard data.

Various and transferrable uses of the data included forecasting climate change adaptation and mitigation, and development scenarios within catchment modelling. Existing maps, such as soil and slope, could also be overlaid. Ms Pimlott advised to keep the data valuable it needed to be kept current.

There had been public interest in the data through the online web application and the public were encouraged to provide correct information where inaccurate or no data was available.



## Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Region wide Land Use Mapping.

Thompson/Nees  
CARRIED

## 8.3 Operating Environment Continued

Ministry for the Environment "Our Land 2018" Video

<https://vimeo.com/265463563>

## 9 Reports

### 9.1 Regional Policy Statement Implementation Strategy - Urban and Rural Growth Management Workstream

*Presentation Id: A2876694*

Nassah Steed (Programme Leader, Statutory Policy) and David Phizacklea (Regional Integrated Planning Manager) outlined the implementation strategy of the Regional Policy Statement Urban and Rural Growth Management. The successful implementation in Western Bay of Plenty was noted.

Councillors noted the following concerns:

- The implementation limitations due to insufficient transport infrastructure (State Highway 2 and Tauriko).

#### Attendance

Cr Cronin left the room at 11.56am

- Developments being approved in high-risk (flood and coastal inundation prone) areas. Staff were requested to write to councils within the region suggesting reconsideration of such high-risk developments.
- Any future investments needed to consider effects of climate change.
- Intensification objectives needed to be realistic and attainable.

#### Attendance

Cr Cronin re-joined the meeting at 12.11pm

- The effects of climate change and adaption and risk mitigation on the 40,000HA of land situated below sea level within the region.

## Resolved

That the Regional Direction and Delivery Committee:

- 1 **Receives the report, Regional Policy Statement Implementation Strategy - Urban and Rural Growth Management Workstream.**

von Dadelszen/Thompson  
CARRIED

- 2 **Notes refining and streamlining of the RPS Urban and Rural Growth Management provisions is required, including consideration of natural hazards, transport, freshwater, and climate change matters, and should occur ahead of the formal review of the second generation RPS in 2024.**

Thompson/Marr  
CARRIED

- 3 **Notes Western Bay of Plenty District Council has requested amendment to the urban limits maps of the Regional Policy Statement to provide for additional urban development in Katikati and Te Puke and to remove flood prone land at Waihi Beach from the urban limits. This matter will be dealt with after consideration of the Future Development Strategy for the Western Bay of Plenty sub-region developed under the National Policy Statement on Urban Development Capacity.**

Crosby/Nees  
CARRIED

### 9.2 **Approval to Notify Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement**

Rebekah Waltham (Planner) and David Phizacklea (Regional Integrated Planning Manager) recommended Proposed Plan Change 4 be notified. It was noted the section 32 report met the Minister for the Environment's requirements and staff had recommended an independent hearing panel be appointed.

Councillors sought clarification on what issues might arise from submissions, whether transport infrastructure would be sufficient to cater for the new growth area, and the requirements of the National Policy Statement on Freshwater Management in managing urban stormwater. The two main contentions were other developers wanting their developments to occur first and rural residents concerned with being rezoned as urban.

## Resolved

That the Regional Direction and Delivery Committee:

- 1 **Receives the report, Approval to Notify Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement.**
- 2 **Confirms that it is satisfied that the requirements of the Resource Management Act 1991, in particular sections 60 and its referenced Schedule 1, 61 and 62, relating to the preparation of Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement, up to its public notification stage, and requirements set out in the Ministers Direction have been fully met.**

- 3 **Confirms that it has had particular regard to the Section 32 Evaluation Report for Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement, and adopts it so that it is publicly available at the time of notification.**
- 4 **Adopts Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement and approves its public notification pursuant to clause 5 of Schedule 1 to the Resource Management Act 1991.**
- 5 **Delegates to the General Manager Strategy & Science the authority to approve any minor changes, including grammatical and formatting, to Proposed Change 4 and the Section 32 Evaluation Report prior to notification.**
- 6 **Notes the Te Kauae a Roopu hapu members have recommended the appointment of independent commissioners with expertise in tikanga Maori.**
- 7 **Establishes a Hearing Committee under section 34A of the Resource Management Act 1991 and delegates authority to it to hold and conduct the hearings process (including any interlocutory matters, consideration of written submissions and hearing of oral submissions) on Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement.**
- 8 **Delegates authority to the Hearing Committee to provide a written report and recommendations on those submissions back to the Minister for the Environment.**
- 9 **Appoints independent commissioners Elva Conroy, Greg Hill and Gina Sweetman for Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement.**
- 10 **Delegates to the Chair of the Regional Direction and Delivery Committee to appoint a replacement should a panel member be unavailable or conflicted.**
- 11 **Confirms that the decision has a low level of significance.**

Crosby/von Dadelszen  
CARRIED

### 9.3 **Brown Bullhead Catfish - Incursion Update**

*Tabled Document 1 Id A2878732*

Shane Grayling (Biosecurity Team Leader), Greg Corbett (Biosecurity Manager), and Harry Singh (Marketing and Communications Advisor) advised the Biosecurity Team were working with Te Arawa Lakes Trust to engage a Coordinator to support community action; the University of Waikato and NIWA were investigating options, and a communication strategy had been developed to resonate with the public message of "Remove weeds before leaving".

It was clarified that tagged catfish would be sexed and only males would be released. The classification of catfish in the Regional Pest Management Plan would need consideration.

## Resolved

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

- 1 Receives the report, Brown bullhead catfish - incursion update.**

**Thurston/Winters  
CARRIED**

### 9.4 Freshwater Futures Update

Toni Briggs (Project Manager – Water Programme), Namouta Poutasi (Water Policy Manager), and Reuben Fraser (Consents Manager) presented updates on Freshwater Futures.

#### Attendance

Cr Thurston left the room at 12.45pm

Proposed Plan Change 9 deliberations were delayed so the Recommendations Report would be presented to the 9 August 2018 RDD meeting.

Addressing cultural effects relating to groundwater take and use consents was implementation of an existing policy.

#### Attendance

Cr Thurston re-joined the meeting at 12.47pm

Councillors raised concern regarding customers' experiences in consent processing delays due to cultural impact assessments.

Staff follow up:

- A report on improving efficiencies in processing consents be prepared.

## Resolved

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

- 1 Receives the report, Freshwater Futures Update.**
- 2 Notes staff will report back to the next RDD meeting on matters raised during discussions on this report.**

**Thompson/Thurston  
CARRIED**

### 9.5 Integrated Catchments Management Update

Sarah Omundsen (General Manager, Regulatory Services) advised that during heavy rain and floods, alum dosing ceased until sediment settled back down.

Ms Omundsen was congratulated on her appointment as Acting General Manager, Regulatory Services.

## Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Integrated Catchments Management Update.

Thompson/Thurston  
CARRIED

## Adjournment

The meeting adjourned at 1pm and reconvened at 1.24pm

## Chair's Announcement

The Chair announced Agenda Item 9.9 (Freshwater Compliance Snapshot) would follow Agenda Item 9.6 (Regulatory Compliance Snapshot), to enable staff efficiencies.

### 9.6 Regulatory Compliance Snapshot Report Months 1-9 2017/2018

Chris Brewer (Regulatory Compliance Team Leader), Steve Pickles (Regulatory Compliance Team Leader), and Eddie Grogan (Principal Regulatory Advisor) discussed the benefits of Accela, particularly in terms of the ability to generate accurate information in a timely fashion, allowing easier reporting. Accela would help ensure the Council was proactive not reactive to issues, and allowed the Compliance Team to be more mobile and spend more time in the field.

## Attendance

Cr Cronin re-joined the meeting at 1.27pm

Cr Thompson vacated the Chair and Cr von Dadelszen assumed the Chair at 1.30pm.

Cr Thompson resumed the Chair at 1.31pm.

It was noted most dairy non-compliance was due to pond mismanagement during heavy rain and a failure to maintain infrastructure. Abatement notices, infringements, and further enforcement procedures were issued accordingly.

## Resolved

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Regulatory Compliance Snapshot Report Months 1-9 2017/2018.

Thompson/von Dadelszen  
CARRIED

### 9.7 Freshwater Compliance Snapshot

Chris Brewer (Regulatory Compliance Team Leader), Steve Pickles (Regulatory Compliance Team Leader), and Eddie Grogan (Principal Regulatory Advisor) updated Councillors on regulatory compliance work in relation to freshwater management. Work was aligned to four priorities; compliance monitoring, measuring water takes and reporting, data systems and reporting, and non-consented water takes. It was noted meters needed re-verifying every five years.

**Resolved**

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Freshwater Compliance Snapshot.

Thompson/Nees  
CARRIED

9.8 **Update on He Korowai Matauranga (Matauranga Maori Framework)**

Kataraina O'Brien (Strategic Engagement Manager) advised operating costs of the Matauranga Māori Framework report was included in the Long Term Plan 2018-2028 deliberations agenda.

**Resolved**

That the Regional Direction and Delivery Committee:

- 1 Receives the report, He Korowai Matauranga Implementation.

Thompson/Cronin  
CARRIED

9.9 **Update on Geothermal Plan Change Process**

Stephen Lamb (Natural Resources Policy Manager) advised Proposed Geothermal Plan Change engagement would begin in Ōhinemutu on 15 May 2018 and three hui would take place in Rotorua. It was noted how complex the science was, and education and clear information was important.

**Resolved**

That the Regional Direction and Delivery Committee:

- 1 Receives the report, Update on Geothermal Plan Change Process.

Thurston/Thompson  
CARRIED

10 **Public Excluded Section**

**Resolution to exclude the public**

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

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

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Ground(s) under Section 48(1) for the passing of this resolution
10.1 Public Excluded Regional Direction and Delivery Committee minutes - 4 April 2018	Good reason for withholding exists under Section 48(1)(a)	Please refer to the relevant clause in the open meeting minutes.
10.2 BOPRC Enforcement and prosecutions 2017/2018 – update	Good reason for withholding exists under Section 48(1)(a)	Such disclosure would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
10.3 Plan Change 10: Lake Rotorua Nutrient Management - Update on Environment Court proceedings and Implementation	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege.
10.4 Te Mana Whakahono a Rohe: Update	Good reason for withholding exists under Section 48(1)(a)	To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
10.5 Update on Actions Undertaken by Industrial Site Operators in the Mount Industrial Area	Good reason for withholding exists under Section 48(1)(a)	Such disclosure would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Thompson/Thurston  
CARRIED

## 11 Consideration of General Business

Nil.

The meeting closed at 2.40pm

Confirmed

\_\_\_\_\_  
Chair, Regional Direction and Delivery Committee

\_\_\_\_\_  
Date



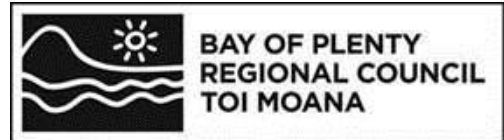


# **Presentations**



# Reports





**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** David Phizacklea, Regional Integrated Planning Manager

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## **Approval of Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan**

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### **Executive Summary**

Approval is sought to publicly release Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan for community consultation in July 2018. For consultation purposes it will be referred to as the OSET Draft Plan Change.

The Committee previously resolved in August 2016 to update the provisions of the On-site Effluent Treatment Regional Plan by developing a plan change to the then Regional Water and Land Plan (now the Regional Natural Resources Plan) and withdrawing the On-site Effluent Treatment Regional Plan. Draft Plan Change 14 has been developed as a result of that review, alongside two Committee workshops held in May 2017 and May 2018. Engagement with territorial authorities and key stakeholders has helped shape the draft plan change.

Draft Plan Change 14 (OSET) is included as a supporting document to the agenda. It is recommended community consultation is carried out over July to October 2018, particularly with iwi, affected communities, and key stakeholders.

### **Recommendations**

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

- 1 Receives the report, Approval of Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan.**
- 2 Approves Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan for community consultation.**
- 3 Delegates to the General Manager Strategy & Science the authority to make any minor editing changes to Draft Plan Change 14 (OSET) prior to public release.**
- 4 Notes community consultation will occur between July and October 2018.**

## 1 Purpose of report

This report seeks approval of Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan to be released for community consultation in July 2018.

## 2 Background

A review of the On-site Effluent Treatment Regional Plan was completed under Sections 35 and 79 of the Resource Management Act 1991. The review was presented to the Regional Direction and Delivery Committee (RDD Committee) meeting in August 2016. The review identified mixed results in relation to the efficiency and effectiveness of the current plan provisions and rules. The RDD Committee resolved to update the provisions of the On-site Effluent Treatment Regional Plan by developing a plan change to the then Regional Water and Land Plan (now the Regional Natural Resources Plan) and withdrawing the On-site Effluent Treatment Regional Plan. The On-site Effluent Treatment Regional Plan will be withdrawn once Plan Change 14 (OSET) is operative.

The first RDD Committee workshop was held on 15 May 2017 to receive direction on key topics. The workshop requested further work on the initial provisions. That work was progressed and a second RDD Committee workshop has held on 3 May 2018 for discussion and direction. Outcomes from the second workshop, and subsequent work have been included in Draft Plan Change 14 (OSET) version 2.0 as included as a supporting document in the agenda. For consultation purposes it will be referred to as OSET Draft Plan Change (14).

### 2.1 Where Draft Plan Change 14 (OSET) is in the planning process

The diagram on the following page shows the plan change development process, and where we currently sit with Plan Change 14 (OSET).

### 2.2 Draft Plan Change 14 (OSET) development process

A BOPRC staff project team has been working on Draft Plan Change 14 (OSET) – Draft PC 14. The core team working on the policies and rules includes staff from:

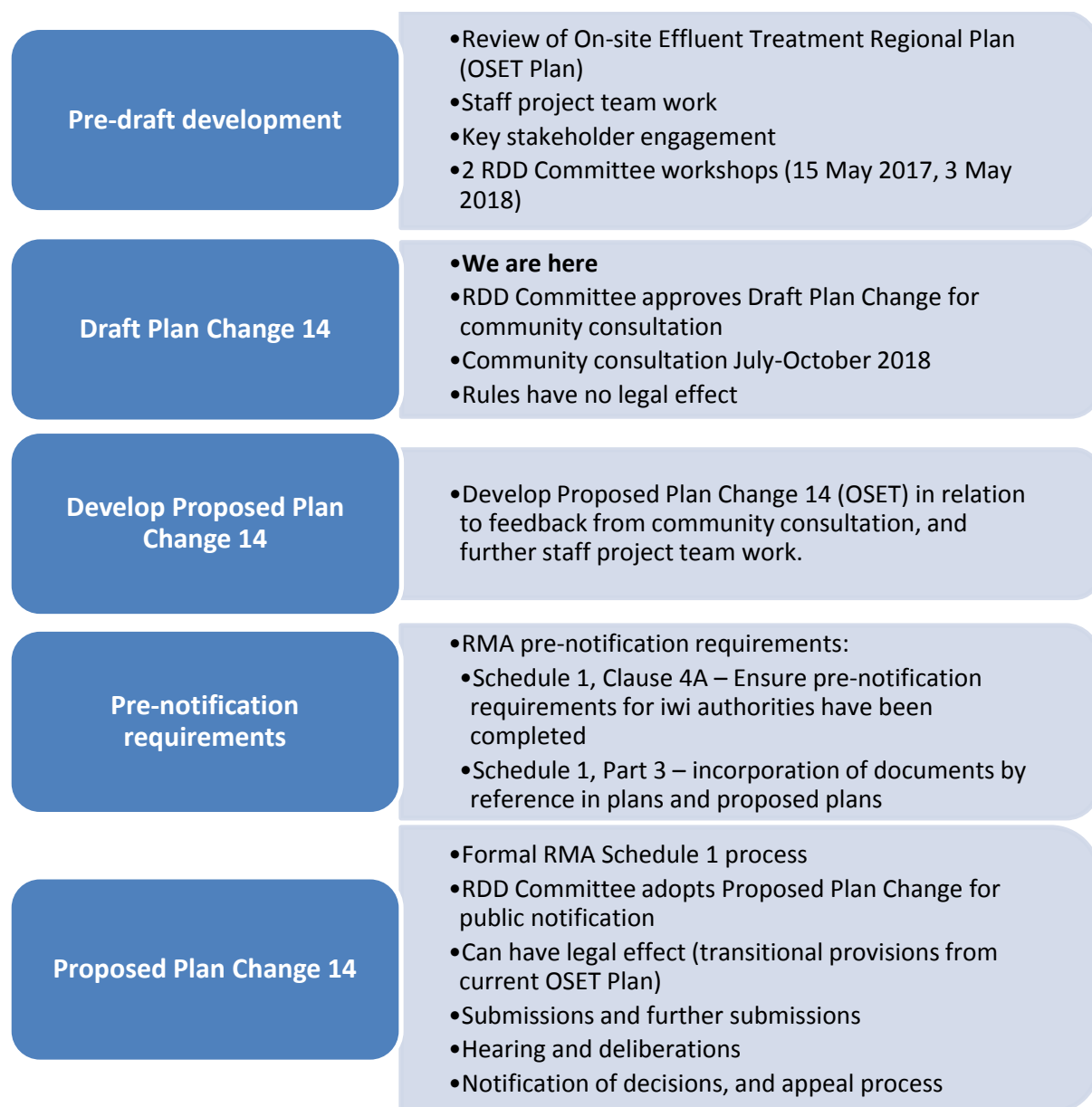
- Regulation and Compliance
- Consents
- Regional Integrated Planning

Other staff have been involved when required to provide advice on specific matters, including staff from Science, Māori Policy, Community Engagement and Communications teams.

The core project team have engaged with a number of key stakeholders:

- Toi te Ora Public Health.
- Victoria Kingi (Papakāinga Solutions Ltd).
- Ngāi Tūhoe operational staff.
- Staff from Tauranga City Council, Western Bay of Plenty District Council, Rotorua Lakes Council, Whakatāne District Council and Ōpōtiki District Council. (Kawerau District is largely reticulated, and there is not much development in the part of Taupō District within the Bay of Plenty region.)
- On-site effluent treatment system manufacturers and suppliers.

- On-site effluent treatment system designers and SQEP.
- Composting toilet manufacturers and suppliers.
- Department of Conservation.
- Glenn Snelgrove from Lake Tarawera Sewerage Steering Committee, and Libby Fletcher from Lake Tarawera Ratepayers' Association.



### 3 Draft Plan Change 14 (OSET)

Draft Plan Change 14 (OSET) version 2.0 is attached to this report. The document has been updated with changes from the RDD workshop on 3 May 2018, and subsequent planning work.

### 3.1 Key Changes from RDD Workshop 3 May 2018

- Addition of risk criteria in OSET P2 to indicate where OSET systems are a high risk and the area should be reticulated. The risk factors include flooding, and recognition of implications of climate change.
- Addition of Tara Road, Pāpāmoa to OSET P2 as an area that should be reticulated, and addition of the area as a Maintenance Zone.
- Provisions to protect community drinking water supply bores have been amended to 'community drinking water supply bores and springs'.
- The design of OSET systems to account for climate change includes storm surge.
- Provisions to require connection to reticulated sewerage schemes where available is clarified by linking to the relevant Local Government Act requirements.
- Addition of a policy and rules for shared on-site effluent treatment systems (discretionary activity in all areas, excluding reticulated areas).

#### 3.1.1 Te Puna Village update

The workshop requested Te Puna Village (the commercial area at the State Highway 2 intersection) be added as a Maintenance Zone. Staff have looked more closely at the situation, and found that the commercial sites each have a resource consent. The Maintenance Zone provisions are aimed at requiring regular pump outs of permitted septic tanks. As such, it would not be effective to add Te Puna Village as a Maintenance Zone. To address the issue, staff recommend the existing resource consents be reviewed as the current activities have changed beyond the scope of the original consents, and non-compliance is evident. Replacement consents would include both maintenance and reporting requirements.

#### 3.1.2 Department of Conservation composting toilets

Staff will be clarifying the effect of the draft composting toilet rules on Department of Conservation operations during the consultation period. This may lead to clarification of the rules in the Proposed Plan Change.

### 3.2 Key changes from further planning work

Additional minor formatting or wording clarification have been made resulting from additional planning work. The key changes of note are:

- Wording that is more appropriate as permitted activity conditions has been moved from two policies (OSET system upgrade or replacement; and Maintenance Zones).
- The approval process for Alternative Toilet Systems links to the current New Zealand Biosolids Guidelines Grade Aa limits for certainty.
- Wording that is more appropriate as methods has been moved from two policies (Addressing cumulative effects of un-reticulated communities; Maintenance Zones).



- Policy for reticulation of Lake Tarawera, and Lakes Rotomā, Rotoehu and Rotoiti is expressed more positively (the policy will be updated prior to notification of the proposed plan change to reflect progress and timeframes).

## **4 Implications for Māori**

### **4.1 Iwi Management Plans**

A review of Iwi Management Plans (IMPs) was carried out as part of the review of the On-site Effluent Treatment Regional Plan in 2016. Since then other IMPs have been lodged with Bay of Plenty Regional Council, which have also been considered as part of the development of Draft Plan Change 14.

Some IMPs do not mention wastewater or septic tanks. Others only raise municipal wastewater discharges. A few IMPs specifically talk about discharges from septic tanks/on-site effluent treatment systems. Taking a wider view, the common themes from IMPs relating to the discharge of domestic wastewater are:

- Iwi are concerned about discharges to water. Discharges of contaminants to water are to be avoided.
- Discharges of human wastewater are of particular concern.
- Discharges of contaminants should be treated and discharged to land.

One of the key goals of Draft Plan Change 14 is to “Promote the sustainable operation of OSET systems to retain effluent within the soil layer and avoid contamination of surface and groundwater.” This goal is consistent with the themes from the IMPs.

While not necessarily mentioned in IMPs, some iwi have expressed an interest in composting toilets. New rules for composting toilets have been included in Draft Plan Change 14, with appropriate conditions to protect the environment and human health.

### **4.2 Marae**

Under the current On-site Effluent Treatment Regional Plan, any discharge from an OSET system that is more than 2m<sup>3</sup>/day requires consent. As it is highly likely that all Marae discharge more than this limit (particularly during large events), the current Plan requires all un-reticulated Marae to have a resource consent. Some Marae already hold resource consents.

Draft Plan Change 14 (OSET) does not change requirement for Marae to obtain resource consent. The requirement to obtain a consent for discharges more than 2m<sup>3</sup>/day is retained. The Draft Plan Change also clarifies the definition of ‘Domestic Wastewater’ based on wastewater strength. Marae have a different wastewater strength than individual households, by having higher volumes of kitchen wastes (fats and organic material), and the wastewater is not diluted by laundry greywater.

A resource consent assesses the capacity of the on-site effluent treatment system, and ensures the protection of the environment and human health. Existing Marae consents often have requirements to bring in Porta-Loos during large events. There are likely to be a few Marae where connection to existing reticulation is possible and may be preferable than an on-site effluent treatment system.

A separate (but related) project to assess the risk from Marae on-site effluent treatment discharges is being progressed under the lead of the Regulatory Compliance team.

#### 4.3 Papakāinga Housing Developments

The operative OSET Plan contains specific rules for Papakāinga developments in the Western Bay of Plenty District and Tauranga City. Draft PC 14 extends those rules into the rest of the region. This is to implement Policy IW 1B (Enabling development of multiple-owned Māori land) in the Regional Policy Statement, and achieve consistency across the region. In the Rotorua Lakes District, the Papakāinga rules link to the rules regulating what type of OSET systems are appropriate in each of the lake catchments.

Draft Plan Change 14 does not affect Papakāinga housing developments that are connected to reticulated sewerage schemes. The rules for composting toilets, greywater discharges and alternative toilets are able to be used for Papakāinga.

#### 4.4 Costs to Individual Households

The costs of rules in Draft Plan Change 14 to individual households depends on the location. Because a disproportionate number of low-income households are Māori, the costs may have particular implications for Māori, depending on location.

Location or type of OSET discharge	Additional Cost
Maintenance Zone <ul style="list-style-type: none"> <li>• Septic tanks must be pumped out at every 3 years</li> <li>• Does not apply to AWTS systems that must be maintained every 3-6 months under standard permitted activity conditions</li> </ul>	Approximately \$450-500 per pump out. This cost is borne by individual property owners. If the septic tank has a large capacity (e.g. larger than minimum required size), then the pump out could be shifted to every 4/5/6 years (so spreading the cost).
Areas required to upgrade to AWTS+NR if reticulation plans fail (settlement areas in Lakes Rotoehu, Rotomā, Rotoiti, Tarawera)	\$14-18,000 per household
New septic tanks – requirement for 4500 litre tank	Additional \$300 (estimate)
Consent requirement for OSET discharges on lots less than 1200m <sup>2</sup> <ul style="list-style-type: none"> <li>• Consents are required to ensure the OSET system is designed and operated to be sustainable on smaller sites. This is to prevent future problems due to OSET density (e.g. avoid need for Maintenance Zones). Where a development proposes smaller lot sizes, then connection to reticulation or a community system is needed</li> </ul>	\$1,500 per consent + annual monitoring cost

## 5 Next Steps

The table below indicates future timeframes and tasks.

Timeframe	Process or task
July – October 2018	Community consultation on Draft Plan Change 14 (OSET) – refer to Section 5.1 of this report for further information.
Late 2018	Develop Proposed Plan Change 14 and Section 32 Evaluation Report
Late 2018 – early 2019	Ensure RMA pre-notification requirements are met
Early-mid 2019	RDD adopt Proposed Plan Change 14 for public notification

### 5.1 Consultation

Consultation on Draft Plan Change 14 (OSET) will be through a number of mechanisms, as noted below.

#### 5.1.1 Presentations and meetings with key stakeholders

- District and city council committees
- Staff from Tauranga City Council, Western Bay of Plenty District Council, Rotorua Lakes Council, Whakatāne District Council and Ōpōtiki District Council; Kawerau District and Taupō District subject to interest.
- Lake Tarawera Sewerage Steering Committee
- Affected communities
- Toi te Ora Public Health staff.
- Victoria Kingi (Papakāinga Solutions Ltd).
- On-site effluent treatment system manufacturers and suppliers.
- On-site effluent treatment system designers (includes SQEP).
- Composting toilet manufacturers and suppliers.
- Department of Conservation.
- Federated Farmers
- Horticulture and kiwifruit representatives

#### 5.1.2 Consultation with Iwi

Staff are very aware that iwi have individual priorities and capacity issues. There are also other matters that BOPRC will be consulting iwi during the intended timeframe for Draft Plan Change 14. Iwi resource management unit staff will be emailed to ask how best to consult with them on Draft Plan Change 14. Some options include:

- Sub-regional consultation meetings/workshops
- Joining consultation meetings on other topics (e.g. Plan Change 12)

- Individual meetings or small meetings.

Copies of Draft Plan Change 14 and relevant communication material will be sent to all iwi authorities (this includes some hapū). Consultation with iwi authorities on the Draft Plan Change is intended to fulfil pre-notification requirements under the RMA.

There will also be presentations to existing groups where possible:

- Komiti Māori
- Te Maru o Kaituna
- Rotorua Te Arawa Lakes Strategy Group
- Rangitāiki River Forum
- Ōhiwa Harbour Implementation Forum
- Tauranga Moana Advisory Group
- SmartGrowth Combined Tangata Whenua Forum
- Whakatāne District Council Iwi Chairs Forum.
- Māori trustee representative groups.

## 5.2 Communication material for consultation purposes

Communication material will be used to explain key issues in Draft Plan Change 14. The material will accompany the plan change document, and be used in consultation.

- General material highlighting key changes, including:
  - Why are regulations needed for discharges of domestic wastewater, composting toilets, greywater, etc.
  - Changes that affect the whole region (e.g. tank size, lot size, etc).
- Specific material for:
  - Affected communities where there are new or changed requirements (e.g. Maintenance Zones)
  - Implications for Māori (Marae, Papakāinga developments)
  - Lake Rotorua (particularly around relationship with PC 10)
  - Other Rotorua Lakes

## 6 Council's Accountability Framework

### 6.1 Community Outcomes

This project directly contributes to the Water Quality and Quantity, and Environmental Protection Community Outcomes in the Long Term Plan 2015-2025. This project directly contributes to the A Healthy Environment, and Freshwater for Life Community Outcomes in the Long Term Plan 2018-2028.

Draft Plan Change 14 (OSET) seeks to manage the discharge of wastewater, greywater, and solid material from composting toilets and alternative toilet systems to prevent adverse effects on water and soil resources, and minimise risk to human health.

## **6.2 Long Term Plan Alignment**

This work is planned under the Regional Planning Activity in the Long Term Plan 2015-2025 and the Long Term Plan 2018-2028.

### **Current Budget Implications**

The development of Draft Plan Change 14 has been undertaken within the current budget for the Regional Planning Activity in the Annual Plan 2017/18 (\$77,846). Community consultation and the preparation of the proposed plan change is provided for in Year 1 of the Long Term Plan 2018-2028 (\$78,000).

### **Future Budget Implications**

Future work on Draft Plan Change 14 (OSET), including the development of the Proposed Plan Change, is provided for in Council's Long Term Plan 2018-2028.

At this stage, the financial implications of the following matters relating to the Plan Change 14 (OSET) planning process cannot be determined:

- Further technical or specialist advice necessary to develop the Proposed Plan Change (above that provided in existing budgets).
- The nature and extent of potential appeals on a Proposed Plan Change.

Community consultation on the Draft Plan Change will identify any significant issues.

Future implementation of Plan Change 14 (OSET) is provided for in the Regulatory Compliance activity budget. Much of the expected implications continue existing work (e.g. management of Maintenance Zones). There are not expected to be any substantial increases to implementation costs. However, if any changes become evident, those will be brought to future Annual Plan or Long Term Plan processes.

Ruth Feist  
**Senior Planner (Regional Integrated)**

**for Regional Integrated Planning Manager**

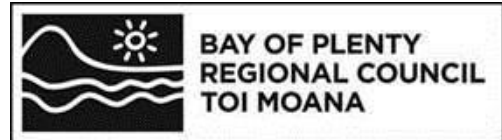
**19 June 2018**



**SUPPORTING DOCUMENT - Draft Plan Change (14)**  
**Version 2.0 - June 2018**







Receives Only – No Decisions

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

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

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## Confirmation of Direction from May 2018 Freshwater Workshop

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### Executive Summary

A workshop was held on 17 May to explain potential changes to the national context for fresh water management and work through progress on the Kaituna-Pongakawa-Waitahanui and Rangitaiki Water Management Areas (WMAs) (Plan Change 12) process. This included discussion about, draft objectives and the implications of those, key risks and issues, modelling results and engagement. A region-wide plan change to provide 'framework' support was also discussed.

This report is to formally confirm RDD direction to staff.

### Recommendations

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

- 1 **Receives the report, Confirmation of Direction from May Water Workshop;**
- 2 **Approves continuing work on NPSFM implementation, noting advice that current work was flexible and could adapt to likely future national changes;**
- 3 **Approves staff discussing the draft measurable objectives with community groups and starting to explore limits and what mitigations might be needed to achieve the draft measurable freshwater objectives;**
- 4 **Directs staff that a communication strategy is needed when trends and implications are better understood;**
- 5 **Directs staff to present all catchment modelling results for the current and reference state scenarios to the Committee prior to any circulation or discussion with the public, including community groups, iwi and hapū;**
- 6 **Directs staff to present surface water quantity modelling results and implications to the Committee prior to any circulation or discussion with the public, including community groups, iwi and hapū;**
- 7 **Approves staff sharing current surface water quality modelling key points as outlined in this report as/when required;**

- 8 Directs staff to bring a paper for Rangitāiki WMA groundwater limit setting options to RDD for decisions after PC9 decisions are notified;**
- 9 Approves staff continuing to develop and model scenarios for Kaituna-Pongakawa-Waitahanui WMA groundwater and discussing implications with community groups;**
- 10 Approves engagement proceeding, subject to confirming science and modelling outputs and a balanced engagement approach being achieved;**
- 11 Approves progressing region wide components for inclusion in to Plan Change 12, subject to working through implications for engagement.**

## **1 Workshop Purpose**

On 17 May 2018 Councillors were invited to a freshwater workshop to consider and provide direction on:

- The national context
- Key progress for Kaituna-Pongakawa-Waitahanui and Rangitaiki Water Management Areas (Plan Change 12) including:
  - Values and draft measurable objectives
  - Current state and issues
  - Initial catchment modelling outputs
  - Surface water quantity modelling proposed
  - Groundwater modelling progress
  - Engagement approach
- Incorporation of region-wide components into scheduled plan changes.

This paper briefly summarises workshop outcomes for council review and approval.

## **2 National Context**

Excerpts from Minister Parker commentaries highlighted his key focusses as “holding the line” with respect to declining water quality; addressing sedimentation, nutrient management (and allocation), land use intensification and urban water quality. Staff noted it was likely to be the end of 2018 before the Minister would look at amending the NPSFM.

Approved direction: Councillors support continuing work on NPSFM implementation, noting advice that current work was flexible and could adapt to likely future changes.

## **3 Kaituna, Pongakawa, Waitahanui Rangitaiki Plan Change**

### **3.1 Values and draft measurable objectives**

Staff explained past steps (document review, values discussion, preferred state for in-river values, attributes and bands defined) and recently drafted measurable freshwater objectives. Staff are now approaching limit setting to achieve the draft measurable objectives. Staff explained that the implications of achieving the draft measurable objectives and limits are yet to be worked through and will be brought to council once

developed. Staff noted the need to further refine this work before inclusion in any RMA Plan.

Approved direction: Councillors supported staff discussing the draft measurable objectives with community groups and starting to explore limits and what mitigations might be needed to achieve the draft measurable freshwater objectives.

### 3.2 Current state and issues

Science staff explained current freshwater state science. Differences between lake and river attributes and limits were explored. Council noted a communication strategy was needed to ensure these conversations about science, implications, and future management took place more widely when trends and implications were better understood.

Staff noted the relative sensitivity and poor ecological health indices for estuaries and hydro-electric power dam lakes and the overall good health of rivers when measured against National Objective Framework standards.

Approved direction: A communication strategy is needed when trends and implications are better understood.

### 3.3 Catchment modelling

Council scientists provided an update on work to validate the SOURCE model for *E. coli*-, Total Nitrogen, Total Phosphorous and ongoing calibration and processing for Total Suspended Solids (sediment). Maps and charts showing preliminary modelling results for current and reference (“natural”) scenarios were presented. Staff gave an overview of future scenarios which will be modelled and some of the mitigation options being considered – ahead of modelling being complete.

Scientists have subsequently confirmed the following key points from material presented at the 17 May workshop (graphs and maps are attached as Appendix 1):

Workshop material	Key point(s)
Swimmability (bands and maps) – <i>E. coli</i>	Most areas in Rangitaiki WMA are swimmable; predominantly A-band, with some B band, mainly in the lower reaches. Results for Kaituna-Pongakawa-Waitahanui were not yet available.
Relative loads of Total Phosphorus (TP) (graphs and maps)	The Lower Rangitāiki has considerably greater natural contribution of TP than that cause by human activities, i.e., “man-made”. The Kaituna and Pongakawa have relatively little natural-origin TP, but relatively high man-made loads, particularly in the lower reaches. Note that Waihi estuary loads come from other rivers and drains as well as Pongakawa River.
Relative loads of Total Nitrogen (TN) (graphs and maps)	Rangitāiki has considerably greater natural contribution of TN than man-made. Kaituna and Pongakawa have moderate/high levels of natural-source TN, but relatively high man-made loads in the lower catchments. The loads in lower Kaituna are

	substantially higher than in Pongakawa.
Sources of contaminants (Maps)	Rangitāiki man-made nutrient yields are sourced from relatively few discrete areas. Kaituna nutrients originate from several areas of the catchment, particularly lowland areas. Waihi estuary catchment nutrients are also generated extensively, and particularly in the Pongakawa catchment. Kaituna-Pongakawa man-made nutrient yields are substantially higher than in Rangitāiki.

Approved direction: Although supportive of modelling and the broad work program, Councillors were reluctant for modelling to be released wider (i.e. to community groups, iwi and hapu (and others)) until council had received and approved final, calibrated results.

The science team has since confirmed/calibrated these findings which staff now wish to share with the community<sup>1</sup> to avoid significant project schedule delay.

### 3.4 Surface water quantity

Staff explained that changes to minimum flows and allocation limits are being explored using the Environmental Flow Strategic Allocation Platform (EFSAP) modelling tool.

Approved direction: Before discussing further with community groups, iwi, hapū and industry groups EFSAP modelling needs to be completed and presented to Council.

### 3.5 Groundwater

Staff explained groundwater movement in aquifers and general groundwater objectives being to: maintain aquifer levels, maintain baseflow to streams, wetlands and springs, and avoid saline encroachment. The MODFLOW modelling tool was briefly discussed.

Approved direction: Councillors directed staff to bring a Rangitāiki – groundwater limit setting options paper to RDD for decisions after PC9 decisions are made and to continue to develop and model scenarios for the Kaituna-Pongakawa-Waitahanui WMA and discuss with community groups.

### 3.6 Engagement

Staff explained the project is moving towards solving problems and, in an effort to narrow down options before coming back to Council, staff would like to start working with key stakeholders. Staff explained significant work being done to prepare for iwi and hapu engagement which will initiate in June. Councillors said that staff needed a balanced approach to engagement and should talk to all land users in an area where land use may need to change. It was confirmed that engagement with the wider community in the WMAs is anticipated once solutions have been narrowed down and implications are understood, prior to launching a draft plan change.

Approved direction: Council supported engagement proceeding subject to confirming science and a balanced engagement approach being achieved.

<sup>1</sup> Iwi and hapū in particular (as part of required engagement).

## **4 Region-wide components of Plan Changes 12, 15 and 16**

Planning staff noted a review of the Regional Water and Land Plan (RWLP) (now accommodated within the Regional Natural Resources Plan) must start by December 2018, excepting provisions already reviewed or being reviewed as part of the NPSFM implementation approach. They noted consideration needed to be given to which regional topics and/or parts of the RNRP (RWLP) would be reviewed and added to each (NPSFM) plan change already scheduled, and what parts of the NPSFM would benefit from a region-wide approach. A table showing process simplification arising from an early region-wide plan change was presented.

Approved direction: Councillors supported the region-wide plan change subject to working through implications for engagement.

## **5 Council's Accountability Framework**

### **5.1 Implications for Maori**

There are no additional or changed implications for Maori arising from this workshop. It should be noted NPSFM Part D was explained in the workshop, with Councillors expressing a desire for engagement to be balanced. Staff are committed to meeting NPSFM requirements and have undertaken considerable work to prepare for further iwi and hapu engagement.

### **5.2 Community Outcomes**

This project/proposal directly contributes to the Water Quality and Quantity Community Outcome/s in the council's Long Term Plan 2015-2025 by progressing the development of Objectives for the Water Management Areas.

### **5.3 Long Term Plan Alignment**

This work is planned under the Regional Planning and Engagement Group and the Land and Water Framework activities in the Long Term Plan 2015-2025.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Regional Planning and Engagement and Land and Water Framework activities for Year 2 of the Long Term Plan 2015-2025.

The project is tracking to 2017/18 budget of \$160,500

#### **Future Budget Implications**

This work is being undertaken within the current budget for the Regional Planning and Engagement and Land and Water Framework activities for Year 2 of the Long Term Plan 2015-2025.

James Low  
**Water Policy Team Leader**  
**for Acting General Manager, Strategy & Science**  
**20 June 2018**



# **APPENDIX 1**

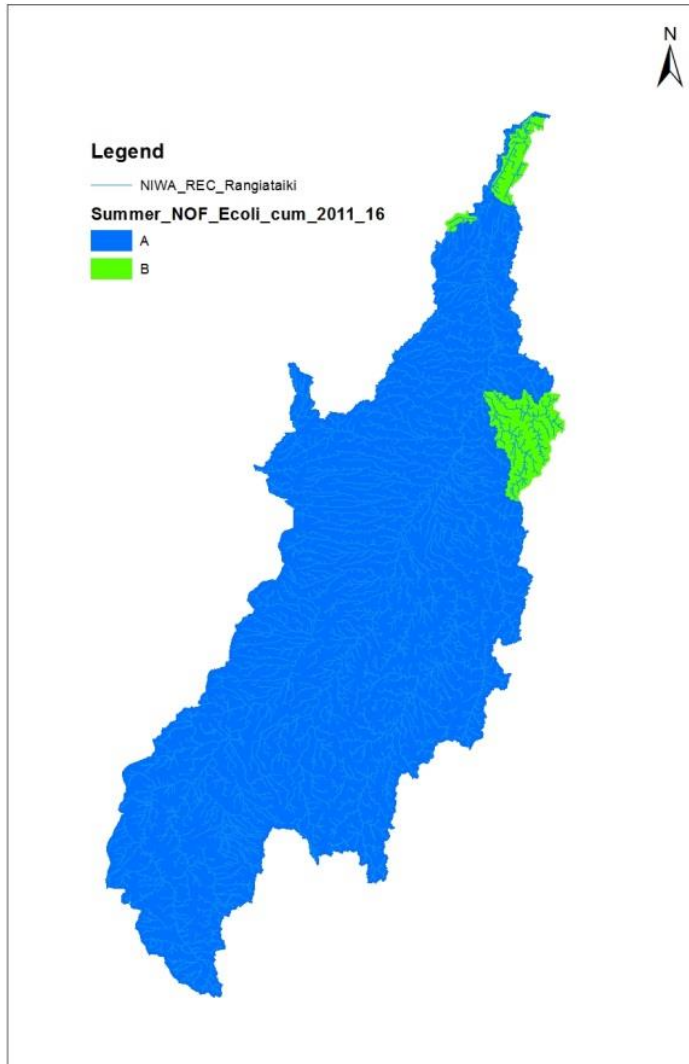
## **Initial results from surface water catchment modelling of contaminant loads and sources**



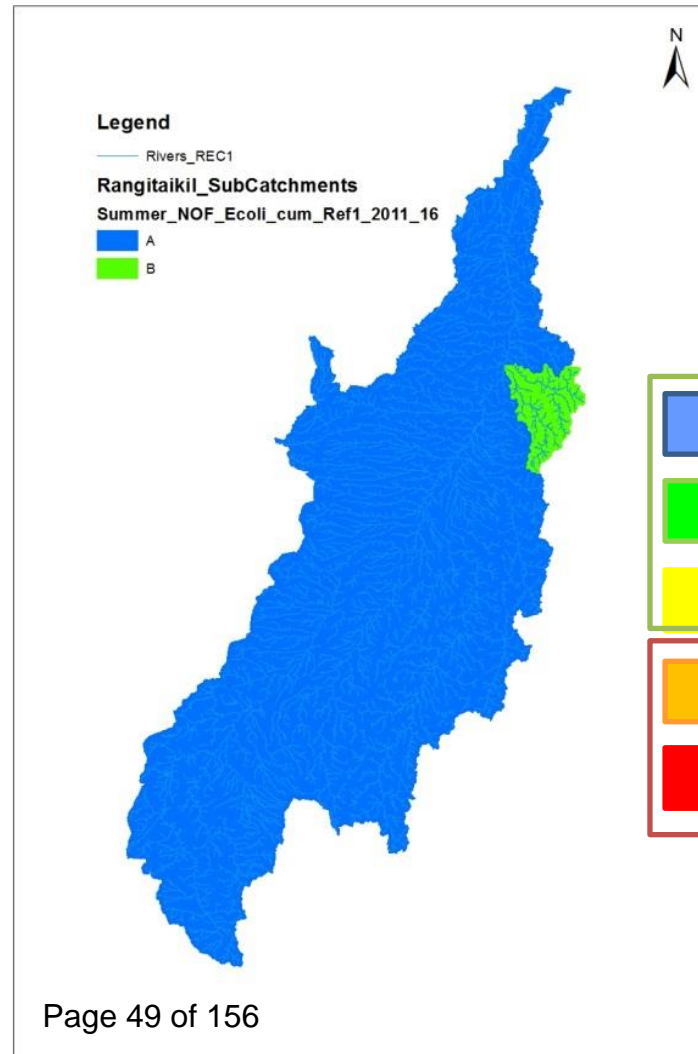


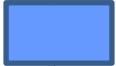




# Modelling Swimmability: NOF E.coli

E.coli NOF Attribute - summer 2011 to 2016

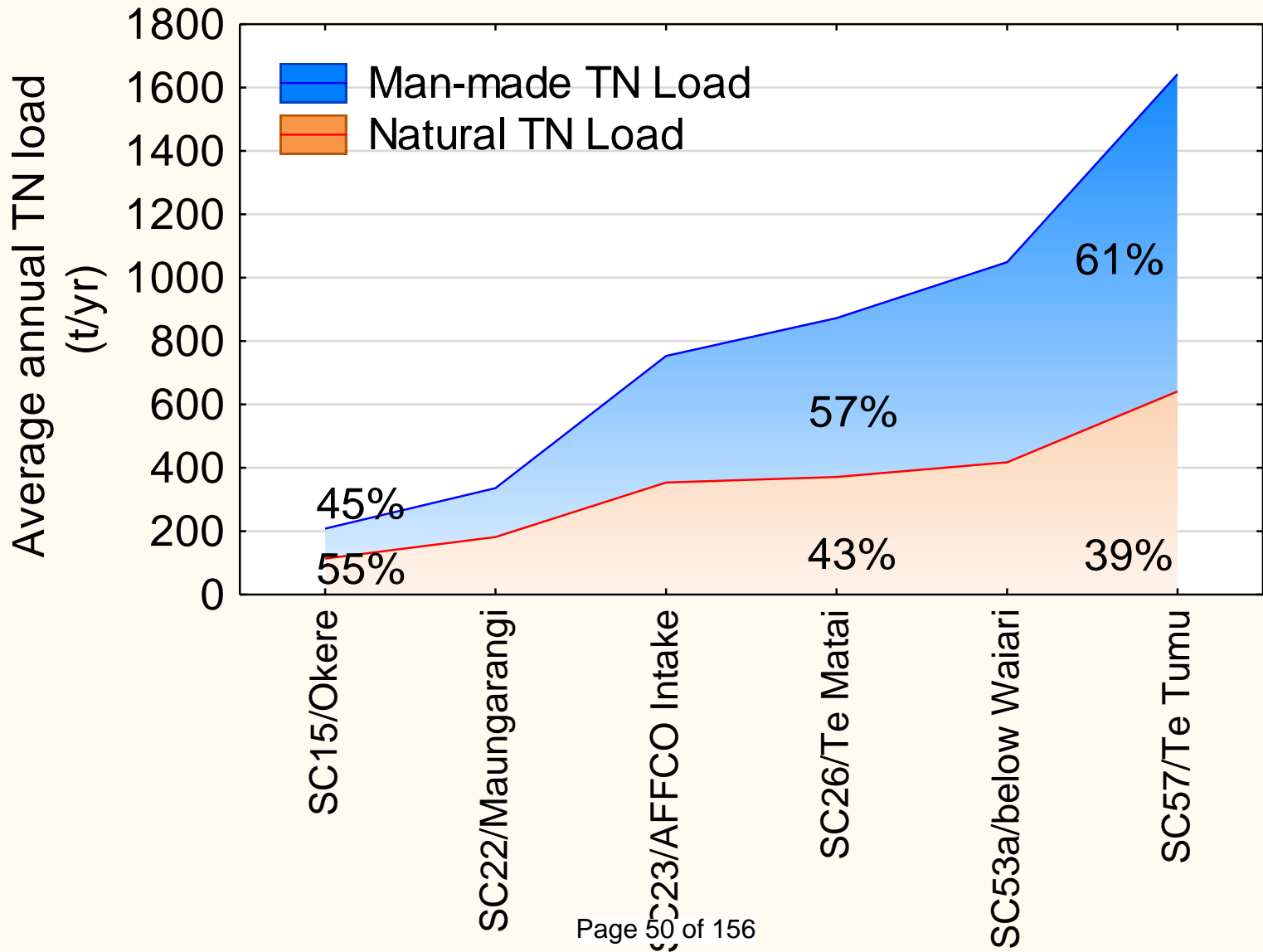


E.coli NOF Attribute - Reference state

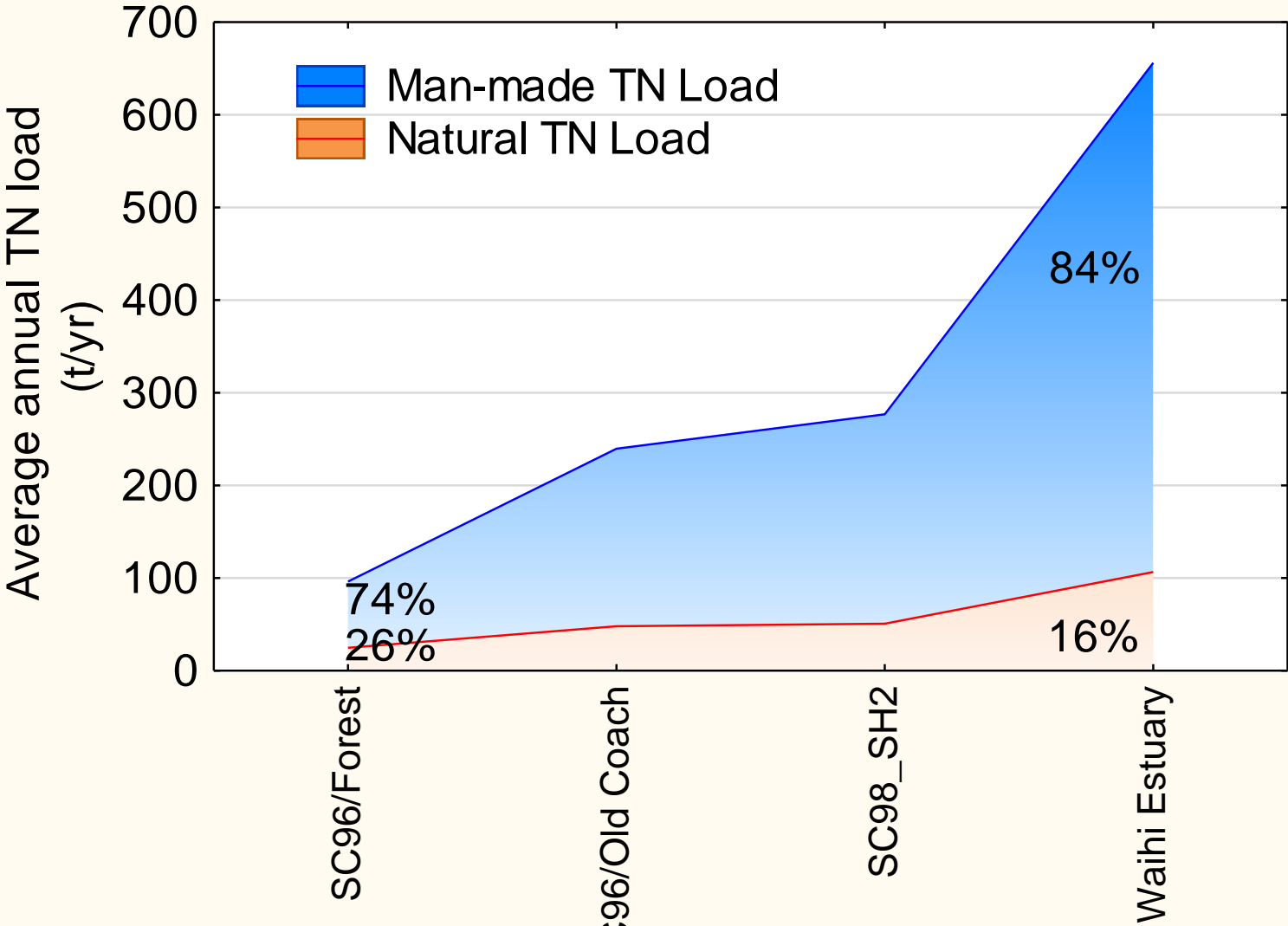


	Swimmable
	
	Not suitable for swimming
	
	

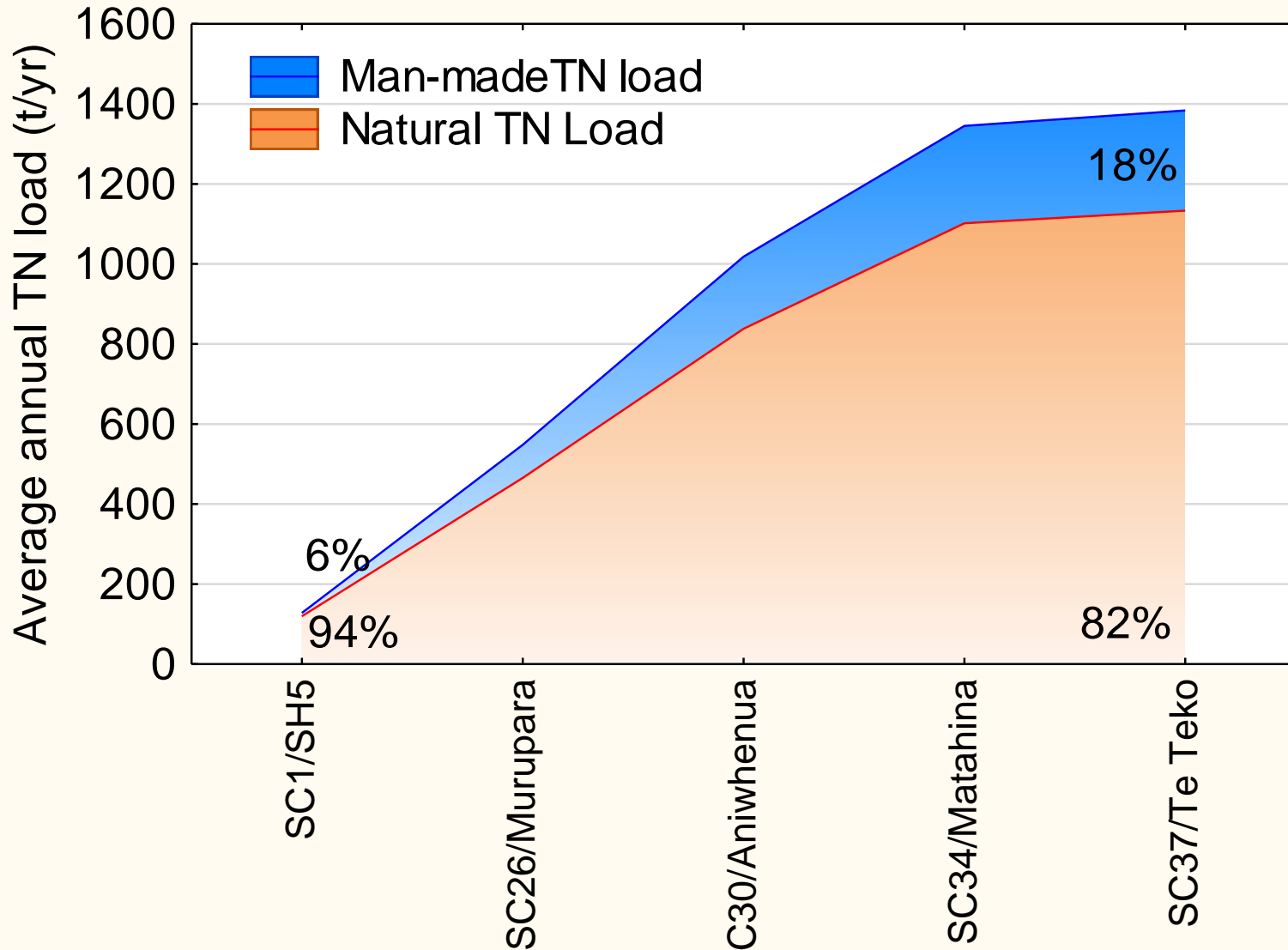
# Modelling Nitrogen Load - Kaituna



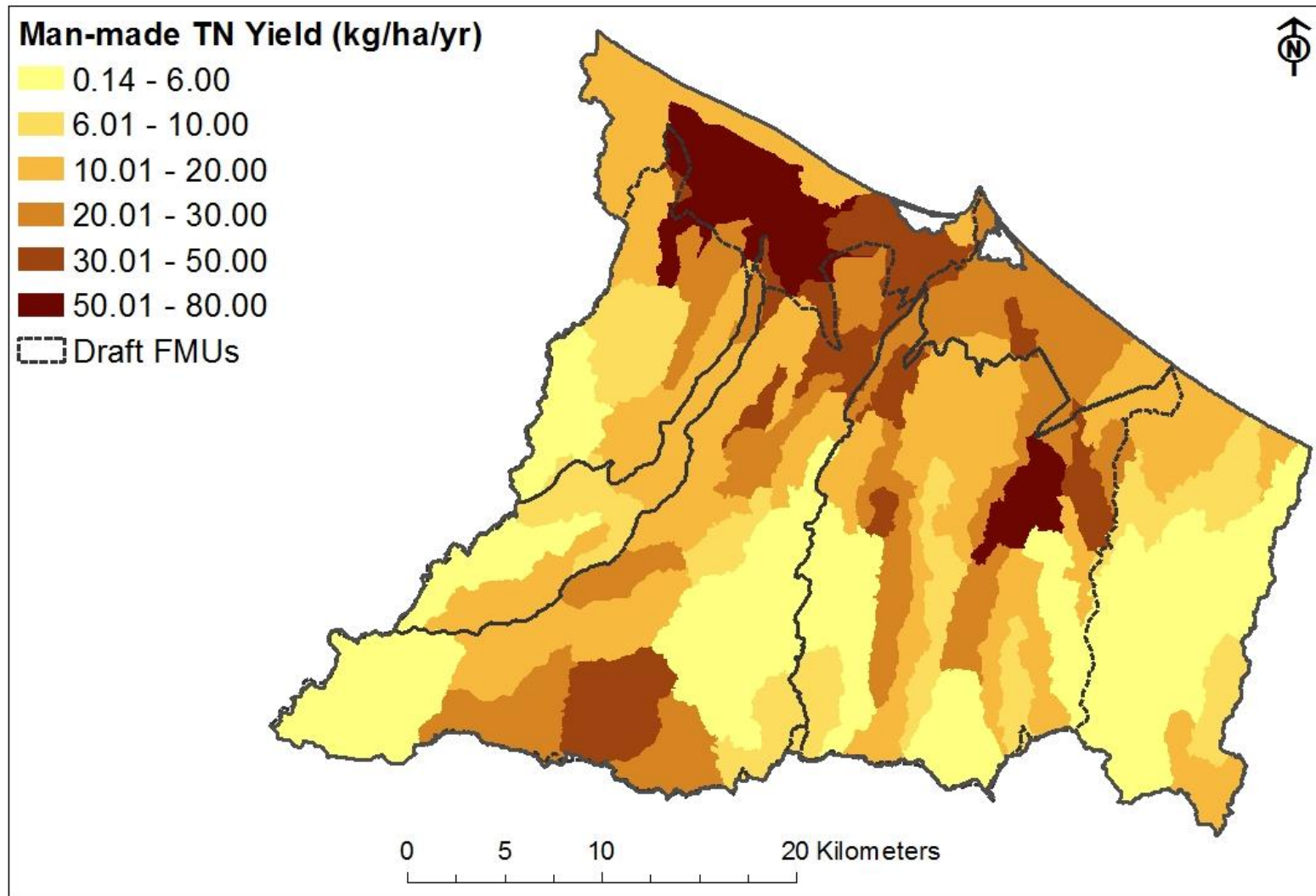
# Modelling Nitrogen Load - Pongakawa



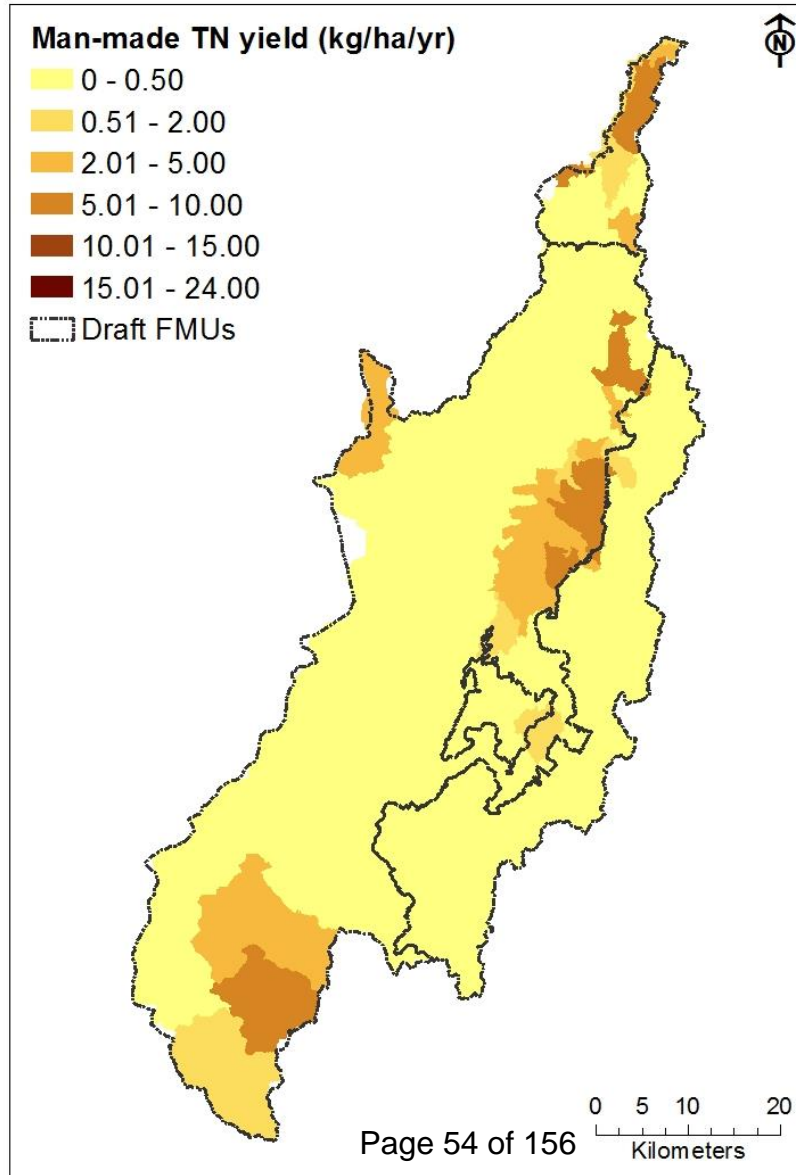
# Modelling Nitrogen Load - Rangitaiki



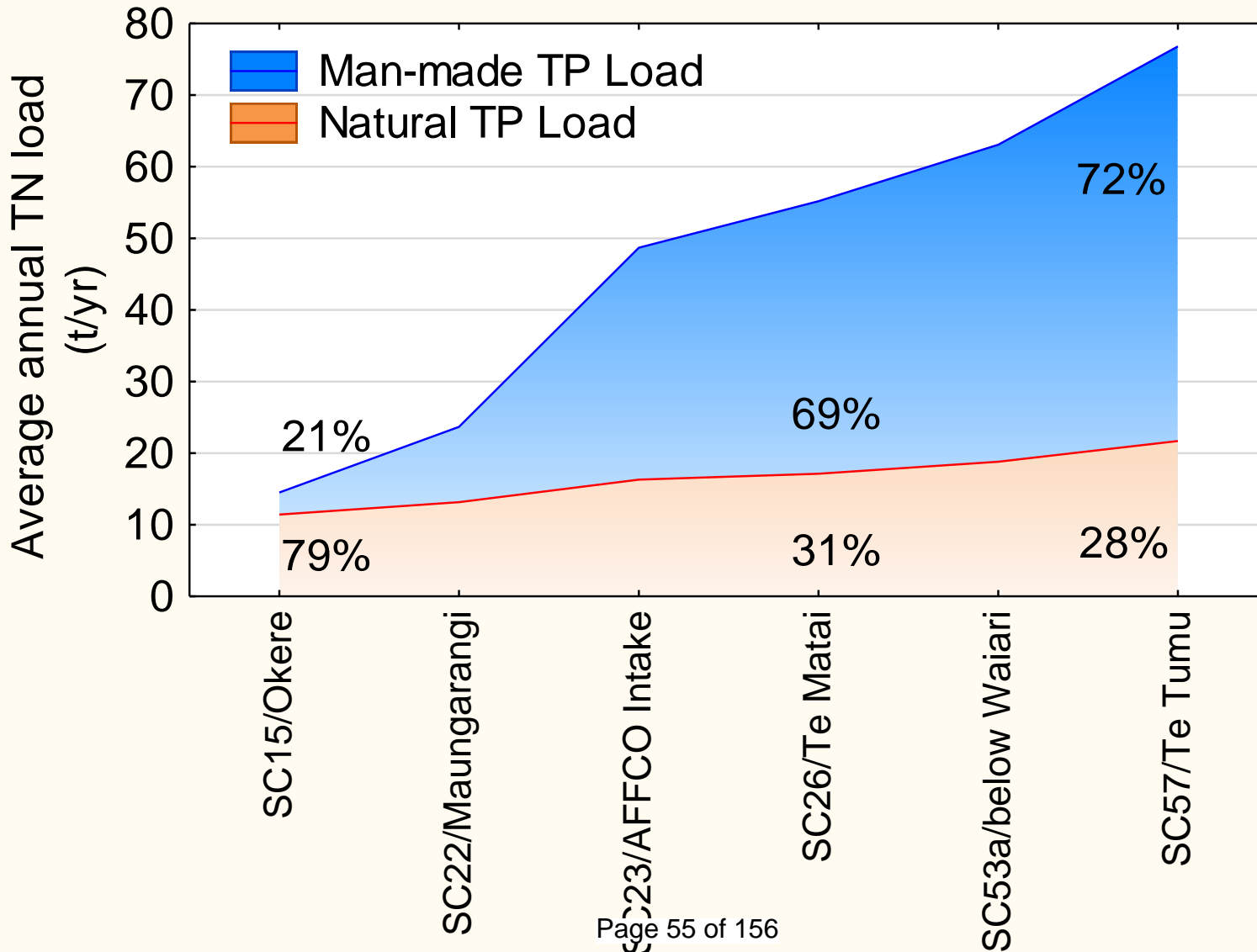
# Modelling Nitrogen Yield - Kaituna



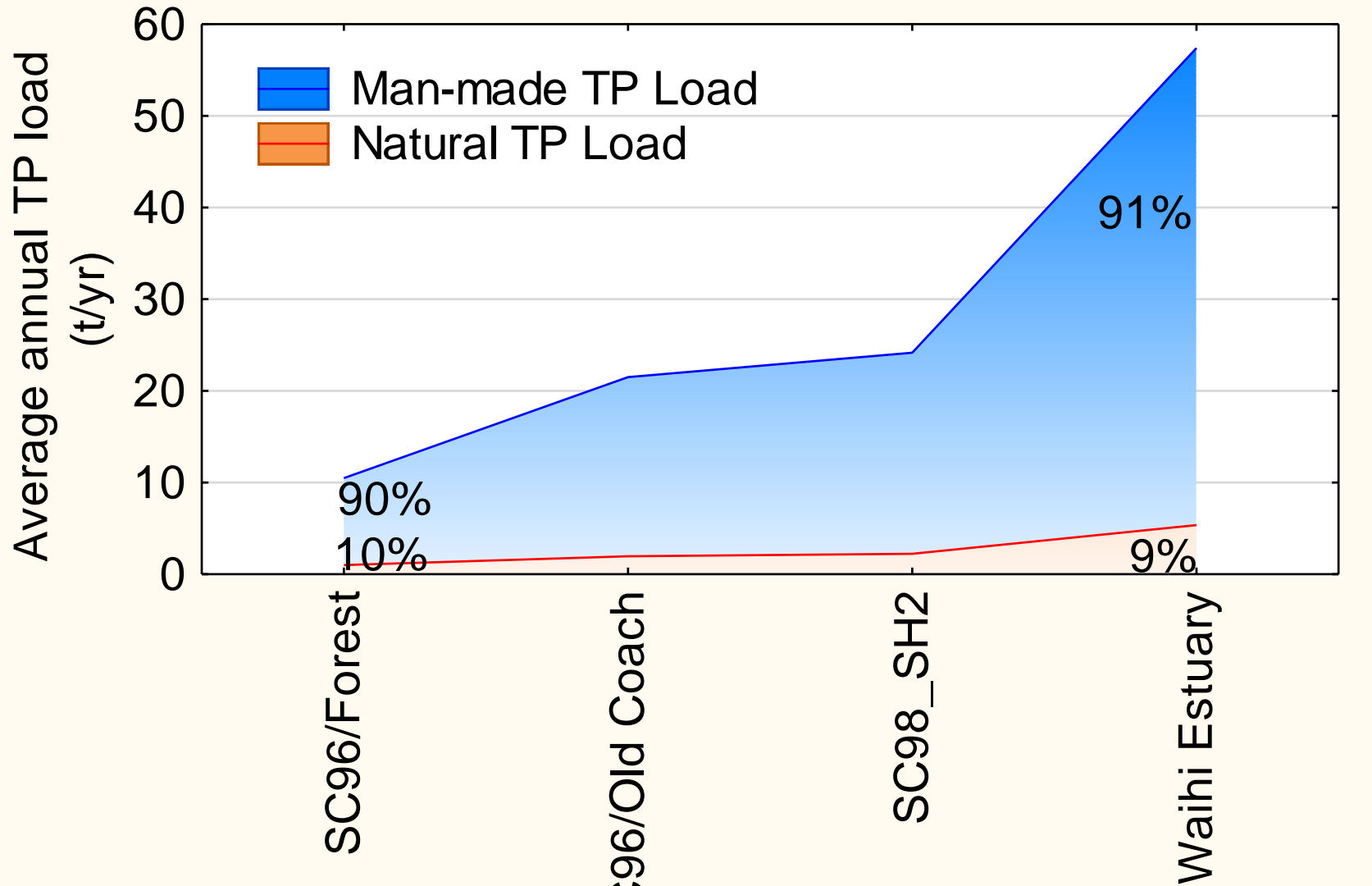
# Modelling Nitrogen Yield - Rangitaiki



# Modelling Phosphorus Load - Kaituna

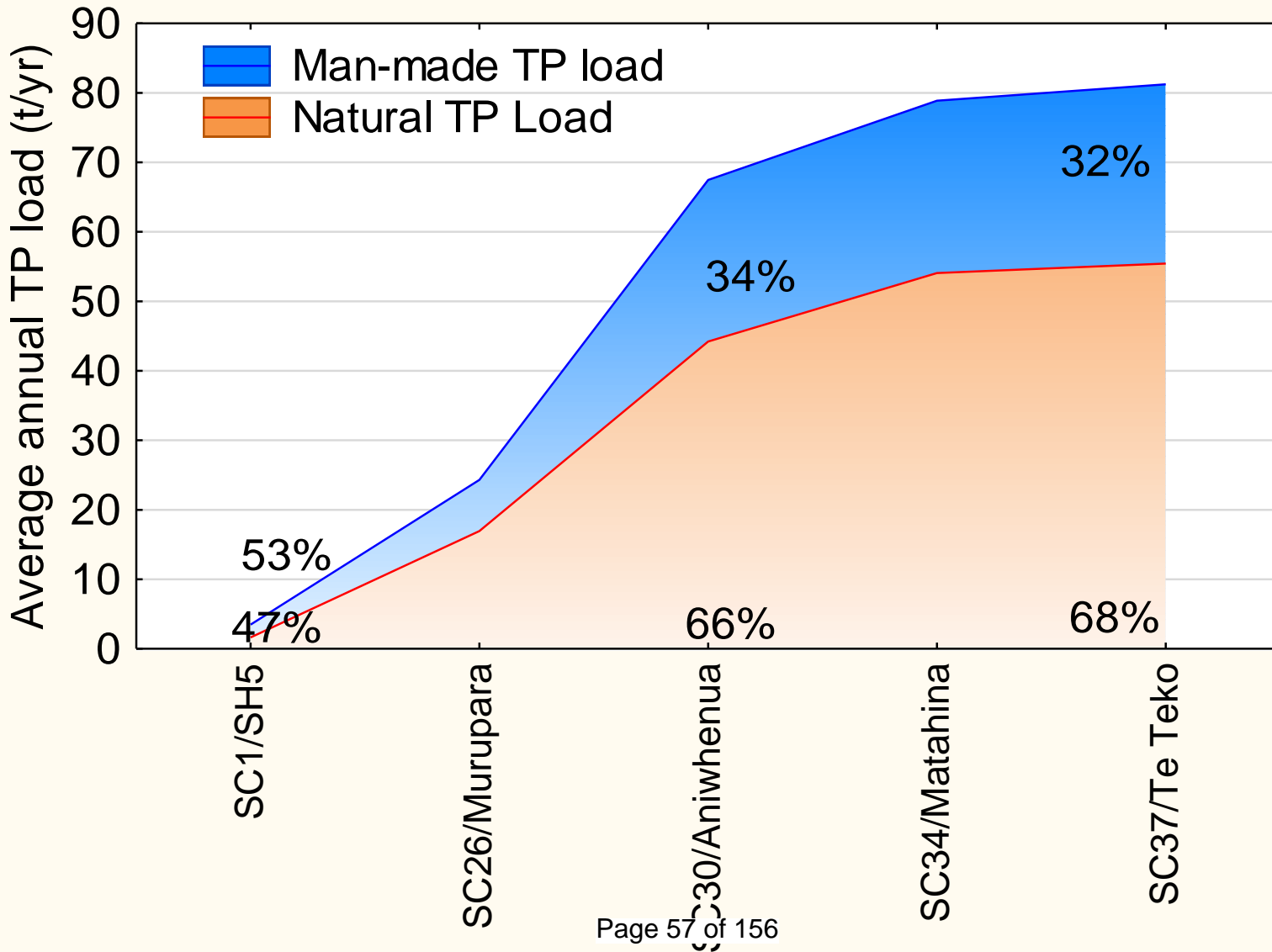


# Modelling Phosphorus Load - Pongakawa

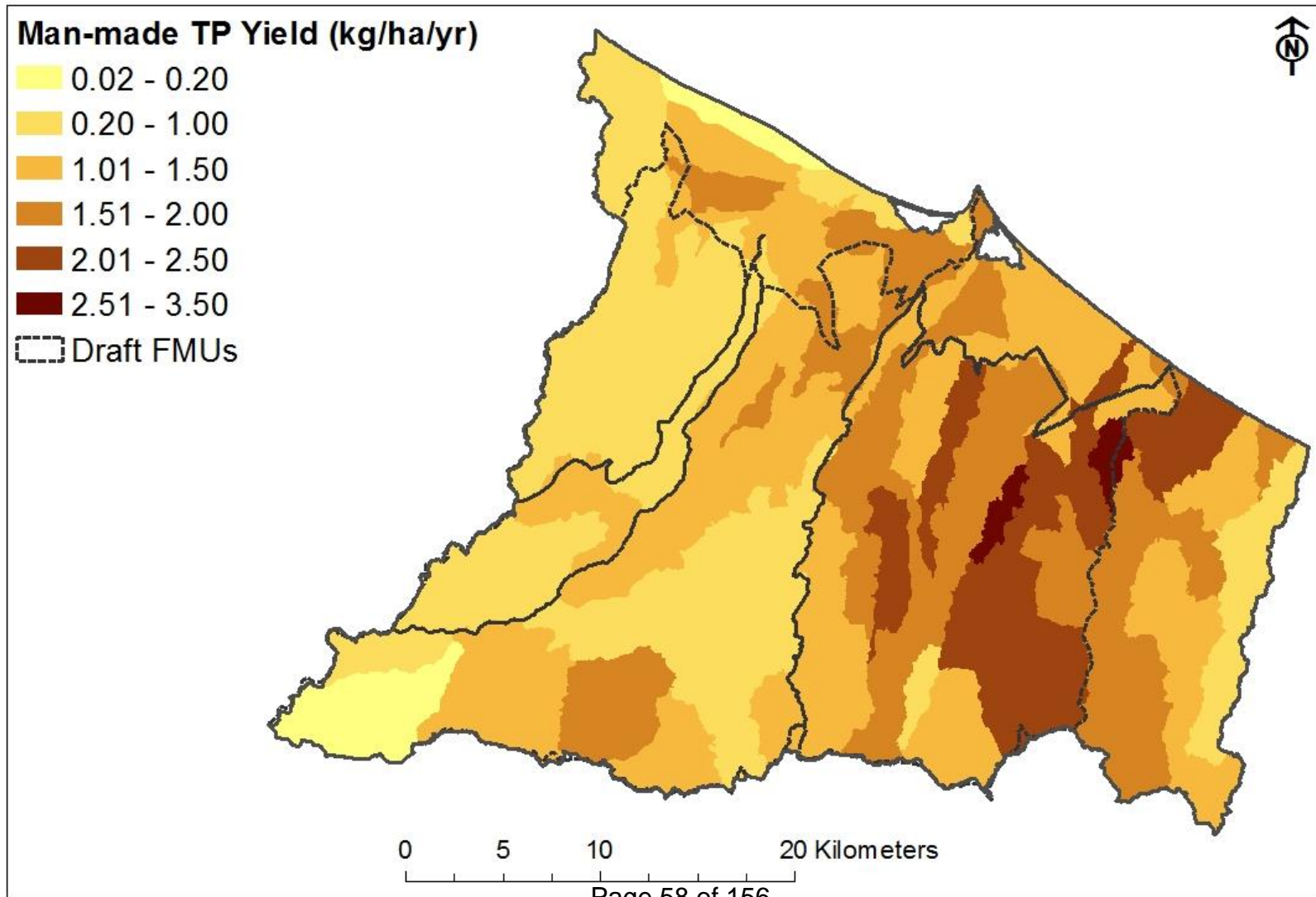




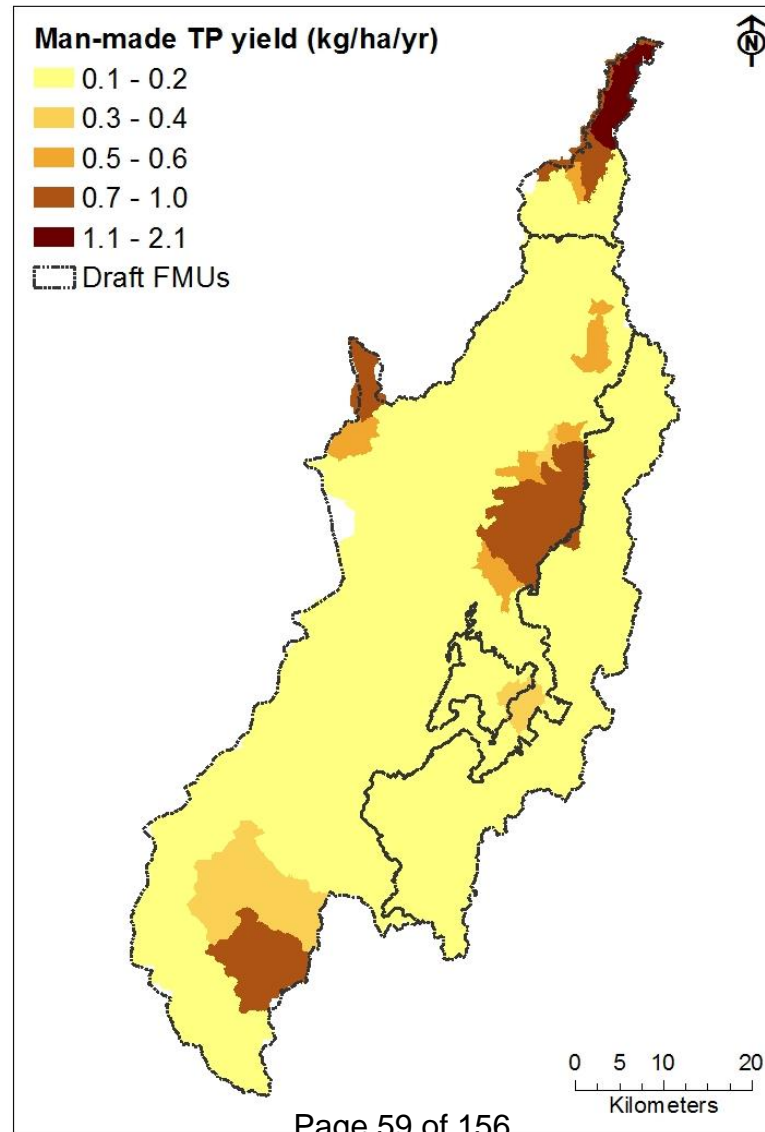
# Modelling Phosphorus Load - Rangitaiki



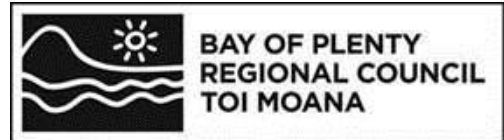
# Modelling Phosphorus Yield - Kaituna



# Modelling Phosphorus Yield - Rangitaiki







**Receives Only – No Decisions**

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** Sarah Omundsen, Acting General Manager, Regulatory Services

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## **Regulatory Compliance Update: June 2018**

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### **Executive Summary**

This report provides a brief update on progress for three areas of regulatory compliance:

- Ongoing work to monitor and improve management of air discharges at the Port of Tauranga and Mount Maunganui Industrial Area
- Compliance in relation to freshwater management, including progress for the Illegal Water Takes project
- The annual snapshot compliance report for Dairy Effluent Discharge Consents (2017/18 Season)

Detailed updates are provided as appended snapshot reports, which will be used for communications and reporting to stakeholder groups and the wider community, as appropriate.

### **Recommendations**

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

- 1 Receives the report, Regulatory Compliance Update: June 2018;**

### **1 Introduction**

The appended snapshot reports provide updates on three areas of work undertaken by the compliance team:

- Appendix 1: Air discharge at Port of Tauranga and Mount Industrial Area – June 2018 (standing item)
- Appendix 2: Water Takes Compliance Snapshot – June 2018 (standing item)
- Appendix 3: Dairy Effluent Snapshot – 2017/18 Season (annual report)

The key points and highlights from these reports are summarised in the sections below.

## **2 Air discharge at Port of Tauranga and Mount Industrial Area – June 2018**

Discharges affecting air quality from activities on the Port of Tauranga (the Port) and around the Mount Maunganui Industrial Area include (amongst other Industrial discharges) nuisance dust, sulphur dioxide, hydrogen sulphide and other industrial gases and methyl bromide venting associated with log fumigations from the Port.

Appendix 1 provides an update on work underway in relation to these discharges affecting air quality in the period of April and May, 2018. Key highlights include:

- The Port of Tauranga are undertaking a number of trials and initiatives to reduce dust emissions from their operations
- Methyl Bromide has received significant attention in the media recently. Following a recent application by the Stakeholders in Methyl Bromide Reduction (STIMBR), the Environmental Protection Authority has concluded that grounds exist for the reassessment of methyl bromide. This paves the way for an application to seek a deferral of the date required for using recapture technology on 100% of fumigations.
- Staff have been working closely with residents, industry, Toi Te Ora and Worksafe to find a resolution on issues relating to dust from a bulk-storage logistics hub on Aerodrome Rd. This area has also received considerable attention in the media.
- Council continues to maintain the three existing air quality monitoring stations in the Mount Maunganui industrial area, and plan to add six additional monitoring stations ready for trial installation in late August 2018.

## **3 Water Takes Compliance Snapshot: June 2018**

This is the second in a series of updates to Council on various water related workstreams being carried by the Regulatory Compliance team. It follows on from the 27 April 2018 update.

In the Appendix 2 snapshot report, the outcomes of the Water Takes Compliance Project are outlined, which included 386 compliance inspections and an audit of nearly 6000 water records.

In addition to this, the report provides an update on progress with the non-consented water take project; most notably, we have completed all initial engagement with registrants, and undertaken a preliminary assessment of their status. Our initial results indicate that at least 53, and as many as 92, of the 138 registrants will require a resource consent for their water take. Staff are preparing two workshops in early July to assist these users in understanding the consenting process, and what is required for a consent application.

## **4 Dairy Effluent Snapshot 2018/18 Season**

Appendix 3 is a snapshot summarising the results from the 2017/18 dairy effluent consent monitoring season. The majority of inspections were carried out during the period from October to December 2017.

In total 271 dairy effluent consents were monitored across the whole of the Bay of Plenty. 74% of those inspected were rated fully complying, while 5% of all of the sites inspected were found to have significant non-compliance issues. Overall the

compliance levels were relatively similar to previous years, although the increase in significant non-compliance from the previous season is of concern. The drop in compliance is reflected by the increased enforcement action taken, which is a direct result of the serious nature of some of the non-compliance observed.

The results from the season will be shared with the Bay of Plenty Dairy Stakeholders Group at their next meeting.

## **5 Implications for Māori**

Tangata whenua and kaitiaki protect the natural and physical environment, waahi tapu and other sites of cultural significance to ensure community and cultural sustainability. The core aim of compliance is to ensure consent conditions, plans, policies, rules and the Act are adhered to and this role directly aligns with tangata whenua and kaitiaki values.

The issues discussed within these reports relate to areas of significance to tangata whenua, particularly with respect to the intrinsic values and mauri of the land, air and water.

## **6 Council's Accountability Framework**

### **6.1 Community Outcomes**

The work outlined in this report directly contributes to the Environmental Protection Community Outcome/s in the council's Long Term Plan 2015-2025.

### **6.2 Long Term Plan Alignment**

This work is planned under the Pollution Prevention Activity in the Long Term Plan 2015-2025.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Pollution Prevention Activity in the Annual Plan 2017/2018.

#### **Future Budget Implications**

Future compliance work is provided for in Council's Proposed Long Term Plan 2018-2028.

Alex Miller

**Compliance Manager - Primary Industry & Enforcement**

**for Acting General Manager, Regulatory Services**

**19 June 2018**





# **APPENDIX 1**

## **Mount Industrial Air Update**





Receives Only – No Decisions

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** Stephen Mellor, Compliance Manager - Urban, Industry & Response

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## **Air discharges at the Port of Tauranga and Mount Maunganui industrial area - an update.**

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### **Executive Summary**

Discharges affecting air quality from activities on the Port of Tauranga (the Port) and around the Mount Maunganui industrial areas include nuisance dust, sulphur dioxide, hydrogen sulphide, other industrial gases and methyl bromide venting associated with log fumigations from the Port.

This report provides an update on current air quality issues and the actions taken by Regulatory Compliance staff, the Port of Tauranga and other business operators in the industrial area to mitigate contaminant impacts from air discharges.

A brief summary of the actions taken by Council in relation to management of the consented methyl bromide discharges is given, as well as an update on the increased air quality monitoring which is due to be operational in the latter part of 2018.

This report is an update on activities undertaken in the period of April and May, 2018.

## **1 Introduction**

Air quality and the discharge of contaminants as a result of Port and business activity in the Mount industrial area continue to raise the scrutiny of community interest groups, residents, business operators and commuters travelling regularly through the area.

Several council teams, including Regulatory Compliance, Consents, Science and Data Services, have staff focussed on working with local businesses to ensure contaminant impacts are controlled and the conditions of resource consents are adhered to.

## **2 Actions taken by the Port since the last report to RDD**

Our staff maintains weekly contact with Port staff and require a monthly update of activities taken to limit the environmental burden of on-Port activities. This report outlines the key air discharge contaminants and the measures taken to limit their impact on the surrounding environment and community.

### **Misting Trials**

The Port has undertaken a series of trials of a system that uses a high pressure low volume pump to charge a mist line fixed to the top hoppers used to unload bulk cargo from ships. The system consists of a water pipeline of 37 individual misting units spaced evenly around the lip of the hopper perimeter.

Trials have worked well with positive results shown in regard to the suppression of fugitive dust derived from unloading operations. The Port will fit out two hoppers with this misting system, and the parts have been ordered. Live continuous operations and further testing will prove the success, or otherwise of the system, and the need for further hoppers to be modified.

Misting cannons which spray a fine mist in the area surrounding the dust source were considered but these require many adjustments to deal with wind shifts. This constrains operations and the cannons are remote from the source of dust so were ruled out in favour of hopper misters.

### **Crane Grab Operations**

The operation of the crane grab has more impact on the amount of dust generated than any other factor. The Port is working on initiatives to provide proximity indicators for the grabs when over the hopper to limit the free fall of material and therefore the potential to create dust.



### **Log Yard Supervisor - additional resource**

The Port has identified that, through better communication from the log marshallers, a more coordinated plough and sweep operation would reduce the time before material is cleaned away. The less time solids spend on the ground the less risk there is for solids to find the way into the stormwater or end up as dust. The Port is investigating hiring a Log Yard Supervisor to better manage cleaning operations. This role would work closely with the Port's Environmental Manager and the log handlers to set appropriate performance standards, co-ordinate what areas are the priority for cleaning, monitor response timeframes and ultimately make recommendation whether additional equipment/resources are required.

### **Sulphur Point Stormwater**

Port staff carried out proactive monitoring to ascertain stormwater pond discharge quality during a series of rain events. The monitoring was undertaken to better characterise the levels of suspended solids and heavy metals discharging into the harbour from the pond discharge point, and look at future treatment options that may be added. In-house water quality sampling undertaken by the Port has so far met the total suspended solids Permitted Activity and Resource Consent limit of 150g/m<sup>3</sup>.

## **3 Methyl bromide**

Methyl bromide continues to receive considerable attention from staff, the media and the general public. Much of the concern is about the potential for Port workers and the public to be exposed to harmful levels of gas, and on progress towards recapture of methyl bromide

- Our investigation into the 8 March 2018 port worker exposure incident, and broader compliance matters, is ongoing. However we expect completion of this by mid-June 2018.
- Staff met with Genera at their request on Wednesday 30 May to discuss short and medium term compliance with the air discharge consent. There are a number of outstanding compliance issues to be resolved which will be discussed at future meetings.
- Stakeholders in Methyl Bromide Reduction (STIMBR) have applied to the Environmental Protection Authority (EPA) to demonstrate grounds for the reassessment of methyl bromide. This has since been approved, leaving the way open for an application to seek a deferral of the EPA date required for using recapture technology on 100% of fumigations (currently October 2020), and possibly a wider reassessment of the controls.
- The EPA has received an application for the fumigant ethanedinitrile (EDN), which could be used as an alternative to methyl bromide in many situations. It has yet to receive market or EPA approval.
- We are aware that there has been increased interest and investment in debarking technology in the logging industry. We can confirm that Kāingaroa Timberlands spoke to the Tauranga Moana Fumigation Action Group (TMFAG) about this recently at their AGM.

- Staff are attempting to facilitate a recapture trial using [Nordiko] technology that utilises activated carbon to capture the Methyl Bromide gas. The supplier (Nordiko) believes this system may have potential for commercial scale recapture.
- On-line news portal, Stuff.co.nz, published an extensive three part article focusing on the use of methyl bromide at the Port of Tauranga.
- The article correctly identified the Port of Tauranga as the location of the highest users of methyl bromide in the country. It presented concerns held by some members of the public and Port workers that people may be exposed to harmful levels of gas.
- The article described the basis for the four abatement notices, and one formal warning, issued to Genera in the last two years, including for fumigating too close to the Port boundary, not notifying of ship fumigation, inadequate signage and not meeting their recapture requirements. While Genera criticised Council for 'trivial policing' rather than focussing on the 'big picture', staff make no apology and consider that these 'trivial' matters are key aspects of ensuring that the public and staff are kept safe.

#### **4 101 Aerodrome Road/De Havilland Way - Dust**

The building located at 101 Aerodrome Road is leased to several different businesses with the separate units or stores holding bulk stock foods prior to being on sold to farmers. The products are varied and include palm kernel, maize, tapioca, dried distilled grains and cotton seed.

BOPRC compliance has received 35 service requests relating to nuisance dust since 2010 in relation to the site. The majority of these requests originate in the vicinity of De Havilland Way.

Despite an extensive response from our officers we have been unable to confirm that an objectionable or offensive discharge has occurred on any occasion. In 2014 and again in 2015 to assist with this situation BOPRC made the decision to carry out air/dust monitoring. This was contracted to an independent third party using a dust monitoring trailer over an extended time period, no breaches of our Regional Plan limits were detected during that time.

##### **Recent Issues**

In February this year Toi Te Ora became aware of a case of allergic bronchitis secondary to exposure to an adverse substance; this was assumed (by them) to be palm kernel dust. This exposure was suspected to have occurred in the vicinity to 101 Aerodrome Road.

Toi Te Ora contracted Emissions Impossible Ltd to investigate the issue on their behalf and we have recently received a final copy of the report.

To confirm a breach of Rule 17 of the Air Plan we have to prove, beyond reasonable doubt that an objectionable, offensive and/or harmful concentration of particulate matter has discharged beyond the subject property or into water. Our opinion is that the findings in the report do not meet the burden of proof required to substantiate a breach of our rules. We are

putting every effort into assisting with this issue although meeting expectation is proving challenging.

BOPRC Regulatory Compliance met with Toi Te Ora and Work Safe on the 29<sup>th</sup> of May to discuss the issue and also the complainants on 6<sup>th</sup> June.

An immediate action plan has been designed to address concerns which will include further proactive on site monitoring by compliance staff and the installation of air monitoring equipment to measure PM<sub>10</sub> dust levels.

## 5 Air quality monitoring stations, the current and future situation

Bay of Plenty Regional Council continues to maintain the three existing air quality monitoring stations in the Mount Maunganui industrial area, and plan to add 6 additional monitoring stations ready for trial installation in late August 2018. Watercare Services Ltd won the tender to maintain and monitor data collected by each station. Sites are currently being prepared for the installation once all the imported components have landed in New Zealand. The new stations will monitor an expanded number of air contaminants, such as methyl bromide and PM<sub>10</sub>, which currently have no permanent monitoring focussed on them.

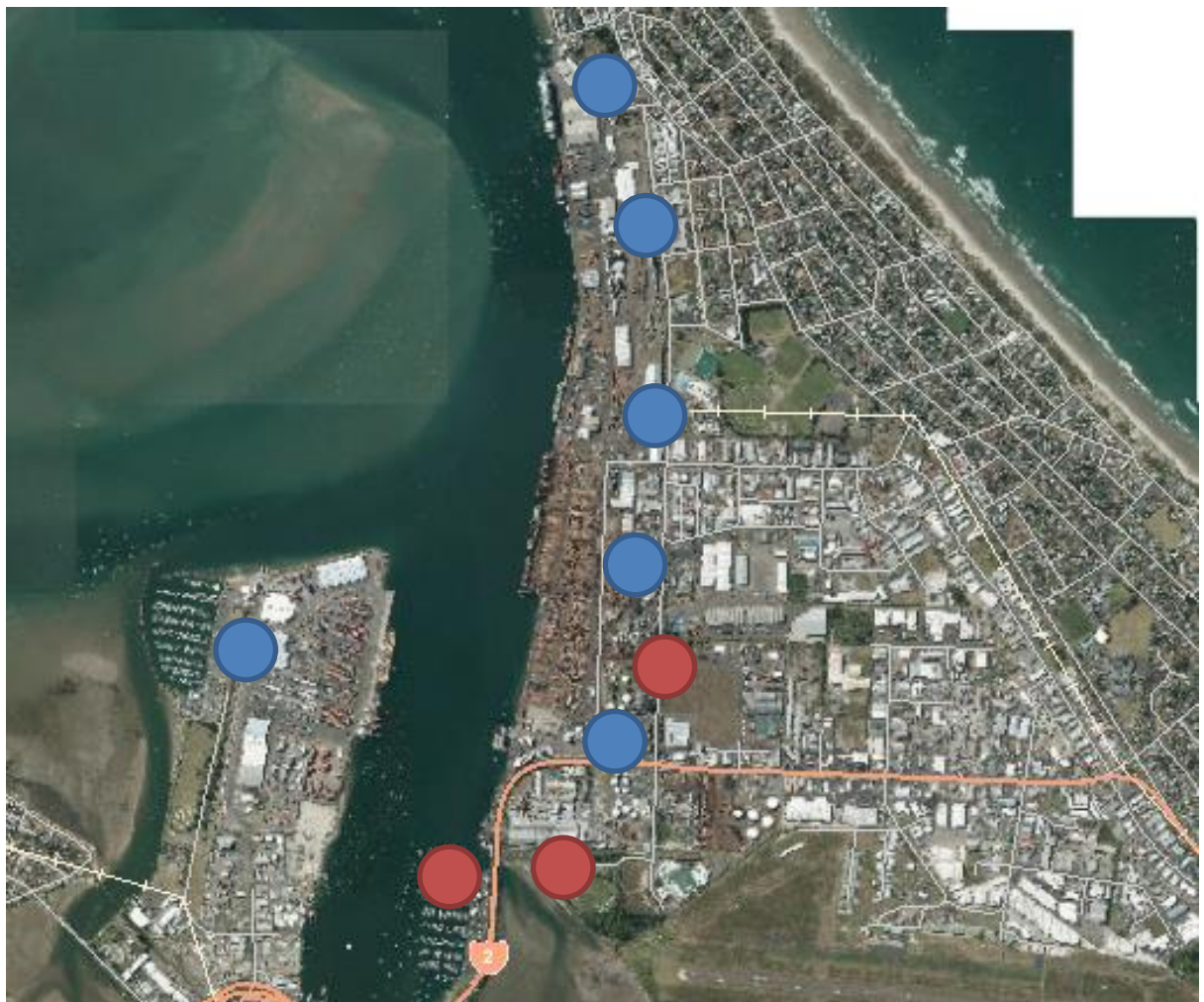

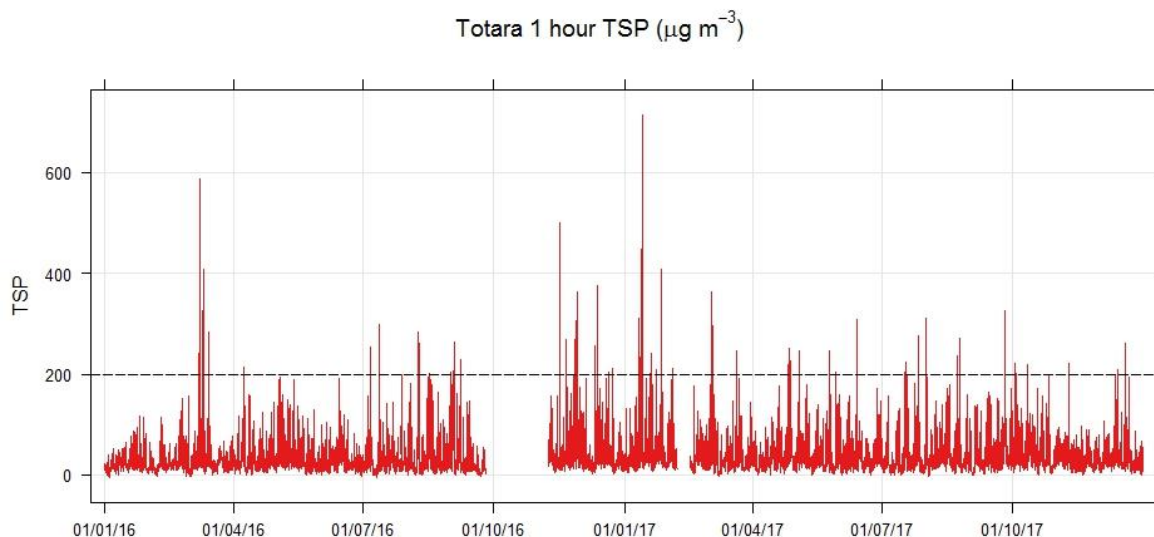


Figure 1:  Approximate locations of new air quality monitoring stations.



Locations of existing air quality monitoring stations.

The Totara Street monitoring site still regularly detects levels of Total Suspended Particulate (TSP) which exceed the Ministry for the Environment Good Practice Guide suggested trigger level of  $200\mu\text{g}/\text{mg}^3$  for high sensitivity locations, as demonstrated in Figure 2. Meteorological data indicates log stacks on the Port are the major contributors to this dust fraction, blowing across the Mount on west and south-westerly winds.



**Figure 2:** TSP 1 hour levels detected at Totara Street monitoring site over a 2 year period, 2016-2018.

### **Whareroa Marae**

Exceedances of the National Environmental Standard for sulphur dioxide ( $\text{SO}_2$ ) and the National Guideline for hydrogen sulphide ( $\text{H}_2\text{S}$ ) were detected at the Whareroa Marae monitoring station in 2016. An investigation into likely sources pointed to discharges from Balance Agri-nutrients Limited. Ballance invested in major capital works to upgrade their processes in mid-2017 and there have been no further recorded gas exceedances, and complaints from the Whareroa and Taiaho Place communities have reduced considerably since these works were undertaken.

Toi Te Ora have worked with the Whareroa Marae community to assess the health impacts of living in close proximity to surrounding industrial discharges and have separately reported on their findings previously.

The council intends to continue maintaining the air quality monitoring station located next to the Kohanga Reo at the Whareroa Marae and sharing the data findings with the community residents.

## **6 Meeting with Stevedore and Marshalling companies**

Council staff recently held a well-attended information session meeting for all Stevedore and Marshalling companies operating on the Port of Tauranga. Under Plan Change 13 - Air Quality, air discharges resulting from activity undertaken on Port land will require air discharge consent.



Port of Tauranga Limited has voiced their reluctance to hold an over-arching consent covering all emitting activities undertaken on their land, claiming it is the companies undertaking the activity that should be consented.

The meeting was called to inform stevedores and marshallers of the change in council approach due to a revision of Air Plan rules and that they, as performers of key activities causing air discharges, may be required to hold consents in the future.

A robust discussion followed the presentation, one of the results being that we were made aware several other interest groups needing to be consulted before any decisions are made on how air discharge consents will be held and managed for activities on Port of Tauranga land.

Reece Irving  
**Senior Regulatory Project Officer**

**for Compliance Manager - Urban, Industry & Response**



## **APPENDIX 2**

### **Water Compliance Snapshot - 15 June 2018**



# Water Compliance Snapshot

15 June 2018 Update

This Snapshot provides a summary of the various water related work streams that the Regulatory Compliance team are currently involved with. This includes commentary on BAU work streams, project work and wider system improvement work.



## Compliance Monitoring

Physical auditing of the sites due to be monitored during the 2017-18 season was completed in May 2018. In total, 386 site inspections were carried out over the period by a regulatory compliance project team.

The main purpose of the onsite audit is to assess compliance of the consented infrastructure i.e. stream intakes, bore heads, meter setup, tamper proof seals, leaking pipes, etc. However staff also highlight any compliance issues with the keeping and submission of water use records, and the undertaking and forwarding of meter system verifications.

The results for the audits are shown below:

Total inspections required (2017/18)	Compliance ratings			
	Complying	Low risk non-compliance	Moderate non-compliance	Significant non-compliance
386	312	70	4	0

Eighty percent of all sites inspected were complying with their consent requirements. Importantly, no sites were found to have any significant non-compliance issues.

The main area of Low risk non-compliance related to incomplete or missing water records. This continues to be by the far the biggest ongoing issue around compliance with water take consents. Records are required through specific consent conditions or via the Water Measuring and Reporting of Water Takes National Regulations.

Over the last 12 months, staff have been working hard to ensure the accuracy of the various Council systems, so response to non-submission of water records will be able to be undertaken more efficiently. Processing and checking

water records is a large and time consuming area of work, with almost 6000 water records being processed over the past 12 months.

For the majority of consent holders who only have to submit their water use records annually, their records for the 2017/18 season are due by the end of July 2018. A report will be run in August to determine compliance with their annual reporting requirements. Consent holders who do not submit required records on time are subject to a late penalty fee (set through Council's RMA Charging Policy), which reinforces the importance of supplying complete water use records in a timely manner.



## Data Systems and Reporting

A major water-take data migration project, which has been running since Accela was first implemented in November 2015, has just been completed. Accela is the Council database which contains all of the electronic consent and compliance information.

The project involved the extraction and interpretation of information from 1200 water-take consent documents, and then entering that data into Accela. This information related to allocation and type of use e.g. irrigation, municipal, etc. The water-take data in Accela is now an accurate and standardised reflection of the consent documents using

calculation and interpretation rules that have been accepted by the Water Accounting Team.

This means that the high number of caveats previously applied on reports has been reduced markedly, enabling analysis to be carried out more efficiently with results that are simpler to communicate.

Also because of the increased accuracy and standardisation of the data, not only is any future design of electronic links into other reporting systems going to be easier, but the information reported will be both suitable and valuable as a public tool. An example of this is where these data values will feed directly from Accela as factors into a spatial reporting tool that is currently being designed and built by the GIS team to show the allocation available (m<sup>3</sup>/d-daily) per Groundwater aquifer.



## Non-consented Water Takes Project

### PROJECT PURPOSE

1. Confirm the activity status for approximately 140 unconsented horticultural water abstractors in the Bay of Plenty;
2. Provide clear timeframes and expectations for those who require a resource consent i.e. do not meet the permitted activity status;
3. Work closely with the horticultural industry partners, ensuring they are kept regularly updated so they can pass on information to their orchardists through their various communication channels.

### PROJECT HIGHLIGHTS

- 1:1 assessment has now been undertaken with all of the registrants, with the exception of 16 who have been unable to be contacted;
- The Water Use assessment form was used to provide a consistent evaluation of water use for each registrant;
- A number of registrants are awaiting confirmation from BOPRC on their status due to the complexity of their water take system. In some cases, this decision will be reliant on a legal opinion around damming and abstracting water from ephemeral waterways;
- On 15 June an email was sent to all registrants who have been assessed as requiring a consent, advising of their status and inviting them to attend one of two consenting sessions to be held in early July (see next point). A more formalised letter will shortly be sent out to all registrants advising of the outcome of their status assessments;
- In conjunction with the Consents team, two workshops will be run on 2 and 4 July 2018. The workshops will be an opportunity for those required to apply for consents to understand the consenting requirements and to assist them with preparing to lodge their applications;
- On 5 June 2018 the Project team, including external partners, met to discuss the outcome of the initial assessments. It was also a chance to discuss opportunities to ensure clear messaging goes out to growers around the requirements to legally abstract water in the Bay of Plenty. The industry explained the important role that the various GAP (Good Agricultural Practice) programmes have within the avocado and kiwifruit industries, and how these programmes can assist with ensuring compliance with water take consents maintains a focus for their growers.

### PROJECT SUMMARY

Number of Individual Registrants		<b>123</b>
Number of individual takes to be assessed (subject to change)		<b>138</b>
One on one contact made and initial assessments undertaken (as of 30 May 2018)		<b>122</b>
Number of Registrants unable to be contacted		<b>16</b>
<b>Of those assessed:</b>	Take requires consent (or change to existing consent)	<b>53</b>
	Need further information before final confirmation of status	<b>23</b>
	No consent required (meets PA, takes from municipal supply or covered by existing consent)	<b>36</b>
	Take already covered by consent	<b>10</b>

# **APPENDIX 3**

## **Dairy Effluent Compliance Snapshot 2017-18**





# Compliance snapshot report: Dairy effluent

2017/2018 monitoring season

## KEY POINTS

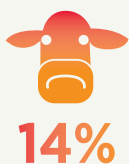


Approximately 680 current dairy shed consents in the Bay of Plenty region

271 dairy shed consents **monitored** – a **22% decrease** on the number monitored last season



74% of farms checked at their first visit **complied** with their consent conditions



14% of farms had a **serious non-compliance** noted at their first visit

14

14 abatement notices served

6

6 infringement notices issued

7

7 prosecutions initiated

## What was found during the 2017/18 inspections?

Bay of Plenty Regional Council monitored 271 dairy discharge consents during the 2017/18 survey. Results reported in this snapshot relate to the compliance at the first visit. Subsequent visits for sites rated moderate or significant non-compliance are carried out until full compliance is achieved.

The majority (74%) of consents inspected were rated as complying, while a further 12% of consents inspected received a rating of low risk non-compliance. 14% of consents monitored breached conditions relating to environmental effects or best practice.

## Top 3 issues found

- 1 Poor pond management - full or overflowing
- 2 Effluent irrigation causing bad ponding and/or runoff to waterways
- 3 Effluent observed discharging through the stormwater diversion system

## Summary of the Compliance Rating System

Complying	Low risk non-compliance	Moderate non-compliance	Significant non-compliance
At the time of the inspection the consent holder was complying with all consent conditions that were able to be assessed.	These non-compliances are considered to only have minor or no adverse environmental effects. Examples include excessive weed growth in storage pond, irrigator less than 20m from property boundary, paperwork not in order.	Environmental effects and/or best practice conditions not met, but not resulted in direct discharge of effluent to waterways. Examples include storage pond overflowing to land, ponding of effluent from irrigator observed.	Repeated breach of environmental effects and/or best practice conditions, or significant breach of environmental effects. Also includes a breach of abatement notice. Examples include ponds or sumps overflowing into waterways, irrigators discharging into waterways.
			<b>Serious non-compliance</b>
			A combination of the moderate and significant non-compliance categories.

# Compliance snapshot report: Dairy effluent 2017/2018 monitoring season

## Compliance

### What was checked?

Staff inspected all aspects of the effluent treatment and/or disposal systems against the specific consent requirements during their visits. This included inspecting effluent sumps, pipework and ponds; inspecting the location of stormwater diversion systems; where possible viewing the irrigation system; and checking for obvious signs of seepage from effluent ponds into watercourses.

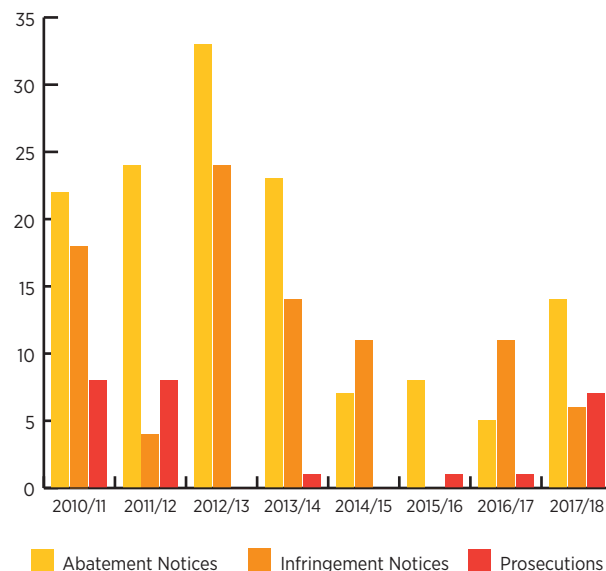
In addition, staff checked whether the property had feedpads/standoff pads, and if so, checked where the runoff from those facilities went.

Compliance levels at first visit over the last eight seasons



## Enforcement

Types and numbers of enforcement action taken over last eight seasons



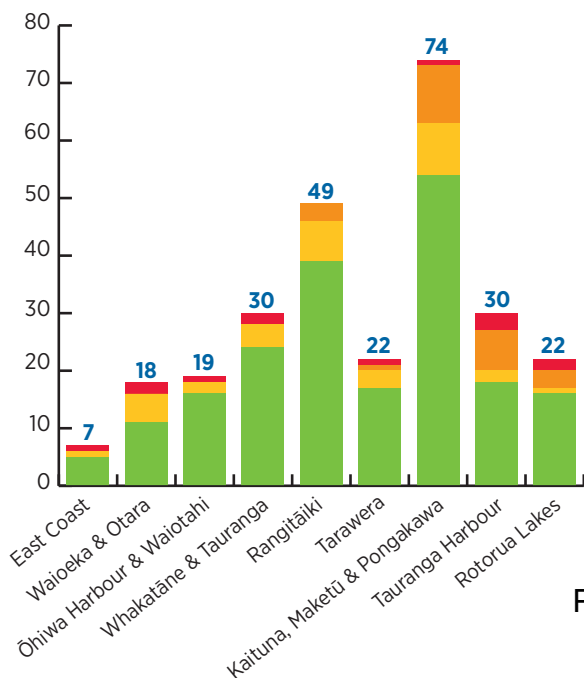
Note: Some sites may receive more than one infringement or more than one abatement notice.

Abatement notices are formal instructions. They are a direction to either cease doing something, take action to address an environmental effect, or to comply with consent conditions.

Infringement notices (fines) are issued for serious non-compliance offences that don't warrant prosecuting. The fine is \$750 for most dairy-related offences.

Prosecutions are undertaken for the most serious of offending, where actual impacts on the receiving environment are significant, or have the potential to be significant. Maximum penalties of up to \$300,000 or two years imprisonment can be awarded against individuals, or up to \$600,000 for corporate entities.

### Dairy Discharge Inspections Per WMA 2017/18



## More information

For more information on compliance and enforcement undertaken by Bay of Plenty Regional Council, contact a Regulatory Compliance Team Leader.

**Phone:** 0800 884 880

**Fax:** 0800 884 882

**Pollution Hotline:** 0800 884 883

**Email:** [info@boprc.govt.nz](mailto:info@boprc.govt.nz)

**Website:** [www.boprc.govt.nz](http://www.boprc.govt.nz)





**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** David Phizacklea, Regional Integrated Planning Manager

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## **Regional Policy Statement Implementation - Air Quality Workstream**

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### **Executive Summary**

This report presents the implementation workstream for the Regional Policy Statement (RPS) Air Quality provisions. It sets out how implementation of the RPS Air Quality policies and methods is tracking and whether the objective is being achieved.

The RPS Air Quality implementation work stream involves one objective, three policies and eight methods of implementation. There is a high level of implementation of these provisions. The development and recent notification of the Air Quality Plan Change (Proposed Change 13) to the Regional Natural Resources Plan has meant the RPS policies are being given effect to and implemented. It is recognised that air quality issues still exist in parts of the region as reported on elsewhere in the meeting agenda.

### **Recommendations**

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

- 1 Receives the report, Regional Policy Statement Implementation - Air Quality Workstream.**
- 2 Notes that the Air Quality provisions of the operative Bay of Plenty Regional Policy Statement are well on track to be implemented prior to the formal review of the second generation Regional Policy Statement in 2024, due primarily to the Air Quality Plan Change (Proposed Change 13) to the Regional Natural Resources Plan.**

### **1 Purpose**

The purpose of this report is to present the implementation workstream for the Regional Policy Statement (RPS) Air Quality provisions. It sets out how implementation is tracking, identifies key actions, timeframes, responsibilities and any resourcing gaps necessary in order to ensure the air quality provisions are implemented during the life of the second generation RPS.

This report specifically relates to implementation of the RPS Air Quality policies and methods and achieving Objective 1 which states: *"The adverse effects of odours,*

*chemical emissions, and particulates are avoided, remedied or mitigated so as to protect people and the environment”.*

Matters raised in submissions to the Air Quality Plan Change (Proposed Change 13) to the Regional Natural Resources Plan (RNRP) and updates on air quality enforcement matters are dealt with in two separate papers in this agenda.

## 2 Background

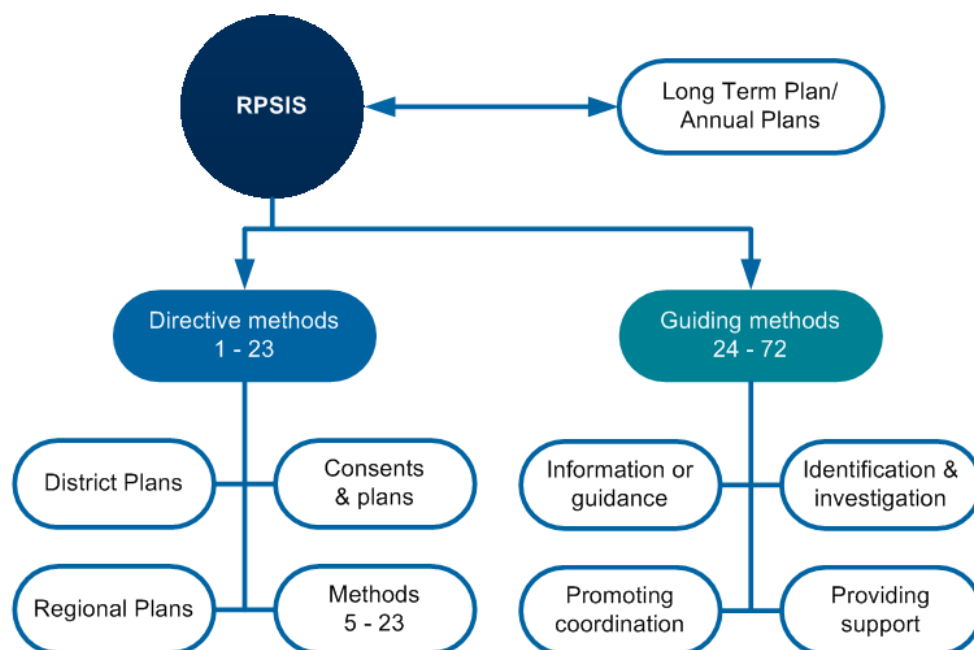
The Regional Policy Statement (RPS) became operative on 1st October 2014. The purpose of regional policy statements is set out in Section 59 of the Resource Management Act 1991, as follows:

*To achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resource of the whole region.*

The RPS sets out a long term, integrated, strategic policy framework to assist with achieving the sustainable management of the region’s natural and physical resources over its 10 – 15 year lifetime.

To be effective, the RPS policy framework relies upon a consistent implementation process. That process is outlined in this RPS Implementation Strategy (RPSIS) approved at the Regional Direction and Delivery Committee meeting on 17 November 2015. At that meeting the Air Quality work stream ranked eighth in priority order.

The primary focus of the RPSIS is ensuring all policies and methods are implemented. Resourcing is required by local authorities to develop plan changes and other projects required to implement the RPS. A range of methods will be used to implement the RPS. Methods include directive (statutory) and guiding (non–statutory) approaches shown on the following diagram.



## 2.1 Air Quality Issues and Objective

The RPS Air Quality chapter identifies two significant resource management issues as follows:

### 1. Impacts of odours, particulates and chemicals on amenity and well-being

*Some odours, particulates, and the emission of chemicals degrade amenity, human health and well-being when they are inconsistent with the existing activities or air quality of the area or when they are not adequately mitigated. An example would be when dust soils surfaces or smoke odour is objectionable.*

### 2. Effects of fine particulate matter on human health

*Fine particulate matter harms human health. Domestic heating fires are the main source of fine particulate matter in some areas.*

To address these Air Quality issues the RPS sets out Objective 1 and corresponding three policies and eight methods of implementation. These provisions collectively seek to achieve the chapter's objective for managing air quality within the region. The Air Quality provisions of the RPS have been reproduced and included in Appendix 1 to this report.




## 3 Implementation


The Air Quality chapter contains three Policies AQ 1A, AQ 2A and AQ 3A. Policies AQ 2A and AQ 3A rely on regional plan implementation while Policy AQ 1A relies on both resource consents and regional plans for its implementation.



Six methods of implementation are linked to the Air Quality policies namely Methods 2, 3, 5, 6, 24, 38, 53 & 54.









The table below summarises the progress made in implementing the RPS Air Quality policies and methods to date. Appendix 2 includes a more detailed analysis of progress being made in implementing each policy and method.

A traffic light system is used to identify progress implementing the Air Quality policies and methods.

Symbol	Description
	Implementation well on track
	Implementation underway but issues/problems will impede progress
	Not implemented/started.

RPS Air Quality Policies	Implementation Progress
Policy AQ 1A: Discouraging reverse sensitivity associated with odours, chemicals and particulates	

Policy AQ 2A: Managing adverse effects from the discharge of odours, chemicals, and particulates	
Policy AQ 3A: Managing adverse effects of fine particulate contamination	

RPS Air Quality Methods	Implementation Progress
Method 2: Regional plan implementation	
Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	
Method 5: Bylaws to manage unacceptable levels of fine particulate contamination	
Method 6: Agrichemical users to apply best practice	
Method 24: Provide information about reducing air pollution	
Method 38: Integrated management of airsheds	
Method 53: Research and monitor the effects of discharges	
Method 54: Research and monitor agrichemical spray drift effects on human health	

### 3.1 Air Quality Plan Change (Proposed Plan Change 13)

The Air Quality Plan Change (Proposed Change 13) to the Regional Natural Resource Plan (PC13 Air Quality) was notified in February 2018. PC13 Air Quality is the primary mechanism for implementing the RPS Air Quality provisions.

PC 13 Air Quality establishes a regulatory regime for managing the effects of Air Discharges caused by odours, particulates and chemicals. PC13 Air Quality addresses the regionally significant air quality issues and provides a comprehensive rule framework for air discharge activities.

PC13's policy structure ensures any air discharge activity that requires resource consent include an assessment against the relevant policies. In particular Policy AQ P3 *Management of discharges* which sets out how activities that discharge contaminants are to be managed, including use of the best practicable option. Additionally Policy AQ P4 *Matters to consider* when considering the acceptability of any discharge of contaminants particular regard be had to the proximity of sensitive activities.

Overall implementation of the three RPS Air Quality policies is considered to be well on track with the notification of PC13. PC13 has addressed the management of discharge of odours, chemicals, and particulates and associated reverse sensitivity effects through the new policy and rule framework.

### 3.2 Areas of interest

The assessment of the RPS Air Quality policies and methods highlights three methods (Methods 38, 53 and 54) that require additional resourcing to implement as discussed below.

#### 3.2.1 Method 38 Integrated Management of Airsheds

Method 38 relates to integrating management of airsheds within the region to ensure city and district councils achieve the PM10 national environmental standards for air quality.

The Rotorua Airshed is currently exceeding fine particulate matter (PM10) standards set by the National Environmental Standard for Air Quality. The main cause is domestic fires used for home heating which release fine particulate matter into the environment.

PC13 has a strong focus on regulating discharges from solid fuel burners within the Rotorua Airshed. There are two specific PC13 policies which focus on the Rotorua Airshed being Policy AQ P7 *Solid Fuel Burners in Rotorua Airshed* and AQ P10 *Offsets in Rotorua Airshed*. Subsequent to these policies are three dedicated rules for solid fuel burners within the Rotorua Airshed.

Other ways air quality in the Rotorua Airshed has been managed is through the establishment and implementation of a local bylaw. Rotorua Lakes Council has created a Bylaw known as the "Rotorua District Council Air Quality Control Bylaw 2017". The purpose of the Bylaw is to protect, promote and improve public health and safety by regulating solid fuel burners and indoor open fires. The Bylaw provides restrictions on the sale and installation of solid fuel burners within the Rotorua Airshed. Phasing out of big burners is proposed in 2020. Further to the provisions Bay of Plenty Regional Council has also introduced incentives to help financially assist homeowners to convert their heating.

Although significant progress has been made through PC13 and collaboration between Rotorua Lakes Council and Regional Council through the local bylaw there is still a lot of change required in order to meet the National Environmental Standard for Air Quality by 2020.

#### 3.2.2 Method 53 Research and monitor the effects of discharges

Implementation of this method is tracking well in relation to monitoring of discharges. There is significant work being undertaken to understand and monitor the effects of industrial activities on air quality within the region. The majority of these issues raised via complaints relate to industrial activities at Ngāpuna (Rotorua) and Mount Maunganui. As discussed in Appendix 2 of this report both of these areas have monitoring stations to help provide accurate monitoring information to better understand the air quality issues within these areas. Six new air monitoring stations have been approved around the Mount Maunganui area to help better understand the air quality effects in this area.

Researching the effects of these discharges to date has not been implemented and reliance has been on National guidance and World Health Organisation research on particular issues related to industrial air quality effects. Once Council has regular monitoring information from these monitoring stations, more specific research may be

required. However this may not be necessary and Council could continue to rely on higher level research.

### **3.2.3 Method 54 Research and monitor agrichemical spray drift effects on human health**

There are a number of complaints received each year around agrichemical spraying. As discussed in Method 6 commentary in Appendix 2, the regional air plan provisions and PC13 rely on best practice around application. Method 54 seeks Regional Council work with the Ministry of Health, relevant agencies and industries to research, monitor and report on the effects of agrichemical spray drift on human health. To date this method has not been implemented. Fact of the matter is monitoring spray drift and particulates associated with agrichemicals are notoriously difficult.

Since the RPS became operative, changes to the Resource Management Act have removed the requirement to cover Hazardous substances. The Resource Legislation Amendment Act (RLAA) 2017 amended sections 30 and 31 to remove the control of hazardous substances as an explicit function of councils. This means councils no longer have an explicit obligation to regulate hazardous substances in RMA plans, or policy statements. In most cases HSNO and Worksafe controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances.

## **4 Matters for Formal RPS Review**

From the assessment of the RPS Air Quality polices and methods, it is noted that implementation of methods 38, 53 and 54 will need to be further improved and addressed during the formal RPS review in 2024. Noting that as Proposed Change 13 Air Quality progresses through the Schedule 1 process, additional matters raised by submissions may warrant further consideration.

The RLAA 2017 changes to Regional Council's responsibility around Hazardous substances means we can refine the provisions focused on hazardous substances (e.g. Method 54) to align with the RMA and our responsibilities in this area.

## **5 Māori Implications**

Air quality has been a particular concern for Māori in relation to industrial activities in close proximity to Whareroa marae in Mount Maunganui and Hinemihi Marae in Ngāpuna, Rotorua. Complaints around air quality have been ongoing for a number of years and as a response monitoring stations have been set up close to these two marae to help understand the extent of the issue. Regional Council staff have also facilitated, through consenting and compliance processes under the Resource Management Act, improved relationships between these marae and the managers of adjoining industrial activities to help improve air quality and other environmental issues within these areas.

There are health and financial implications for Māori within the Rotorua Airshed particularly the requirements for upgrading solid fuel burners. There is an affordability issue which Council has addressed via the hot swap loan and low income wood burner and heat pump grants available to qualifying residents within the Rotorua urban area.

PC13 Air Quality has incorporated use of Te Reo Maori throughout the document in translation each of the objective, policies and rules headings.



## **6 Council's Accountability Framework**

### **6.1 Community Outcomes**

This project/proposal directly contributes to the Water Quality and Quantity, Environmental Protection, Resilience and safety and Economic Development Community Outcome/s in the council's Long Term Plan 2015-2025.

### **6.2 Long Term Plan Alignment**

The cost of implementing the Regional Policy Statement is budget for in the Long Term Plan (2015-2025) in the Regional Planning activity. The 2017/18 budget for implementation of the RPS is \$42,091. Costs for analysing and reporting on the RPS Air Quality provisions are staff time only.

#### **Current Budget Implications**

Costs in setting up, analysing and reporting on the implementation of the RPS air Quality provisions are staff time only. These costs are met within the wider Regional Policy Statement implementation budget for 2017/18.

#### **Future Budget Implications**

The RPS Implementation Strategy costs are provided for under the Long Term Plan 2015-2025 within the RPS Monitoring and Implementation budget under the Regional Planning activity. Additional funding will be required if Council decides to proceed with any changes to the Air Quality provisions of the RPS.

Esta Farquhar  
**Planner (Regional Integrated)**

**for Regional Integrated Planning Manager**

**20 June 2018**



# **APPENDIX 1**

## **Air Quality Provisions of the operative Bay of Plenty Regional Policy Statement**



# Air Quality Provisions of the Regional Policy Statement

## 2.1 Air quality

While the Bay of Plenty region is generally considered to have good air quality, the region does experience localised problems that impact on the amenity and health of the community. Degradation of air quality can be caused by:

Odours – e.g. sewage;

Particulates – e.g. smoke and dust; and

Chemicals – e.g. spray drift.

Amenity values are the qualities and characteristics of an area that influence how people appreciate that area. Amenity values may be diminished through poor air quality. However, people should also be reasonable about the expected amenity of an area. What may be considered offensive or objectionable in an urban area may not necessarily be considered offensive or objectionable in a rural area. As an example, in rural areas background odours from agriculture and horticulture are part of the rural amenity and should be expected and anticipated.

The main sources of odour within the region are from geothermal activity, intensive agricultural activities, sewage-treatment facilities and industrial activities.

Particulate contamination can occur from a number of activities. Smoke emissions arise from many combustion processes, including domestic heating and farm burn-offs. Dust emissions arise from activities such as subdivision development, vehicle movements on unsealed yards and quarrying. Particulates have many adverse effects. These include lung and eye irritation, soiling of clean surfaces and a general reduction in amenity values.

A key air shed in the Bay of Plenty region is the gazetted Rotorua Urban Airshed. The Rotorua Urban Airshed has exceeded national environmental standards for air quality. The main cause is domestic fires used for home heating which release fine particulate matter. Although monitoring shows that air quality elsewhere in the region is meeting the national standards, it is still important to manage air quality. The Operative Bay of Plenty Regional Air Plan, in particular, plays a significant role through rules on discharges to air.

There is potential in the region for the use of cleaner renewable fuels combined with modern burning technologies. These can reduce fine particulate matter compared with non-renewable fuels.

A range of chemicals and combustion gases are released by industrial activities within the region. These emissions may result from activities such as pulp and paper processes or from the use of solvents. Sprays and chemical compounds, including herbicides, insecticides, fungicides and fumigants (such as Methyl Bromide) used for horticultural, agricultural and quarantine or pre shipment purposes, are also of concern when used inappropriately.

Conflict can arise when sprays affect other properties. The use of agrichemical sprays may result in significant benefits to community wellbeing e.g. through increased production and

pest control and eradication, and limitation of biosecurity risk. However, the inappropriate use of agrichemicals has the potential to damage the health and wellbeing of communities.

The region includes geothermal systems which naturally discharge the odorous compound hydrogen sulphide (H<sub>2</sub>S). In and around these geothermal systems the H<sub>2</sub>S odour may be a feature of the existing air quality.

Greenhouse gases, such as carbon dioxide, are produced from the burning of fossil fuels. Central government is responsible for managing the effects of greenhouse gases on climate change, where as local authorities are required to manage the effects of climate change on the environment. This chapter does not directly address greenhouse gases or climate change.

## **2.1.1 Regionally significant air quality issues**

### **1 Impacts of odours, particulates and chemicals on amenity and well-being**

Some odours, particulates, and the emission of chemicals degrade amenity, human health and well-being when they are inconsistent with the existing activities or air quality of the area or when they are not adequately mitigated. An example would be when dust soils surfaces or smoke odour is objectionable.

### **2 Effects of fine particulate matter on human health**

Fine particulate matter harms human health. Domestic heating fires are the main source of fine particulate matter in some areas.

## **Air Quality Policies**

### **Policy AQ 1A: Discouraging reverse sensitivity associated with odours, chemicals and particulates**

Actively discourage:

- (a) Locating new sensitive activities near activities that discharge offensive and objectionable odours, chemical emissions or particulates; and
- (b) Locating new activities that discharge offensive and objectionable odours, chemical emissions or particulates near sensitive activities.

### **Explanation**

After contaminants are discharged to air their effects are often difficult to remedy or mitigate. Therefore it is important to avoid adverse effects of contaminant discharges to air through careful consideration over the location of land use activities. New sensitive activities, such as residential activity, should not be established near land uses or activities that discharge offensive and objectionable odour, particulates or chemicals because the discharge can adversely affect the health of people and lower the amenity values of the surrounding areas. New land use activities that discharge offensive and objectionable odour, chemicals, and particulates also need to be discouraged in sensitive areas. Land uses or activities that may potentially affect sensitive activities include:

- Gases from combustion processes.
- Wastewater treatment plants and agricultural activities that emit odours.
- Horticultural activities and agricultural activities that discharge sprays and odours.
- Open burning that emits smoke.
- Earthworks, poor yard management and quarrying that emit dust.
- Geothermal use and development

In achieving Policy AQ 1A it may be necessary to zone or restrict certain activities, or impose other district plan mechanisms such as building setbacks and planted buffer areas to avoid or mitigate incompatible land uses associated with offensive and objectionable odours, chemical emissions and particulates.

Some activities which generate emissions are locationally constrained (such as ports, geothermal energy developments and quarries) and will have a functional need to locate where sensitive activities may already exist. In such circumstances, consideration may need to be given to mitigation measures rather than avoidance.

Table reference: Objective 1, Methods 3, 6 and 24

### **Policy AQ 2A: Managing adverse effects from the discharge of odours, chemicals, and particulates**

Protect people's health and the amenity values of neighbouring areas from discharges of offensive and objectionable odours, chemical emissions and particulates.

#### **Explanation**

Offensive and objectionable odours, chemicals and particulates can adversely affect people's health, that of their animals and the amenity values of the area in which they live. The amenity value of air reflects how clean and fresh it is. This will depend on the nature of the environment and the activities that exist within it. Amenity value can be reduced by contaminants in the air – such as when dust or smoke reduces visibility or soils surfaces, or when odour is objectionable. Some contaminants may also trigger skin sensitivity and respiratory reactions.

Table reference: Objective 1, Methods 2, 6, 24, 53 and 54

### **Policy AQ 3A: Managing adverse effects of fine particulate contamination**

Manage activities that generate fine particulate contamination within airsheds.

#### **Explanation**

Protecting people's health from discharges to air includes considering the effects of fine particulate matter released from human activities. A gazetted airshed is an airshed that exceeds the fine particulate matter (PM10) standards set by the National Environmental Standard for Air Quality. Fine particulate matter means particulate matter that is less than 10 microns in aerodynamic diameter. The gazetted Rotorua Urban Airshed is known to be at risk of exceeding the National Environmental Standards for fine particulate matter. Domestic heating fires are the main source of these fine particulates. The Regional Air Plan can set stricter standards for the Bay of Plenty if considered necessary. However, it may not set rules less restrictive than the National Environmental Standard for Air Quality

Table reference: Objective 1, Methods 2, 5, 24 and 38

### **Method 2: Regional plan implementation**

Regional plans shall give effect to Policies AQ 2A, AQ 3A, CE 1B, CE 2B, CE 3A, CE 4A, CE 5A, GR 1A, GR 2A, GR 3A, GR 9B, IR 8C, MN 1B, MN 7B, MN 8B, WL 2B, WL 3B, WL 4B, WL 5B, WL 6B, WQ 1A and WQ 2A. If a regional plan does not currently give effect to these policies, then Bay of Plenty Regional Council shall notify a variation or change as soon as reasonably practicable, but within two years from the date on which the Bay of Plenty Regional Policy Statement is made operative, to give effect to them as required by the Resource Management Act 1991.

Implementation responsibility: Regional council.

### **Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans**

Policies AQ 1A, CE 1B, CE 2B, CE 4A, CE 6B, CE 7B, CE 8B, CE 9B, CE 10B, CE 11B, CE 12B, CE 13B, CE 14B, CE 15B, EI 1B, EI 2B, EI 3B, EI 4B, EI 5B, EI 6B, EI 7B, GR 5B, GR 6B, GR 7B, GR 8B, GR 9B, GR 10B, GR 11B, GR 12B, IR 1B, IR 2B, IR 3B, IR 4B, IR 5B, IR 6B, IR 7C, IR 8C, IR 9B, IW 1B, IW 2B, IW 3B, IW 4B, IW 5B, IW 6B, MN 1B, MN 2B, MN 3B, MN 4B, MN 5B, MN 6B, MN 7B, MN 8B, NH 1B, NH 2B, NH 3B, NH 4B, NH 5B, NH 6B, NH 9B, NH 10B, NH 11B, UG 8B, UG 9B, UG 10B, UG 11B, UG 12B, UG 13B, UG 14B, UG 15B, UG 16B, UG 17B, UG 18B, UG 19B, UG 20B, UG 21B, UG 22B, UG 23B, UG 24B, WL 1B, WL 6B, WL 7B, WL 8B, WQ 2A, WQ 3B, WQ 4B, WQ 5B, WQ 6B, WQ 7B and WQ 8B shall be given effect to when preparing, changing, varying or reviewing a regional plan or a district plan, and had regard to when considering a resource consent or notice of requirement.

Implementation responsibility: Regional council, city and district councils.

### **Method 5: Bylaws to manage unacceptable levels of fine particulate contamination**

Establish and implement local bylaws (including transfer of by-law making powers to Regional Council) for banning or phasing out practices that generate unacceptable levels of fine particulate contamination.

Implementation responsibility: City and district councils

### **Method 6: Agrichemical users to apply best practice**



Require best practice training, standards and techniques by users of agrichemicals.

Implementation responsibility: Regional council.

#### **Method 24: Provide information about reducing air pollution**

Provide information and guidance on:

- (a) The causes of fine particulate matter;
- (b) Best practice techniques to reduce fine particulate matter;
- (c) Adopting cleaner forms of heating for houses; and
- (d) Raising community awareness about how to avoid, remedy or mitigate the potential adverse effects on the environment from the discharges of contaminants.

#### **Method 38: Integrate management of airsheds**

Work with the region's city and district councils to ensure the PM10 national environmental standards for air quality are achieved in airsheds within the timeframes set by those standards.

Implementation responsibility: Regional council.

#### **Method 53: Research and monitor the effects of discharges**

Monitor the effects of discharges on people's health and/or air, land and water quality, and where necessary undertake research.

Implementation responsibility: Regional council.



# **APPENDIX 2**

## **Air Quality Policy Analysis**



# Assessment of Air Quality Policies and Methods of the Regional Policy Statement

## Policy AQ 1A: Discouraging reverse sensitivity associated with odours, chemicals and particulates

This policy focuses on actively discouraging

- a) Locating new sensitive activities near activities that discharge offensive and objectionable odours, chemical emissions or particulates
- b) Locating new activities that discharge offensive and objectionable odours, chemical emissions or particulates near sensitive activities.

This policy shall be given effect to when preparing changing, varying or reviewing a regional plan or district plan and had regard to when considering a resource consent or notice of requirement. Therefore the implementation responsibility of this policy therefore falls to both Regional Council and District Councils and can essentially be split into two, part a) falls to District Council and part b) falls to Regional Council.

The explanation of this policy specifically includes land uses or activities that may potentially affect sensitive activities including:

- Gases from combustion processes
- Wastewater Treatment plants and cultural activities that emit odours
- Horticultural activities and agricultural activities that discharge sprays and odours.
- Open burning that emits smoke.
- Earthworks, poor yard management and quarrying that emit dust
- Geothermal use and development

District Councils have the ability to control new sensitive activities near activities that discharge offensive and objectionable odours, chemical emissions or particulates via the District and City Plans. These generally control activities through different zoning provisions, activity status and the ability to require resource consents.

A review of the relevant District and City Plans within the region indicate that each of these provide particular provisions around reverse sensitivity effects particularly in the Rural and Industrial Chapters of each plan with appropriate objectives, policies, methods rules and assessment criteria on how the effects on air quality can be appropriately managed at the District level.

The Western Bay of Plenty District Plan in particular (as a more rural based community) has quite a comprehensive chapter on offensive odours, effluent aerosols and spray drift. Rotorua District Plan includes general assessment criteria for discretionary activities within the Industrial zone which specifically enables the reverse sensitivity effects to be taken into account - *“The extent to which the activity will avoid, remedy or mitigate review sensitivity effects on lawfully established activities or existing infrastructure”*. Each of the plans has provisions around building setbacks and buffers in industrial zones.

While there are obviously a number of complaints around issues associated with agrichemical spray drift and odours activities, overall it is considered that the general provisions in District and City Plans around zonings, associated setbacks, screening etc. can give effect to this RPS policy. There is no doubt opportunity for improvement to ensure that resource consents for new sensitive activities have appropriate conditions of consent to ensure that any reverse sensitivity effects can be mitigated.

It is Regional Councils responsibility to control new activities that discharge odours, chemical emission or particulates near sensitive activities. The recent notification of notified Proposed Change 13 to the Natural Resource Plan (PC13) ensures that this policy is been given effect to from a Regional perspective. Provisions in PC13 ensure that new discharging activities are addressed within the new rule framework. There is a permitted activity framework for miscellaneous discharges including spray irrigation, use and application of fertilizer, vehicles and road, venting of geothermal gas and stream and open burning and agrichemical spraying,.

Where activities do not fit within the parameters of a permitted activity, resource consent will be under AQR2 General Activities, AQR19 Intensive Farming, AQR20 Fumigation for quarantine application or pre-shipment application, AQ R21 Specific activities e.g. agrichemical, cement, chemical manufacturing,

It is important to note this policy from a Regional perspective is focused on the location of new discharge activities near sensitive activities. On this basis some activities may have a functional need to locate near existing sensitive activities and where consent is required mitigation options would be considered as part of the resource consent process and subsequent conditions.

Overall it is considered that this policy is well on track towards being implemented through PC13 and District Plan provisions.

**Policy AQ 2A: Managing adverse effects from the discharge of odours, chemical and particulates.**

The purpose of this policy is to protect people's health and amenity values from offensive and objectionable discharges. Implementation of this policy is primarily through method 2 – Regional Plan implementation. As discussed in the analysis of Policy AQ 1A above PC13 includes a comprehensive rule framework for discharge activities around a number of permitted activity discharges and where activities falls outside of the permitted activity framework resource consent is required.

The proposed PC13 policy structure ensures that any discharge activity that requires resource consent will include an assessment against the relevant policies. In particular policy AQ P3 Management of discharges, which sets out how activities that discharge contaminants are to be managed, including the use of the best practicable option. Additionally policy AQ P4 Matters to consider – when considering the acceptability of any discharge of contaminants particular regard be had to the proximity of sensitive activities.

Above all else once consent is sought these matters can be considered as part of the conditions of consent. These include referring to best management practices for the particular activity, maintenance conditions and a review clause for persistent complaints.

While it is acknowledged numerous complaints are received each year around odour and dust related nuisance across the Region. These complaints relate to a number of particular activities such as pet food, agrichemical and pulp and paper manufacturing, particularly in the Mount Maunganui Industrial area and around Ngāpuna (Rotorua). Under PC13 these activities will now require resource consent.

Overall this policy requires that the Regional Air Plan manage the discharge of offensive and objectionable odour, chemicals and particulates on amenity values and protect people's health. On this basis it is therefore considered that implementation of this policy is well on track given the notification of PC13.

## **Policy AQ 3A: Managing adverse effects of fine particulate contamination**

The purpose of this policy is to manage activities that generate fine particulate contamination within airsheds. There are two airshed within the region that are a key focus for Regional Council to address air quality issues, being Mount Maunganui and Rotorua.

Implementation of this policy comes via Methods 2 (Regional Plan Implementation) and the explanation focuses on the gazetted airshed of Rotorua Urban Airshed as being at risk of exceeding the National Environmental Standards for fine particulate matter. Monitoring of the Rotorua Airshed indicates that it is currently exceeding fine particulate matter (PM<sub>10</sub>) standards set by the National Environmental Standard for Air Quality. In order to address this matter and give effect to this policy the Proposed Air Plan has a strong focus on regulating the discharges from solid fuel burners within the Rotorua Airshed. There is a suite of objectives and policies and methods notified under PC13 to address this particular matter. Two of the policies specifically focus on the Rotorua Airshed being policy AQ P7 Solid Fuel Burners in Rotorua Airshed and policy AQ P10 – Offsets in Rotorua Airshed. Subsequent to these policies are three dedicated rules for solid fuel burners within the Rotorua Airshed.

An additional method for implementation of this policy is Method 5, being the establishment and implementation of local bylaws, and method 38 the integrated management of airsheds. Overall Rotorua Lakes Council and Bay of Plenty Regional Council have taken an integrated management approach to the Rotorua airshed. Together a Bylaw has been created known as the “Rotorua District Council Air Quality Control Bylaw 2017”. The purpose of the Bylaw is to protect, promote and improve public health and safety by regulating solid fuel burners and indoor open fires. The Bylaw provides restrictions on the sale and installation of solid fuel burners within the Rotorua Airshed. While the bylaw was established at a District Council level, implementation and enforcement powers of the bylaw have been transferred to Regional Council.

While the Mount Maunganui is not a gazetted airshed, there are a number of ongoing air quality related issue associated with air quality from the industrial activities within the Mount Maunganui and Port area such as Methyl Bromide, dust, sulphur dioxide, and hydrogen sulphide. Regulatory Compliance staff are working closely with Port of Tauranga and other business operators in the Mount Maunganui industrial area to mitigate and manage impacts from air discharges. Council has recently approved six new air monitoring stations in addition to the existing three stations which will be set up around the Mount Maunganui area to help us better understand the air quality effects in this area.

Overall it is considered that implementation of this policy is considered to be on track.

## **Air Quality Methods of Implementation**

### **Method 2: Regional Plan implementation**

Method 2 requires Regional Plans to give effect to policies AQ 2A and AQ 3A. If a regional plan does not currently give effect to these policies, then Bay of Plenty Regional Council shall notify a variation or change as soon as reasonably practicable, but within two years from the date of which the Bay of Plenty Regional Policy statement is made operative, to give effect to them as required by the Resource Management Act 1991.

Proposed Plan Change 13 Air Quality to the Regional Natural Resource Plan was notified in February 2018 with a suite of new objectives, policies and methods to give effect to the Regional Policy Statement and the regionally significant air quality issues arising from discharges associated with odours, chemicals and particulates.

Overall it is considered that RPS policies AQ 2A and AQ 3A are being implemented via this method.

### **Method 3: Resource consents, notices of requirements and when changing, varying, reviewing or replacing plans**

Policy AQ 1A shall be given effect to when preparing, changing, varying or reviewing a regional plan or district plan, and had regard to when considering a resource consent or notice of requirement.

Implementation of this method through Regional Plans is good and has been given effect to via the new Plan Change 13 Air Quality change notified in February 2018. A review of the relevant District Plans within the region indicate that implementation of this method is also general good and each of the District Plans provides specific setback requirements and buffers in industrial zones and provides for reverse sensitivity effects to be addressed as part of resource consent requirements.

Implementation in regional consent is generally good and reverse sensitivity effects are had regard to when assessing resource consents for air discharges, especially as Policy AQ P4 matters to consider when considering the acceptability of a discharge includes assessing "*The effect of new activities discharging contaminants into air near established sensitive activities*".

### **Method 5: Bylaws to manage unacceptable levels of fine particulate contamination**

A Bylaw to manage unacceptable levels of fine particulate contamination was first established for the Rotorua Airshed in 2010. The purpose of the Bylaw is to protect, promote and improve public health and safety by regulating the solid fuel burners and indoor open fires. The Bylaw has been most recently updated and adopted in August 2017. The bylaw provides restrictions on the point of sales and installation of solid fuel burners and indoor open fires in order to phase out old burners and practices that contribute to the unacceptable levels of fine particulate contamination within the Rotorua Airshed.

BOPRC have been delegated the responsibilities of enforcement of the bylaw on behalf of RDC. Further discussion on this is provided in the analysis of AQ 3A above and implementation of this method is considered to be well on track.

### **Method 6: Agrichemical users to apply best practice**

This method requires Regional Council to "*require best practice training, standards and techniques by users of agrichemicals*". The proposed permitted activity rule AQ R15 for agrichemical spraying is based on the air discharge components of New Zealand Standard 8409:2004 Management of Agrichemicals, and policy AQ P3 Management of discharges includes reference to the managing discharge of contaminants to air by the use of the best practicable option.

Since the RPS became operative, changes to the Resource Management Act have removed the requirement to cover Hazardous substances. The changes Resource Legislation Amendment Act 2017 amended sections 30 and 31 to remove the control of hazardous substances as an explicit function of councils. This means councils no longer have an explicit obligation to regulate hazardous substances in RMA plans, or policy statements.

In most cases HSNO and Worksafe controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances. This method is considered to be implemented however, its appropriateness may need to be assessed as part of the RPS review considering the changes to the RMA.



## **Method 24: Provide information about reducing air pollution**

This method relates to the three Air Quality policies and implementation responsibility relies on Regional Council. The method requires Regional Council to provide information and guidance on

- (a) The causes of fine particulate matter
- (b) Best practice techniques to reduce fine particulate matter;
- (c) Adopting cleaner forms of heating for houses: and
- (d) Raising community awareness about how to avoid, remedy or mitigate the potential adverse effects on the environment from the discharges of contaminants.

Implementation of this method to date has been adequate. In terms of general air pollution matters, there are a number of pages on the Bay of Plenty Regional Council website providing information on air quality related issues. These include information on Dust, open burnings, vehicle emissions, reducing emissions, agricultural spraydrift and Asbestos.

Given that the biggest two issues for air quality in the region are focused on the Mount Maunganui area and the Rotorua Airshed, there is more specific information and guidance on reducing air pollution for these specific issues.

There is a dedicated website called [cleanairrotorua.co.nz](http://cleanairrotorua.co.nz) which is a central point of information for Air Quality related matters for the Rotorua Airshed. The website communicates the rules and bylaws, avenues for monetary assistance, causes for Rotorua air pollutions, and tips for heating your home etc. Staff also had a stall at the February Home and Garden Show in Rotorua to help educate the community on Air related issues.

There have also been specific issues surrounding the industrial uses and air quality related matters from Ngāpuna, which have involved staff visits and hui to local marae to discuss issues and potential solutions.

More specifically relating to the Mount Maunganui area, a Mount Industrial Environment Group has been established with members of the community, iwi and industry within the Mount Industrial area to discuss matters relating to environmental issues. At the inaugural meeting on 20<sup>th</sup> February the topic was focused on air quality and discussed how industry is trying to improve its operations. A meeting between Council staff and the Stevedore and Marshalling Industry was held on the 30<sup>th</sup> May to discuss how the industrial activities from the Port would require Air Discharge consents.

Overall implementation of this policy is considered to be on track.

## **Method 38: Integrate management of airshed**

Method 38 specifically relates to Policy AQ3A and the management of activities that generate fine particulate contamination within airsheds, particularly Rotorua. As with Method 5, Regional Council has worked with Rotorua Lakes Council to enact a Bylaw for the Rotorua Airshed and undertaken a significant amount of monitoring and action towards achieving the PM<sub>10</sub> National Environmental Standards for Air Quality.

The Bylaw for the Rotorua Airshed was first established in 2010 which provides restrictions on the point of sale and installation of solid fuel burners and indoor open fires in order to phase out old burners and practices that contribute to the unacceptable levels of fine particulate contamination within the Rotorua Airshed. Regional Council is facilitating change towards achieving this PM<sub>10</sub> environmental standard through the creation of the Hot Swap Loans and other enabling changes.

While significant work has been undertaken towards achieving the 1 day of exceedance for the PM<sub>10</sub> Standards, it is unlikely we are going to meet the 2020 deadline set through this National Standard as big burners won't be phased out until 2020 under the Proposed Air Quality Plan Change.

### **Method 53: Research and Monitor the effects of discharges**

Method 53 is around monitoring the effects of discharges on people's health and/or air, land and water quality and where necessary undertake research. This specifically relates to Policy AQ2A and protecting people's health and the amenity values of neighbouring areas from discharges of offensive and objectionable odours, chemical emissions and particulates.

Implementation of this method generally is good in relation to the Rotorua and Mount Maunganui areas with known air quality related issues. There are three 24 hour monitoring sites within the Rotorua Airshed and three in Mount Maunganui which BOPRC maintains. An additional six monitoring stations have recently been approved for trial in and around the Port of Tauranga. These new stations will monitor an expanded number of air contaminants such as methyl bromide and PM<sub>10</sub> which currently have no permanent monitoring.

Monitoring of air quality in these areas is considered well underway however research into the issues that has been identified through this monitoring has been limited to date by Regional Council. Once we start to gauge the Staff have been involved in the Air Quality Special interest groups which sets standards and guidelines relating to air quality and have utilised research undertaken by the Clean Air Society of Australia and New Zealand regarding some air quality issues. Overall implementation of this method is considered to be underway however the lack of research could mean that this method has not been implemented.

### **Method 54: Research and monitor agrichemical spray drift effects on human health.**

There are a number of complaints received each year around agrichemical spraying, and as discussed in Method 6 commentary relying on best practice around application, it is notoriously difficult to monitor spray drift and particulates associated with agrichemicals. This method seeks that Regional Council works with the Ministry of Health, relevant agencies and industries to research, monitor and report on the effects of agrichemical spray drift on human health. No work towards implementation of this method has been undertaken to date.

While agrichemicals have been addressed under PC13 a significant number of submission points have been received. These will be addressed through the Plan Change hearing and associated processes.

On this basis this method has not being implemented to date and may require further attention in PC13 and or future RPS reviews.



**Receives Only – No Decisions**

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** Stephen Lamb, Natural Resources Policy Manager

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## **Air Quality (Plan Change 13) - Summary of Submissions**

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### **Executive Summary**

Submissions to Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan closed 18 April 2018 with 80 submissions received.

Overall submitters were in support for the intention of objectives, policies, and rules. There were ten key topics raised consistently across submissions: enabling of industrial activities, hierarchy of effects management, requirements of standards and guidelines, industrial or trade premises, open burning, Rotorua burners, agrichemicals, methyl bromide and fumigation, noxious or dangerous and offensive or objectionable, and reverse sensitivity.

The summary of submissions will be released for further submissions in July 2018. A report requesting approval of a hearing panel will be brought to this Committee at its 9 August 2018 meeting.

### **Recommendations**

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

- 1 Receives the report, Air Quality (Plan Change 13) - Summary of Submissions.**

#### **1 Purpose**

This report provides the Regional Direction and Delivery Committee (the Committee) with a summary of submissions to Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan and outlines the further submissions and hearing process.

#### **2 Summary of submissions**

Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan (Plan Change 13) was publicly notified on 27 February 2018 with submissions closing on 12 April 2018. This was extended to 18 April 2018 to increase the communication coverage about the consultation in Rotorua.

A total of 80 submissions were received, covering a total of 744 submission points both in support and opposition to Plan Change 13. A list of submitters is included in Appendix 1.

Table 1 contains a breakdown of sections and numbers of submission points. Key sub-sections and corresponding numbers of submission points have also been included.

*Table 1 – Submission points of Plan Change 13 by section and key sub-section.*

<b>Section</b>	<b>Submission points</b>	<b>Sub-section</b>	<b>Submission points</b>
General	6		
Objectives	52		
Policies	171	AQ P3	56
		AQ P4	39
Rules	366	AQ R1	23
		AQ R2	37
		AQ R12-14 Rotorua burners	58
		AQ R15 Agrichemical spraying	92
		AQ R21 (various)	26
Definitions	109	Noxious or dangerous	13
		Sensitive activity	12
Reverse sensitivity	19		
Whole plan	11	Support with amendment	7

Table 1 should be used with caution as the number of submission points does not necessarily indicate controversy or that there is a problem with a particular provision. For example, AQ R15 is a three page long rule with highly specific and detailed conditions. Submissions on this rule are therefore also highly specific and are often split into several detailed submission points. Overall, submitters are in support of this rule and its conditions.

Following an analysis of each submission point, ten main points were consistently raised. These are outlined below following the overarching points. Sections 2.2 – 2.11 present only a summary of submission points and do not reflect staff opinion.

## 2.1 Overarching points

- a. There is general support for the intention of the objectives, policies, and rules.
- b. Most submission points were highly detailed, focusing on technical or legal aspects rather than “whole plan” or comments on overall approach and plan structure.
- c. No submissions commented on streamlining or of amalgamation of air provisions into the RNRP. No requests for the re-inclusion of issues. Very few requests for methods.

- d. Submission points were received on topics where expected and were similar to those received on the draft plan.

## **2.2 Enabling of industrial activities**

Submitters provided the following feedback:

- a. Concern that the focus of Plan Change 13 is on managing effects of activities or achieving acceptable air quality. There is no recognition of, or provision for, established industry.
- b. Submitters requested objectives and policies to enable industry by providing for operational requirements of heavy industry and the competing demands on the air quality resource.
- c. Also requests to recognise regionally significant industry as well as regionally significant infrastructure.

## **2.3 Hierarchy of effect management**

Submitters provided the following feedback:

- a. Policy AQ P3 requires adverse effects to be avoided which has prompted concern that any activity that may result in the effect becomes prohibited.
- b. Demand for Plan Change 13 to allow the full hierarchy of avoid, remedy, mitigate or only avoid “significant” adverse effects.
- c. There is also support for the requirement to avoid adverse effects from many submitters.

## **2.4 Requirements of standards and guidelines**

Submitters provided the following feedback:

- a. Some concern over using National Environmental Standards for Air Quality (NESAQ) as they can be amended and there is no allowance for this in plan provisions.
- b. Several submissions stating that Ambient Air Quality Guidelines (AAQGs) should not be used in provisions of a regional plan as they were not intended to be used as set standards.

## **2.5 Industrial or trade premises (AQ R1, AQ R2)**

Submitters provided the following feedback:

- a. Support for the “catch all” approach used in rules AQ R1 and AQ R2.
- b. Several submitters concerned with the automatic exclusion of industrial or trade premises as permitted activities as this is not an effects based approach.

## **2.6 Open burning (AQ P5, AQ R6 – AQ R10)**

Submitters provided the following feedback:

- a. Ban on open burning in urban areas supported.
- b. Concern that management of urban open burning depends on definition of “urban property” which is problematic. A more effects based approach is recommended.
- c. Some submitters request expanding the materials that can be burnt in the open air.

## **2.7 Rotorua burners (AQ P7, AQ R12 – AQ R14)**

Submitters provided the following feedback:

- a. Submitters are concerned with health effects caused by cold houses, inability for poorer homes to afford replacement burners, inability to pay for power instead of burning free firewood, ability of heat pumps to heat large old homes, power cuts.
- b. Opposition to rules taking legal effect upon notification just before winter, meaning many homeowners cannot put in new woodburners without providing offsets and obtaining a resource consent.
- c. Concern about lack of consultation and awareness of rules before they came into effect.

The content of the submissions is similar to that received on the Rotorua Air Quality Control Bylaw during its public consultation process in 2017.

## **2.8 Agrichemicals (AQ P8, AQ R15)**

Submitters provided the following feedback:

- a. Support for the requirement for agrichemical sprayers to avoid spray drift, with corresponding opposition as “avoid” is too high a threshold to meet.
- b. General support for the conditions of the rule and the overall approach, including preparation of spray risk management plans for higher risk application methods.
- c. Notification window of no later than 24 hours before spraying considered too long and 12 hours is supported.
- d. Changes requested to signage requirements for spraying on private properties or on public amenity areas.
- e. Some submitters call for the elevation of NZ Standard 8409:2004 Management of Agrichemicals into a rule. Other submissions support it remaining in the advice note.

## **2.9 Methyl bromide and fumigation (AQ P9, AQ R20)**

Submitters provided the following feedback:

- a. Submission points are widely divided – either for or against recapture requirements and rules.

- b. Several submissions points made on the Section 32 analysis and report, requesting that decisions are made on robust science.
- c. Submitters against the approach request that where recapture technology is used that the use of methyl bromide is a controlled, non-notified activity.
- d. Submitters in support of the approach request that the rule be retained as is, or strengthened to require recapture of all fumigants.

## 2.10 Noxious or dangerous, offensive or objectionable

Submitters provided the following feedback:

- a. Submitters are divided on definition of term for “noxious or dangerous”. There is support for the definition without change while others call for the term to be amended, or deleted in its entirety.
- b. Concern over lack of definition of term for “offensive or objectionable” and request that some guidance in the form of policy, schedule or explanation is included to clarify how this term will be interpreted.

## 2.11 Reverse sensitivity

Submitters provided the following feedback:

- a. Several submitters were concerned at the lack of provisions in Plan Change 13 that managed reverse sensitivity and requested objectives, policies and methods to address this.

## 3 Implications for Māori

Five Māori groups made a submission on Plan Change 13: Tauranga Moana Te Arawa ki Takutai Partnership Forum, Ngāi Tukairangi Trust, Ngā Potiki Resource Management Unit, Ngāti Ranginui Iwi Society Inc, and Te Rereatukahia Marae.

Key issues for these submitters are agrichemical discharges and methyl bromide/fumigants. The specific implications for Māori identified within these submissions will be assessed as part of the submission analysis process.

## 4 Next steps

### 4.1 Further submissions

The summary of submissions will be released in July 2018 for further submissions. The period for further submissions will be for 20 working days. This is 10 days more than the minimum requirement under the Resource Management Act 1991 (RMA) and is the maximum amount time the RMA allows for this timeframe to be extended.

This timeframe has been extended as many of the submissions are highly detailed and technical. Noting that there are over 700 submission points, it is considered appropriate to provide the community additional time to read each submission and determine their stance when preparing a further submission.

## **4.2 Hearing panel**

Staff and Councillors are currently discussing options for the appointment of hearing panels.

Staff recommend that at least one member of the hearing panel has an understanding of tikanga Māori and the perspectives of local iwi and hapū. The Regional Council is required to consult with iwi authorities when appointing plan change hearing panels. A letter has been sent inviting comment from iwi authorities to meet this requirement.

Once options have been discussed and feedback received from iwi authorities, staff will bring a report requesting the appointment of a hearing panel for Plan Change 13 to this Committee at its 9 August 2018 meeting.

## **5 Council's Accountability Framework**

### **5.1 Community Outcomes**

This project/proposal directly contributes to the Environmental Protection Community Outcome in the council's Long Term Plan 2015-2025.

### **5.2 Long Term Plan Alignment**

This work is planned under the Regional Planning in the Long Term Plan 2015-2025 and is budgeted for. This budget provision continues into the 2018 – 2028 Long Term Plan.

Karen Parcell  
**Senior Policy Analyst (Natural Resources Policy)**

**for Natural Resources Policy Manager**

**20 June 2018**



# **APPENDIX 1**

## **List of Submitters**



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# Plan Change 13

## Submissions Received

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### Original Submitters

Submission No.	Name
1	J&B Nicholson
2	Easy Insulation Ltd
3	G & J Bai
4	PF Olsen Ltd
5	Marion Jensen
6	Geoffrey Oliver
7	Western Bay of Plenty District Council
8	Jon Burchett
9	Hamish Kendal
10	Toi Te Ora Public Health
11	Waikato Regional Council
12	NZ Defence Force
13	Gray Southon
14	Andrew Clow
15	Jene Hayward
16	SA & AM Wright
17	Tauranga Moana Fumigant Action Group
18	New Zealand Transport Agency
19	Z Energy Ltd, BP Oil NZ Ltd & Mobil Oil NZ Ltd
20	Hortforce Ltd
21	Jodie Bruning
22	Waste Management New Zealand
23	McNeil & Associates Ltd
24	Seespray Ltd
25	Spray Watchers Group
26	Rotorua Lakes Council
27	GBC Winstone
28	Lesley & Brendan Everest
29	Envirosolve
30	Trustpower Ltd
31	Tauranga Moana - Te Arawa ki Takutai Partnership Forum
32	Agcarm
33	Ballance Agri-Nutrients Ltd
34	McAlpines Rotorua Ltd
35	Ngai Tukairangi Trust
36	Mercury NZ Ltd

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# Plan Change 13

## Submissions Received

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37	Oji Fibre Solution
38	Richard Mallinson
39	Kay Richards
40	Michel Verhagen
41	Hancock Forest Management
42	Louise Pieters
43	Beverley Pieters Pieters
44	Hendrik Pieters
45	Fonterra Ltd
46	Draslovka a.s.
47	Legacy Funeral Homes Ltd
48	Lawter New Zealand Ltd
49	Chris & Carol Meijer
50	Ravensdown Ltd
51	Nga Potiki Resource Management Unit
52	Department of Conservation
53	Matariki Forests Trading Ltd
54	Tauranga City Council
55	Genera Ltd
56	Bob Russell
57	Stakeholders in Methyl Bromide Reduction Inc (STIMBR)
58	Horticulture New Zealand
59	Allan Neil
60	New Zealand Home Heating Association
61	Sancra Farms Ltd
62	Craddock Farms Ltd
63	Silver Fern Farms Management Ltd
64	TPT Forests Ltd
65	New Zealand Agrichemical Education Trust (NZAET)
66	First Gas Ltd
67	Port of Tauranga
68	Ngati Ranginui Iwi Society Inc
69	KiwiRail Holdings Ltd
70	Rotorua Heating Solutions
71	Timberlands Ltd
72	Thermal Brewing Company
73	New Zealand Kiwifruit Growers (NZKGI)
74	Bay of Plenty Regional Council
75	Swap Stockfoods Ltd

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# Plan Change 13

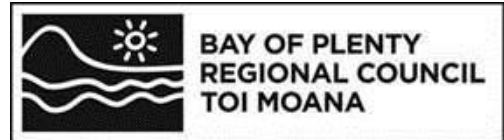
## Submissions Received

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76	Federated Farmers of New Zealand
77	Doug Wheeler
78	Bioenergy Association
79	Te Rereatukahia Marae
80	Susanne Moore

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Receives Only – No Decisions

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** David Phizacklea, Regional Integrated Planning Manager

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## Environment Court decision on the Proposed Regional Coastal Environment Plan - marine spatial planning

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### Executive Summary

This report provides an overview of a recent decision from the Environment Court relating to the 'marine spatial planning' appeals on the Proposed Regional Coastal Environment Plan (Proposed Plan). These appeals include the Motiti Rohe Moana Trust appeal and points from the Ngāti Mākinō Heritage Trust and Ngāti Ranginui Iwi Society appeals.

In summary, the Court found that:

- The Fisheries Act does not take precedence over the Resource Management Act in relation to maintaining marine biodiversity.
- Fishing is having an adverse effect on marine biodiversity, and a rule prohibiting the taking of flora and fauna (including fish) from three areas near Motiti is appropriate to give effect to the New Zealand Coastal Policy Statement and avoid adverse effects on the values of those areas.
  1. Otaiti (Astrolabe Reef) and associated reefs and shoals (including Okaparu Reef and Brewis Shoal).
  2. Motunau (Plate Island) and nearby reef structure.
  3. Motuhaku (Schooner Rocks).
- The impact of the fishing prohibition on commercial and recreational fishers will be minimal.
- Creation of a bespoke resource management framework for the Motiti Rohe Moana (or other marine areas) should be subject to a future marine spatial planning process involving all relevant agencies and stakeholders.

The marine spatial planning hearing proceeded on the assumption that the Environment Court has jurisdiction to impose controls on fishing under the Resource Management Act where it is "strictly necessary" for the maintenance of indigenous biodiversity. The decision will be revisited following the decision of the Court of Appeal on the interface of the Resource Management Act (RMA) with the Fisheries Act.

## **Recommendations**

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

- 1 Receives the report, Environment Court decision on the Proposed Regional Coastal Environment Plan - marine spatial planning;**

### **1 Introduction**

This report provides an overview of a recent decision of the Environment Court relating to the outstanding 'marine spatial planning' appeals on the Proposed Regional Coastal Environment Plan (Proposed Plan). Matters relating to appeals on the Proposed Plan are more usually reported to the Regional Coastal Environment Plan Appeals Subcommittee; however, due to the novel nature of this decision an update is being provided to the Regional Direction and Delivery Committee.

### **2 Background**

The recent Environment Court decision concerns the marine spatial planning topic (also referred to as providing for tangata whenua aspirations). The Court hearing was held on 29 November-5 December 2017.

This appeal topic comprises:

- The appeal lodged by the Motiti Rohe Moana Trust (MRMT), which sought a bespoke resource management framework for the Motiti Rohe Moana.
- The points from the Ngāti Mākino Heritage Trust appeal relating to creation of tangata whenua development zones (or similar).
- One appeal point from Ngāti Ranginui Iwi Society Inc appeal seeking a future marine spatial plan for Te Awanui (Tauranga Harbour).

Of the three appellants, only MRMT provided evidence at the hearing. Consequently the focus of the decision is on the Motiti Rohe Moana.

#### **2.1 Related legal proceedings - declaration on the interface of the Resource Management Act and the Fisheries Act**

In August 2016, MRMT made an application to the Environment Court for a declaration regarding the extent to which a regional plan could legally include rules to control fishing. The Attorney-General joined proceedings representing the Ministry for Primary Industries and the Department of Conservation.

The Environment Court issued a declaration stating that controls are possible in regional plans to avoid, limit or discourage fishing techniques or methods, provided such controls are for a sole or dominant RMA purpose.

The Attorney-General appealed this decision to the High Court on the basis that the Environment Court decision did not properly interpret and consider the interrelationship between the RMA and fisheries legislation.



The High Court decision was released in August 2017. The High Court declined to make any formal declaration, but limited Council's jurisdiction to control fishing to provisions that are "strictly necessary" for the maintenance of indigenous biodiversity.

The Attorney General subsequently applied to the Court of Appeal for leave to appeal the High Court decision. The Court of Appeal recently granted leave for the Appeal to proceed to a hearing; however, this may not occur until late 2018 or early 2019.

The marine spatial planning hearing proceeded based on the current understanding of the legal situation regarding jurisdiction, which is provided by the High Court decision on the declaration. The decision to proceed was made in the interests of efficiency and on the basis that the decision would be interim pending the outcome of the Court of Appeal process.

The High Court determined that the Environment Court (and regional councils) have jurisdiction to impose controls on fishing where it is "strictly necessary" for the maintenance of indigenous biodiversity. The term "strictly necessary" is not currently defined by the legislation or case-law. The Environment Court's decision on marine spatial planning states that "*strictly necessary requires a direct connection between the relevant objectives and policies in place [in the Proposed Plan] and the method sought [controls on fishing]*".

The marine spatial planning hearing proceeded on the assumption that the Environment Court (and regional councils) have jurisdiction to impose controls on fishing where it is "strictly necessary" for the maintenance of indigenous biodiversity. The marine spatial planning decision will be revisited following the decision of the Court of Appeal on the legal issue of whether and to what extent Council has jurisdiction to control the taking of fish.

### **3 What did the MRMT appeal seek?**

The evidence filed by MRMT prior to the hearing commencing sought far-reaching controls to address the impact of fishing on the Motiti Natural Environment Area (MNEA), which is an area of high natural character identified in the Bay of Plenty Regional Policy Statement (shown on the map at Appendix 1).

These controls included a resource consenting regime to fish in the MNEA until biodiversity is restored, and fishing bans over large parts of the MNEA focussed around Otaiti (Astrolabe Reef) and 14 other wāhi tapu. This was supported by Forest and Bird which sought large (3 nautical mile or 5.5km diameter) "buffer areas" around protected sites to provide foraging habitat for seabirds.

The Royal Forest and Bird Society (Forest and Bird) joined the process in support of MRMT's position. The Attorney-General, representing the Ministry for Primary Industries (MPI), and Motiti Avocados Limited were involved as parties in opposition to the appeal.

### **4 Interim decision on the Marine Spatial Planning appeals**

The Environment Court issued an interim decision (reference [2018] NZEnvC 067) on the marine spatial planning topic on 11 May 2018. The decision is available on the Councillor portal and on the Ministry of Justice [website](#). Key aspects of the decision are summarised below:

#### **4.1 The Fisheries Act does not take precedence over the RMA in relation to biodiversity**

The Court accepted that the Fisheries Act and RMA have overlapping jurisdiction but it did not accept the Crown's position that the Fisheries Act takes precedence. The Court accepted that MPI has the power to regulate fishing activities in the MNEA, but was concerned that it is not doing so.

To avoid legal arguments as to whether the proposed controls are for the purpose of managing fishing, the Environment Court has focussed on Council's indigenous biodiversity function under the RMA. The Court interpreted the need for RMA controls to be "strictly necessary" as requiring a direct connection with indigenous biodiversity.

#### **4.2 Fishing is having an adverse effect on marine biodiversity in identified areas**

The Court found that fishing is having an adverse effect on identified areas of 'outstanding' natural heritage value in the MNEA, and that a prohibited activity rule is appropriate in order to give effect to the New Zealand Coastal Policy Statement (NZCPS) and avoid adverse effects on the values of these identified areas. The Court also found that a buffer area was required in order to protect the flora and fauna of the identified areas.

The Court was not prepared to extend the protection over outstanding natural features and landscapes (ONFL) areas except where there was a connection with indigenous biodiversity values.

The Court has directed Council to draft a rule to prohibit the taking of flora and fauna from three areas:

1. Otaiti (Astrolabe Reef) and associated reefs and shoals (including Okaparu Reef and Brewis Shoal).
2. Motunau (Plate Island) and nearby reef structure.
3. Motuhaku (Schooner Rocks).

The areas identified by the Court (including a 1km buffer area) are shown in the map attached at Appendix 2. The Court estimates that together these areas equate to less than 30km<sup>2</sup>.

#### **4.3 The impact of the prohibition on commercial and recreational fishers will be minimal**

MPI presented evidence regarding the extent of commercial fishing the in MNEA; however, little data was available regarding recreational or commercial fishing activity.

The Court considered the impact of the new controls on commercial and recreational fishers, and found the displacement of fishing is likely to be minimal as the affected area is less than 0.1% of the Bay of Plenty area. Potential impacts on customary fishing are not discussed in the decision.

#### **4.4 The decision does not address the wider relief sought in relation to a bespoke resource management framework for Motiti rohe moana (and other areas)**

The decision does not discuss or direct the inclusion of ‘placeholder’ text relating to marine spatial planning, tangata whenua development zones, marine management areas or other spatial mechanisms. The appellants both proposed an extensive suite of new issues, objectives and policies on this matter. Instead the Court considers development of such provisions should be the subject of a future marine spatial planning process involving all relevant agencies and stakeholders.

#### **4.5 The decision is interim in two ways**

The decision is subject to the outcome of the Court of Appeal process concerning the interface between the Fisheries Act and the Resource Management Act, which will (hopefully) clarify the jurisdiction of regional councils with regard to controls on fishing.

The Court also states that the areas identified for protection are “interim measures while various bodies seek to adopt an integrated approach to the avoidance of adverse effects...”

### **5 Next steps**

Council is required to prepare provisions to reflect the Court’s decision by 22 June 2018 and circulate these to the other parties to the appeal for comment. Council is then required to collate all comments and submit them to the Court with its proposal by 31 August 2018. The Court will then consider the provisions and any decision of the Court of Appeal before issuing further directions.

The Court of Appeal proceedings are unlikely to be heard until late 2018 or early 2019, so the Court is unlikely to be in a position to finalise the provisions relating to the MNEA until next year. The controls will not take effect until the Court issues its final decision, and the appeal period against that has expired.

The Court of Appeal proceedings are expected to clarify the meaning of “strictly necessary”. There is a chance this might require the Environment Court to revisit the extent of the prohibited areas, which currently include areas of outstanding natural character and ONFL which have some connection to indigenous biodiversity values but which have not themselves been identified as in the Proposed Plan as a biodiversity area.

## **6 Implications of the Court decision on marine spatial planning**

### **6.1 Ability of regional plans to control fishing activities**

The decision is novel in that the Proposed Plan will become the first regional plan to directly control the taking of fish (as well as other flora and fauna). In essence the decision has created a marine reserve. The Proposed Marlborough Environment Plan is the only other regional plan that contains controls on fishing activities. That plan proposes to prohibit fishing activities that disturb the seabed within Ecologically Significant Marine Sites. Public hearings on this plan are currently underway.

The Court noted there is ability to impose controls on other high value areas in appropriate cases, provided the purpose of the control is not to manage fishing or fisheries resources. However, as the evidence heard by the Court was specific to the MNEA the Court has not made findings on the extent to which fishing may or may not be affecting other outstanding natural heritage areas or whether controls on fishing are

appropriate elsewhere in the region in order to give effect to the NZCPS. The Court does note that the decision may be a precursor to a wider review of the plan.

Other marine sites in the region that have outstanding natural heritage values relating to biodiversity are:

- Mōtū marine area
- Karewa Island
- Moutohorā (Whale Island)
- Rūrima, Moutoki and Tokata Islands
- Te Paepae o Volkner (Volkner Rocks)
- Tūhua (Mayor Island)
- Whakaari (White Island)
- Calypso Vent

Not all of the values currently identified in the Proposed Plan relate to marine biodiversity, in part because terrestrial biodiversity values are generally better described in the readily available literature. Marine reserves, established under the Marine Reserves Act, exist around Te Paepae o Volkner and the northern part of Tūhua.

## **6.2 Implementation and enforcement of the new fishing controls**

The Court has introduced a significant change to the regulatory framework that was not signalled during development and consultation on the Proposed Plan. These matters were raised in evidence and legal submissions to the Environment Court.

Council does not have framework in place to actively monitor compliance with the new rules, or specific resources allocated in the LTP to develop such a resource. The decision acknowledges that enforcement will be problematic, and suggests the following initial steps:

- Tāngata whenua are to 'embrace the controls' and encourage others to do so.
- Appointment of honorary fisheries officers.
- Ongoing education.
- Engagement with recreational boating, fishing and diving clubs.

Due to the interim nature of the decision staff have not developed an implementation plan. Preliminary discussions with Maritime staff suggest the following measures could be used to raise awareness and educate the public – noting that many recreational fishers travel to the areas affected from outside the region:

- Include the areas in a Notice to Mariners – this will reach those boaties that have electronic charts on-board.
- Post signage at boat ramps and marinas.
- Include the areas on the MarineMate app – a boating information guide for New Zealand.
- Ask the Coastguard to make announcements on VHF radio.

- Place adverts in relevant fishing club periodicals and fishing and boating magazines.

The appointment of honorary fisheries officers is a function that sits with MPI. Discussions with Maritime staff suggest that their fleet and teams are already over extended in our region and do not have access to vessels to patrol the area affected.

### **6.3 Implications for Māori**

The Environment Court's interim decision on the MV Rena consent application summarises the 'cultural environment' with regard to Otaiti and Motiti stating that: "...*Ngāi Te Hapū – Te Patuwai and Te Whānau a Tauwhao are tangata whenua, and therefore are the kaitiaki of Otaiti, with mana whenua over Motiti and its associated islands and reefs.*"

Other tāngata whenua groups have recognised associations with the coastal waters and offshore islands that lie within the Motiti Natural Environment Area. For example, the Tauranga Moana Rohe Moana, established in 2004, encompasses part of the area in question, Motunau is owned by Ngāti Whakahemo, and 18 tāngata whenua groups have made applications under the Marine and Coastal Area (Takutai Moana) Act 2011 that include some, or all, of the Motiti Natural Environment Area.

The prohibition of fishing and the taking of other marine life (such as kina, crayfish and seaweed) will also apply to customary fishing. The Court has not directly considered whether the new controls will have an impact on customary fishing, but does acknowledge that "*the attributes of these areas have a shared and common cultural recognition, almost inevitably not only for their values but for the potential kai moana that could be yielded from these areas*".

As noted in section 6.2 of this report the Court expects tāngata whenua (especially kaitiaki) to embrace the new controls and encourage others to do so.

## **7 Council's Accountability Framework**

### **7.1 Community Outcomes**

This Regional Coastal Environment Plan directly contributes to the Environmental Protection and Regional Collaboration & Leadership Community Outcomes in the council's Long Term Plan 2015-2025.

### **7.2 Long Term Plan Alignment**

This work is planned under the Regional Planning Activity in the Long Term Plan 2015-2018.

#### **Current Budget Implications**

Resolving appeals on the Proposed Plan is being undertaken within the current budget for the Regional Planning Activity. The budget for resolving the outstanding appeals to the Proposed Regional Coastal Environment Plan is \$111,500 for 2017/18, including legal fees and expert witness costs. Additional legal costs have been incurred with appeals being taken to the High Court and now Court of Appeal by parties.

#### **Future Budget Implications**

Future work on implementation of the Proposed Plan is provided for in Council's Long Term Plan 2015-2025. However, this does not include funding sufficient to implement a comprehensive compliance monitoring regime for the new prohibitions on fishing (and the taking of other flora and fauna) introduced by the Environment Court.

Jo Noble  
**Senior Planner (RIN)**

**for Regional Integrated Planning Manager**

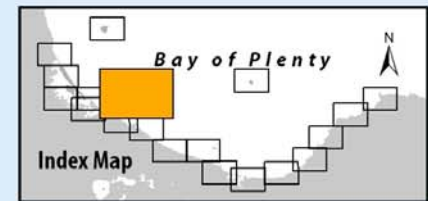
**19 June 2018**

# **APPENDIX 1**

## **Map 21 Regional Policy Statement - Motiti Natural Environment Area**

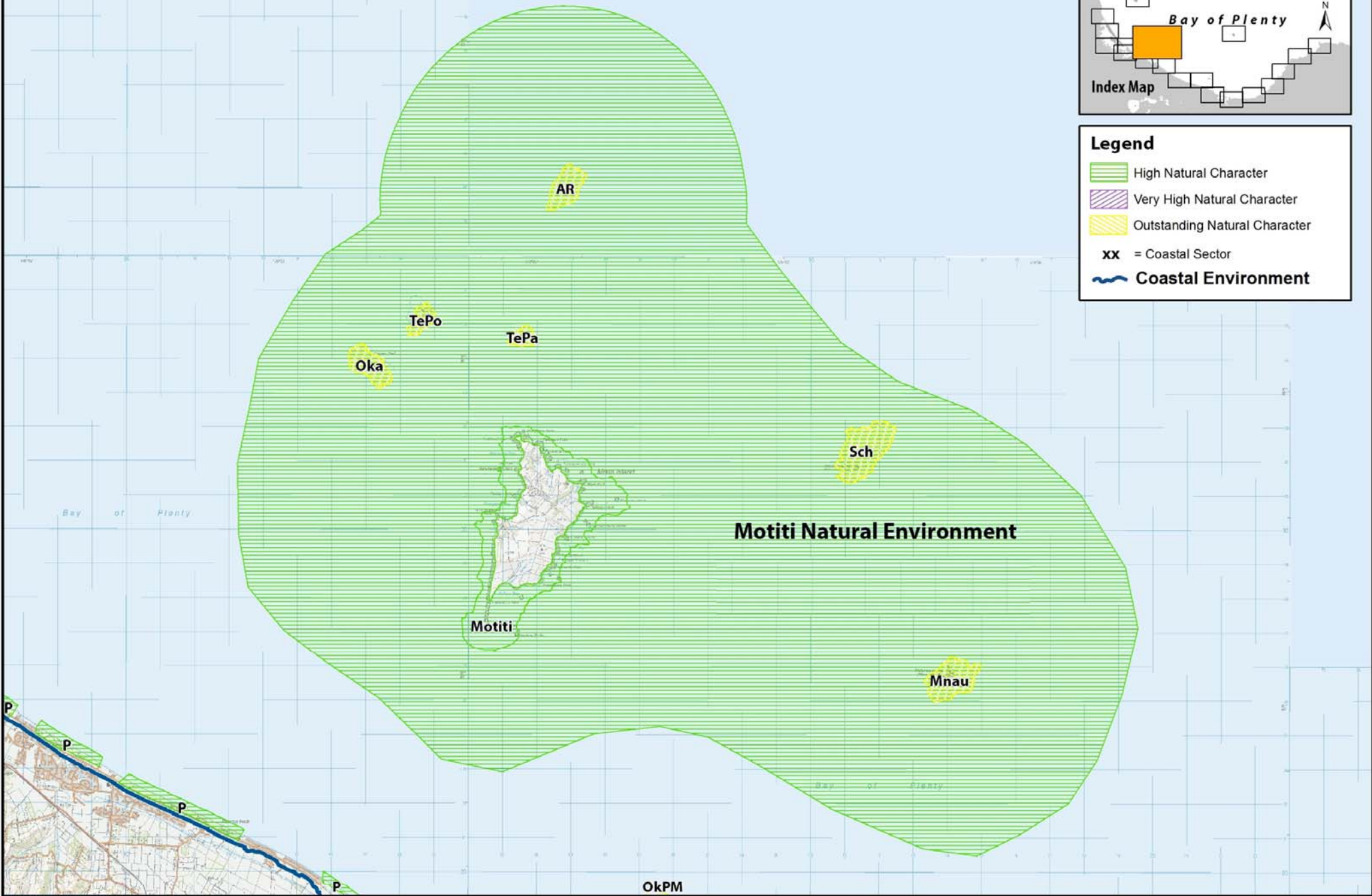






**Legend**

- High Natural Character
- Very High Natural Character
- Outstanding Natural Character
- xx** = Coastal Sector
- Coastal Environment



Scale = 1:75000



**REGIONAL POLICY STATEMENT** (GIS-458847, December 2014) **Map 21 of 35**

Page 129 of 156

Coastal Environment & Natural Character

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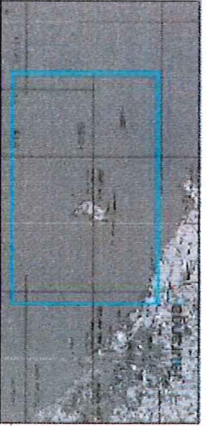
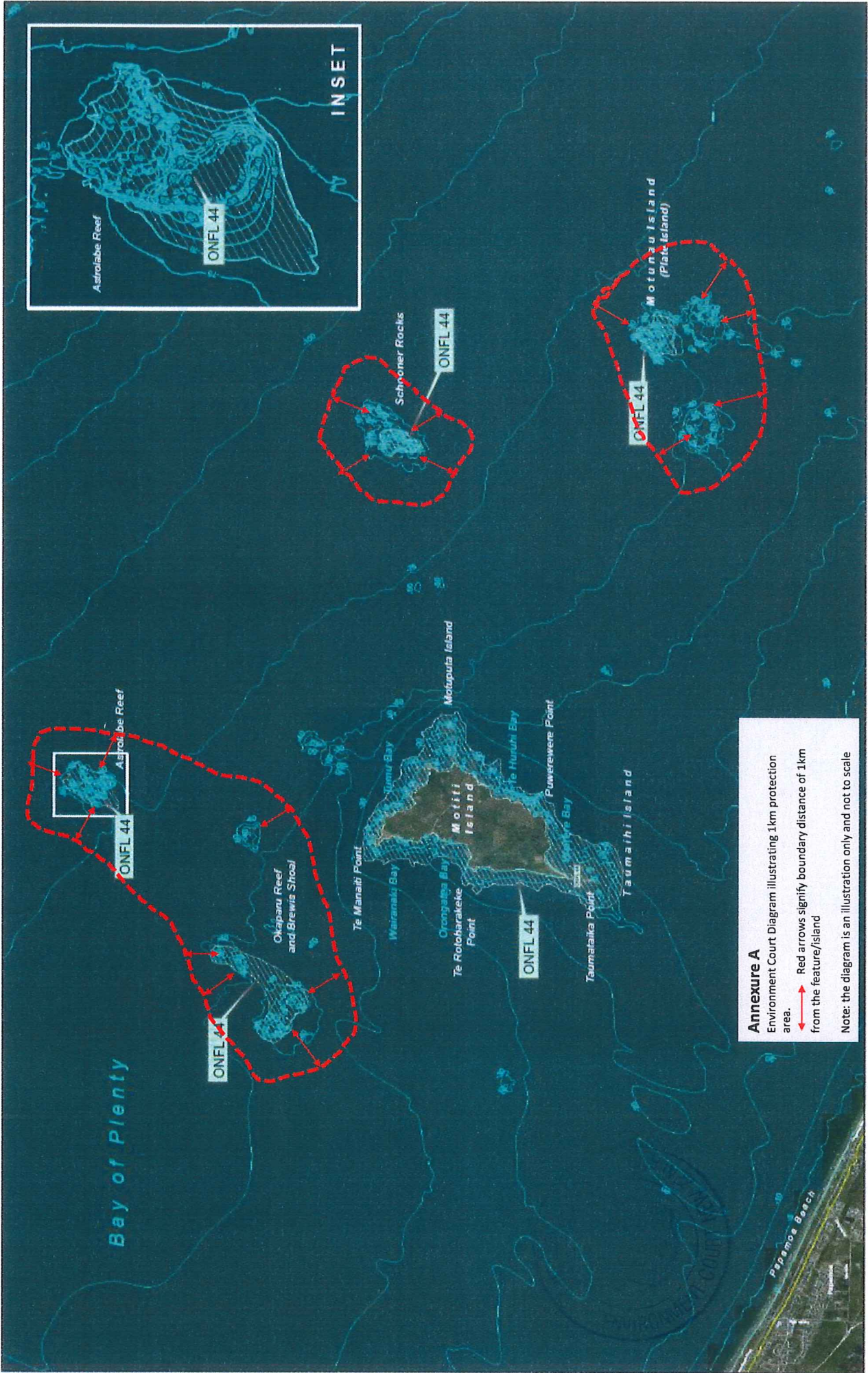




## **APPENDIX 2**

**Map showing areas where the taking of plants and animals is prohibited - taken from Environment Court marine spatial planning decision**

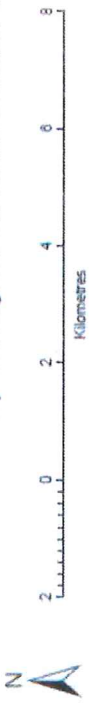




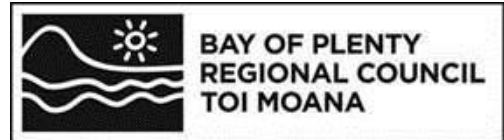
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**43a\_Motiti Island**  
 Proposed Regional Coastal Environment Plan - Landscape

Published May 2015  
 GIS\_459085







Receives Only – No Decisions

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **Mycoplasma bovis update**

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### **Executive Summary**

*Mycoplasma bovis* can cause significant welfare issues in cattle and impact production of dairy and beef farms. It was first detected in New Zealand on a South Island farm in July 2017 and tracing work from this property has detected further infections on farms throughout New Zealand. Presently, there are 36 farms confirmed with *M bovis* and a further 71 are under Restricted Place Notices due to receiving or providing stock from or to infected farms. Currently there no infected properties in the Bay of Plenty.

In May the Government, in partnership with the dairy and beef industries, agreed to attempt eradication of the disease from New Zealand at a cost of \$886m. This means all infected herds will be depopulated. At this stage, MPI expect 126,000 animals will need to be culled.

While there currently no infected farms in the Bay of Plenty staff are preparing for the possible discovery of the disease in the region and are taking steps to minimise the risk of spreading the disease through our day-to-day operations on farms.

### **Recommendations**

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

- 1 Receives the report, Mycoplasma bovis update;**

#### **1 Purpose**

This paper provides an update on *Mycoplasma bovis* and possible implications for Council and the Bay of Plenty.

#### **2 Background**

*M bovis* is a bacterium that can cause significant health issues for cattle and impact on farm production. *M bovis* can be very hard to detect in infected animals and can lay dormant in an animal for long periods causing no issues. The disease generally becomes obvious when the animal is under stress causing pneumonia, arthritis, late-

term abortions and untreatable mastitis. The impact of this disease on dairy production overseas has been between 1% and 20%.

The disease does not present any food safety issues for humans and infected animals that are fit enough for transporting are able to be slaughtered and processed for human consumption.

*M bovis* spreads via close animal-to-animal contact and through bodily fluids such as mucus, semen and milk (though pasteurisation is effective in treating milk). Urine and dung are not considered to be a significant risk. Off farm the disease is primarily spread by moving infected cattle to new properties. However, equipment used on infected cattle, such as artificial insemination instruments, that have not been sterilised following use may also pose risk.

### **3 National situation**

*M bovis* was first detected in New Zealand on a dairy farm near Oamaru in July 2017. Initial investigations centred on farms associated with this property however it now appears highly likely that the disease originated from a Southland farm and has probably been in the country since at least 2015. At this stage it appears the disease has originated from a single introduction as there is only one strain present. MPI and the police are currently investigating how the disease was introduced to New Zealand though this may never be known with any certainty.

Tracing of this disease has proved difficult due to relatively poor compliance with the National Animal Identification and Tracing system (NAIT). Currently there are 36 'active' infected properties; several properties that were infected now considered disease free. Approximately 1,700 properties have been implicated through tracing and are being investigated with 71 properties currently under Restricted Place Notices, however these properties are not necessarily infected.

There are currently no infected properties in the Bay of Plenty. The closest known infection to our region is at Cambridge. See the attached map for the location of infected farms as at 1 June 2018.

### **4 National response**

Following the initial detections of *M bovis*, MPI decided to de-populate all the originally infected properties in an attempt to contain the disease. This initial phase was completed by December 2017. Tracing of all animal movements to and from these farms and testing of implicated herds has identified further infected herds throughout New Zealand.

In May this year Cabinet considered four management options for *M bovis* and agreed to attempt 'phased eradication' in partnership with the dairy and beef industries. This approach will cost about \$886m and take 10 years. If successful, this will result in no on-going production and animal welfare costs for our dairy and beef industries.

Phased eradication means all infected herds will be de-populated and the associated farms decontaminated. It is expected that about 126,000 cattle will need to be slaughtered. MPI will assign a case manager to each infected farm to assist the farmer through this process. Phased eradication will allow affected farmers to make some decisions about how and when their farm is cleared providing the property can be adequately contained.



## 5 Implications for Council

At a national level, regional councils' have offered to assist MPI with this response and while several regions with affected farms have provided some limited help, we are yet to get a formal request from MPI.

While there are currently no infected farms in the Bay of Plenty staff are preparing for possible detections in our region. We are also taking steps to minimise any possible risk of staff spreading *M bovis* or any other biosecurity risk from farm to farm.

### 5.1 Preparation planning

The Bay of Plenty CDEM Group is preparing to support MPI's *M bovis* disease eradication response.

Primarily this involves:

- Ensuring the Group is able to offer support to the national response effort.
- Maintaining awareness of the spread of *M bovis* and potential impacts for the Bay of Plenty.
- Ensuring the CDEM Group members are prepared to support any response effort within the Bay of Plenty
- Maintaining communication with MPI and MCDEM.

Currently the Group Emergency Coordination Centre is activated in assist mode staffed and supported by Emergency Management Bay of Plenty. The Group Emergency Coordination Centre is ready to assist any council response activities should the need arise.

### 5.2 Farm visit hygiene

Regional Councils are collectively working to develop appropriate hygiene protocols for staff that visit farms for work. While this work is progressing, we have adopted an interim cleaning protocol and developed cleaning kits for each vehicle involved in farm work. This process aims to ensure staff arrive at any farm with clean footwear, personal protective equipment and vehicle. Our interim protocol aims to minimise contact with animals and reduce the amount of equipment that may need cleaning (e.g. don't drive on farm unless necessary, avoid stocked paddocks and effluent paddocks etc). It then specifies how to clean boots and equipment that might be contaminated. The cleaning of vehicles is challenging and we currently rely on the good will of farmers to allow staff to use farm hoses to wash down at the end of a visit.

Photo showing vehicle hygiene kit



## **6 Implications for Māori**

*Mycoplasma bovis* poses no specific implications for Māori, however various Trusts with dairy and/or beef farming interests are at risk.

## **7 Council's Accountability Framework**

### **7.1 Community Outcomes**

This work directly contributes to the Economic Development and Resilience and Safety Community Outcomes in the council's Long Term Plan 2015-2025.

### **7.2 Long Term Plan Alignment**

This work is planned under the Biosecurity and Emergency Management Activities in the Long Term Plan 2015-2025.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Biosecurity and Emergency Management Activities in the Annual Plan 2017/18.

#### **Future Budget Implications**

Future work on *Mycoplasma bovis* is provided for in Council's Long Term Plan 2018-2028.

Greg Corbett  
**Biosecurity Manager**

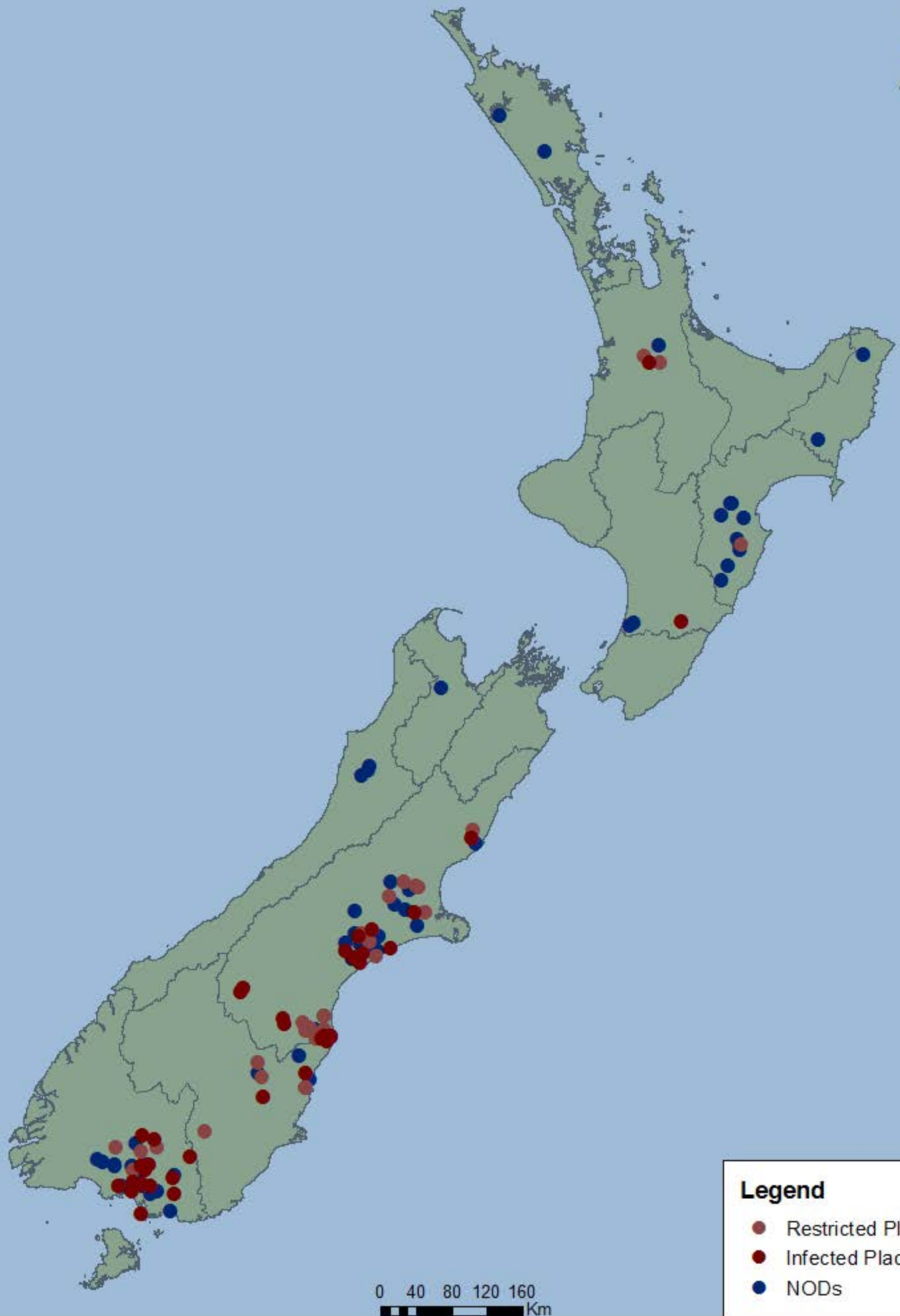
**for General Manager, Integrated Catchments**

**19 June 2018**

# **APPENDIX 1**

## **Map showing properties under M bovis legal notices 30 May 2018**

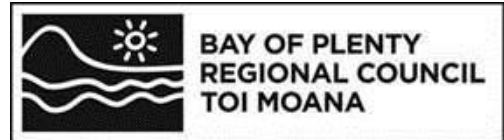




**Legend**

- Restricted Places
- Infected Places
- NODs





**Receives Only – No Decisions**

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **Integrated Catchment Management Update**

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### **Executive Summary**

This report provides an update on the operational activities of the catchment management teams across the region.

While the Regional Direction and Delivery Committee receive annual plans and progress reports from specific catchment programmes (e.g. Rotorua Te Arawa Lakes Programme, Tauranga Moana Programme) these tend to focus on high level projects in place with programme partners. The intent of this regular update is to provide the Committee with operational updates on the specific biosecurity, biodiversity, engineering, rivers and drainage and land management work of Integrated Catchments staff teams.

### **Recommendations**

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

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

#### **1 Purpose**

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

#### **2 Regional Overview**

##### **2.1 Engineering**

July 2017 to March:

- 244 flood level advice enquiries received.
- 183 district application consent comments provided.
- 125 technical reviews of individual resource consent applications.

## 2.2 Rivers and Drainage

An application has been lodged to replace existing resource consent 64684 which expires in September 2018. This consent authorises Integrated Catchment staff to undertake works within riparian areas and to disturb the beds of rivers and streams in the Bay of Plenty region (outside of the major rivers and drainage scheme areas). A consultant has been engaged by the Consents Section to process the application. In the meantime, section 124 rights under the RMA have been issued which will enable staff to operate under the existing consent when it expires.

## 2.3 Water Quality

Currently, water quality KPIs in the Long Term Plan are based around the kilometres of waterways where bacteria, sediment and/or nutrient contamination has been reduced by Council and landowner actions, and lakes meeting their TLIs. Progress in the year to date on these KPIs is as follows:

Catchment	Annual waterway margin KPI (km)	Year to date actuals (km)
Eastern	10	23
Rangitaiki	10	41
Rotorua	-	-
Kaituna	31	30.5 (38 at end of year)
Tauranga	50	34.2

## 2.4 Biodiversity

Currently, biodiversity KPI's in the Long Term Plan are based around the number of coastal, wetland, forest or geothermal High Value Ecological sites and non-High Value Ecological sites (HVES) where biodiversity is actively managed around the region.

Catchment	Annual HVES target	Year to date actuals HVES	Annual non-HVES target	Year to date actuals non-HVES
Eastern	1	1	1	0
Rangitāiki	1	1	1	0
Rotorua	-	-	-	-
Kaituna	1	1	2	2
Tauranga	2	2	4	9

The working group established to look at how the integrated catchments team will deliver the new regional biodiversity KPI have completed a proposed process which was presented to the Catchment Managers and General Manager. The process involves catchment teams identifying priority sites, which are assessed by the



Environmental Scientist to provide oversight and prioritisation at the regional level. Standard Operating Procedures (SOP) for Environmental Programmes will be developed to sit alongside the Biodiversity Grants Policy and update the existing riparian SOP.

## 2.5 Biosecurity

### Amazon Basin Armoured Catfish

Tauranga City Council (TCC) contractors captured an unusual catfish while undertaking pest fish surveillance in the Council stormwater system in Pāpāmoa. The fish was sent to Te Papa for identification and was identified as an Amazon Basin Armoured Catfish, thought to be a male. This species originates from Central and South America and is permitted as an aquarium species in New Zealand but this is the first record of a fish caught in the wild. BOPRC are working with the MPI and TCC to conduct another survey to determine if more of these catfish are present.



### Wilding conifers

A significant amount of work is being done by landowners and agencies to manage *Pinus contorta* in the Upper Rangitāiki catchment. Landowners continue to remove legacy shelterbelts which are an ongoing seed source and plans are in place to control larger infestations which have historically been problematic due to their status as Significant Natural Areas in the Taupō District Plan. Department of Conservation, supported by BOPRC, are controlling two of the worst sites in the region which will be ongoing.

### Salvinia

An incursion of *Salvinia* was discovered by Tauranga City Council in April 2018. *Salvinia* is considered one of the worst aquatic emergent weeds in the world and only found in eight sites across New Zealand. *Salvinia* is a rapidly growing freshwater plant

that forms large floating mats that can completely cover entire waterways. As an Agency Pest, MPI are the lead agency with BOPRC supporting the response. Ongoing control will be required in the coming year in order to eradicate.

### ***Mycoplasma bovis***

Due to the escalation of *Mycoplasma bovis*, urgent priority has been placed on hygiene for all BOPRC staff vehicles visiting farms. Each field vehicle is equipped with a hygiene kit and cleaning protocol instructions for vehicles, footwear and equipment which will be strictly adhered to.

## **2.6 Regional parks**

### **Onekawa Te Mawhai**

One of the two dwellings at Onekawa Te Mawhai has been demolished due to its poor state of repair and prominent position on a pa site. The works were carried out by Waiotahi Contractors and efforts were made to recycle as much of the demolished material as possible. Great care was taken to ensure minimal disturbance to the site due to the possibility of archaeological feature and artefacts being close to the surface.

### **2018 Visitor Satisfaction Survey**

An intercept style park user survey is completed biennially to gain an understanding of the overall satisfaction of the public on various aspects of the parks operation and management. Pāpāmoa Hills survey was undertaken during May, and of the 81 completed surveys, 98.75 percent rated their experience satisfactory or higher.

The long Term Plan KPI requires 85 percent or more of regional park users to rate their park experience as satisfactory or higher.

## **3 Catchments Overview**

### **3.1 Eastern**

#### **Koapeopeo Canal Remediation Project**

- Dredging works are progressing steadily with 1.65km of the 5.1km contracted length being completed to date.
- Earthworks at Containment Site 3 and HDPE lining works are progressing.
- Significant supplementary pumping at multiple sites and stormwater diversions were initiated in accordance with the project's Flood Management Plan during two recent heavy rainfall events.

#### **Community**

- Ōhope Harbourside Trail community volunteers planted 220 plants along the new trail.
- Beef and Lamb farm planning workshop held on 31 May in Awakeri with 16 attendees.

## **Waiōtahe catchment**

Upper catchment fencing day was held 14 May. The purpose of the day was to secure waterway and wetlands with/for landowners that were struggling to undertake the work. BOPRC funded the materials and all labour and equipment was provided by local farmers. Approximately 2500 metres of fencing and 3000 metres of stream and wetland margin was protected.

## **Rangitāiki River Wetland Restoration Project**

Ecological sites evaluations are underway. Once the evaluations are complete Environmental Programmes will be developed.

## **3.2 Rotorua**

### **Ngongotahā Flood Response**

A storm event occurred in Rotorua on 29 April 2018 which led to flooding of homes and land, particularly in Paradise Valley and Ngongotahā. The Rivers and Drainage, Rotorua Catchments and Engineering teams have responded around Lake Rotorua to damage caused. Below is a summary of the main parts of the response and recovery.

#### *Ngongotahā Stream*

- Excavators have worked to remove debris from the stream at priority sites between State Highway 5 and Ngongotahā Village.
- Rock armouring of the streambank and removal of debris has been completed at the Parawai Marae.
- Up to 100 trees have been identified as requiring removal/works from the length of the stream, this work has commenced.
- Staff attended the Paradise Valley Catchment Group Meeting on 31 May. The Paradise Valley Community Catchment Plan, which was developed by the local community with Council support was adopted at the meeting.

#### *Puraenga Stream*

- High priority sites along this stream have been attended to, including the removal of trees and debris.

#### *Utuhina Stream*

- A detailed inspection of the stream between Old Taupō Road and Pukehangi Road has identified 48 relatively minor issues. Works will be prioritised.

#### *Awahou Stream*

- A tree has been removed near the mouth of the stream, no further issues have been identified.

### *Waitetī Stream*

- The removal of a tree in the Waitetī Stream has been undertaken using a crane to lift the tree onto the stream bank.
- Streambank erosion that was reported near the Waitetī Marae has been assessed and prioritised.

### *Rerewhakaaitu*

- A weir and channel structure which forms a man-made outlet to Lake Rerewhakaaitu required maintenance to assist with the relief of flooding on farmland adjacent to the lake wetland. While ownership of the structure has not been established, staff have taken responsibility for the weir and outlet structure in the interim to ensure that the necessary maintenance is undertaken.

### **Detainment Bunds**

A project is underway to construct 21 detainment bunds on a property in the Lake Rotorua Catchment. On ground works will commence in early spring. This project is jointly funded by the Bay of Plenty Regional Council and New Zealand Transport Authority.

### **Tarawera Acacia Control**

This year's Mt Tarawera Wattle Control Programme commenced early June. The control work is contracted to the Department of Conservation who run a crew in conjunction with Ngāti Rangitahi. This project is an action in the Tarawera Lakes Restoration Plan.

### **Sewerage Connections Lake Rotorua**

Staff have commenced a joint project with Rotorua Lakes Council to make a final push to require all properties in the Lake Rotorua Catchment not yet connected to sewerage reticulation to connect, where it is available. This will protect the health of the lake and our people and will fulfil our plan requirements in relation to Onsite Effluent Treatment systems.

### **Community**

The Waiowhoro Care Group held a working bee on 19 May to collect rubbish along the banks of the Waiowhoro Stream. The group collected a skip bin full of rubbish.

## **3.3 Kaituna**

### **Te Puke stormwater mitigation**

Works are progressing on the siting of additional stationary pumps that are being installed to provide additional pumping capacity during high rainfall events on the Marshall and Armer properties. These properties are part of the Kaituna Catchment Control Scheme. These pumps are being installed as a short-medium term solution to address increased urban stormwater. A project is included in the LTP to further investigate and provide a long term solution to the situation.

### **Otama Marere Trust wetland restoration**

A 3 hectare constructed wetland has recently been completed on a Māori Trust Block in Paengaroa as part of a Riparian Management Plan. The new wetland includes terrestrial, ephemeral and open water habitats. It is the first significant wetland of this scale to be created in the Paengaroa area of the Kaituna Catchment. Immediately after construction had finished wetland birds arrived and a “racket of wetland bird calls” could be heard in their new habitat.

### **Kaituna River re-diversion**

Work to complete the management plans required by resource consents is underway. These include a Tangata Whenua Collaboration and Mauri Monitoring Plan which was signed off by Ngāti Whakaue (and Ngāti Tūnohopū), Tapuika, Waitaha, Ngāti Rangiwewehi and Ngāti Mākinu after two years of work. A similar agreement with Ngāti Pikiao is well advanced.

The first step in implementing this agreement include advertising for a contractor to be a ‘Kaikohikohi Matauranga’ on behalf of Tangata Whenua, and assess the baseline condition of Mauri. We are also seeking assistance from Tangata Whenua with a trial replanting of sea rush from Te Paika to Papahikahawai which would otherwise be buried.

Site possession will take place following a blessing and ‘turning of the first sod’ ceremony on 12 June. Work to establish a temporary crossing of Ford Road drain to provide safe access for the 51 tonne Moxy units without damaging Regional Council’s pumps or culverts is underway.

## **3.4 Tauranga**

### **Predator Free BOP**

The Predator Free BOP backyard trapping project now has a part time coordinator based at Envirohub. This position has been funded from external funding sources secured by Envirohub on behalf of the Predator Free BOP steering group. The intention is to secure additional funding to increase the hours of the coordinator to take pressure off the partner organisations.

### **Community**

- The Coast Care planting season is well underway. Community event promotions have been undertaken in the hope that attendance numbers will increase. The planting event on 26 May at Ōmanu Beach was a great success, with 75 volunteers planting 1300 plants.
- Tauranga Catchments are currently working with 17 land care groups on projects such as pest control, planting and water quality. Recent highlights have been linking St Thomas Moore School with the Johnston Reserves care group which will see the students planting in the reserve.

### **Mangrove management**

Mangrove seedling growth assessments are currently being undertaken to help with planning the winter control work. Seedlings will be managed through manual removal and mechanical removal. Contract options are being explored for removing remaining

mature mangroves within a few of the care group's authorised mangrove management areas.

## **4 Implications for Maori**

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

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

## **5 Council's Accountability Framework**

### **5.1 Community Outcomes**

This work directly contributes to the Safety and Resilience, Environmental Protection, Water Quality and Quantity Community Outcomes in the council's Long Term Plan 2015-2025.

### **5.2 Long Term Plan Alignment**

This work is planned under the Integrated Catchments Activities, Flood Protection and Control Group of Activities in the Long Term Plan 2015-2025.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Integrated Catchments, Flood Protection and Control and Technical Services Group in the Annual Plan 2017/18.

#### **Future Budget Implications**

There are no future budget implications of this report.

Heidi Fraser  
**Programme Coordinator Integrated Catchments**

**for General Manager, Integrated Catchments**

**19 June 2018**

**Receives Only – No Decisions**

**Report To:** Regional Direction and Delivery Committee

**Meeting Date:** 27 June 2018

**Report From:** Kataraina O'Brien, Strategic Engagement Manager

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## **Taiohi Taiao Youth Jam 2018**

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### **Executive Summary**

Taiohi Taiao Youth Jam was held on 15-17 May at Ōhope Beach and welcomed over 40 students from 16 secondary schools across the Bay of Plenty. This is an annual youth leadership event led by the Community Engagement team in partnership with other teams in council.

This year's event focused on building an increased understanding of natural hazards affecting the Bay of Plenty including Emergency Management Practices and developing a toolkit of practical actions to be used by students to increase school and community resilience.

The key outcome of the event was to train students as Civil Defence Ambassadors in all attending schools/kura.

### **Recommendations**

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

- 1 Receives the report, Taiohi Taiao Youth Jam 2018.**



**Figure 1: Taiohi Taiao Youth Jam Ambassadors 2018**

## 1 Background

Taiohi Taiao Youth Jam is an annual youth leadership opportunity led by the Community Engagement team in partnership with other teams in council.

In 2018 the theme “Never Happens? Happens” was run in partnership with Emergency Management Bay of Plenty (EMBOP), with a key focus of training Civil Defence Youth Ambassadors in secondary schools across the region.

We welcomed over 40 students from 16 schools including Kura Kaupapa and special needs students to Youth Jam from 15-17 May in Ōhope Beach.

The event was also attended by a local kaumatua, Chairman Leeder, representatives from Whakatāne District Council, Fire and Emergency New Zealand and Ministry of Primary Industries.

## 2 Strategic Context

This year’s Youth Jam supported Bay of Plenty Regional Council’s Community outcomes *Safe and Resilient communities* and *A Vibrant Region* through developing:

- an increased understanding of natural hazards affecting the Bay of Plenty
- increased knowledge of Emergency Management Practices
- a toolkit of practical actions to be used by students to increase school and community resilience
- a personal and school plan of action focussed on the four R’s (reduction, readiness, response and recovery)

Youth Jam contributed to the Bay of Plenty Civil Defence Emergency Management (BOPCDEM) Group vision *Toi Moana, kia haumarū, kia kaha, mā tātau katoa* (A safe, strong Bay of Plenty, together) by building and improving knowledge and skills within the community to prepare for, get through and move forward from emergencies. Youth Jam has helped with deliver two strategic goals for BOPCDEM:

- Improve the understanding of hazards within the Bay of Plenty and their associated likelihood and consequences
- Increase the level of community and business awareness, preparedness and resilience through education programmes

## 3 Key highlights during the event

Key highlights noted by staff over the three days were:

- The depth of students’ understanding of hazards, the risks and consequences that we face in the Bay of Plenty and the implications for individuals, their schools and their whanau. This was demonstrated by students in their planning; looking beyond their schools to support other more vulnerable groups in their communities e.g. Murupara Area School looking to support/awhi the Kohanga Reo adjacent to them.



- Teachers familiar with previous Youth Jam events commented they were impressed with the range and complexity of information presented and diversity of activities included in the schedule, while also keeping students engaged throughout. Schools have been provided copies of learning activities and resources e.g. Katikati College is already seeking to incorporate them into curriculum based learning.
- Students invited to participate were not necessarily the traditionally 'identified leaders' within their schools. A number of them rose to the challenges offered at Youth Jam including presenting to a large group, interacting with others when spoken English is not their usual medium of communication, and feeding back plans to staff and teachers present.
- Clear sense of whanaungatanga that developed between the students during the few days.



Figure 2: Students from different schools worked together to solve challenges under pressure

#### **4 Implications for Māori**

Wherever possible, staff endeavoured to incorporate Te Ao Māori (Māori world view perspectives), Tikanga (protocols), Te Reo Maori (language) and mātauranga Māori (Māori knowledge systems). Local kaumatua supported the event.

Maori students are encouraged to attend and this year several students from Te Kura Kaupapa o Te Koutu attended.

The Marae Preparedness pack was included as a key resource.

#### **5 Positive Outcomes**

Staff from Emergency Management Bay of Plenty (EMBOP) will remain in contact with students and offer ongoing support in Emergency Management planning for the Youth Ambassadors.

Schools have already taken tangible actions immediately following the event including:

- a tsunami evacuation drill at Pāpāmoa College followed by a written review of Youth Jam in their school newsletter
- students at John Paul College have met with the Health and Safety representative of their Board of Trustees
- Te Kura Kaupapa o Te Koutu students are preparing to present in Te Reo Māori to Komiti Māori on their experiences and plans to build resilience in their kura

Minister for Civil Defence Kris Fa'afoi has already expressed his interest in this pilot programme, a desire to attend future events, and explore opportunities to take this programme to a broader youth audience

After the success of the event, EMBOP Director Clinton Naude is considering running this as an annual or biannual event. EMBOP will explore how they can use the Ambassador programme to ensure their community initiatives are supporting youth and integrated into the Group preparedness framework.

## **6 Next steps**

Community Engagement and Emergency Management Bay of Plenty are continuing to workshop ideas to best support schools based on feedback received from Youth Jam participants. Several students have already been invited to share their Youth Jam experiences with wider community audiences.

## **7 Council's Accountability Framework**

### **7.1 Community Outcomes**

This project directly contributes to the Safe and Resilient Communities and A Vibrant Region Community Outcome/s in the council's Long Term Plan 2015-2025.

### **7.2 Current Budget Implications**

This work was undertaken within the current budget for the Community Engagement Activity in the Annual Plan 2017-2018 with support from Emergency Management BOP. The total cost of the event when considering the \$5k contribution from EMBOP came in under budget by \$3,368.10

**Event Budget:**

<b>Expense</b>	<b>Actual Cost</b>	<b>Vendor</b>
Venue	\$ 2,428.00	Ōhope Beach Christian Camp
Catering	\$ 6,100.00	H&H Catering
Breakfast items – self-catered	\$ 500.00	Gilmores
	\$ 250.00	Pak n Save
Koha for Kaumatua - whakatau	\$ 150.00	BOPRC
Teacher release – 5 teachers for 3 days @ \$275 per day	\$ 4,125.00	BOPRC
Travel Subsidies for Schools	\$ 5,203.90	BOPRC
<b>Total</b>	<b>\$14,631.90</b>	

Contribution from EMBOP	\$ 5,000
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Natalie Ridler  
**Community Engagement Advisor**

**for Strategic Engagement Manager**

**20 June 2018**

