



Submission Form

Send your submission to reach us by
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Submission Number
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Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	or Fax: 0800 884 882	or email: rpschange6@boprc.govt.nz
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Submitter: Geoff Rice – Retimana Whanau Trust

This is a submission on **Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement**

- 1 I **could not** gain an advantage in trade competition through this submission.
- 2 The details of my submission are in the attached table.
- 3 If other hapū mo Te Arawa ki te Ihu o Te Waka make a similar submission, I will consider presenting a joint case with them at a hearing.

G N Rice

1st Sept 2022

[Signature of person making submission or person authorised to sign on behalf of person making submission.]

Date

[NOTE: A signature is **not** required if you make your submission by electronic means.]

Contact person: [Name and Designation if applicable]

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The specific provisions of the proposal that my submission relates to are set out in the following table.

CONSIDERED SUBMISSION ON PROPOSED CHANGE 6 (NPS-UD) TO THE REGIONAL POLICY STATEMENT

Reference (to page number, section, heading)	Position (Support or Seek amendment) Issue/Comment & rationale	Recommendation/Relief sought
Whole change	<p>Tangata whenua capability and capacity is severely lacking and a major impediment to actively engage in the myriad of Regional, City and District Plan change processes being hammered through to comply with central government requirements. Proposed Change 6 (NPS-UD) is just one example. Tangata whenua need specific technical and independent advice and appropriate resourcing to enable us to produce timely, effective, relevant and appropriate input to these processes.</p> <p>It is not fair to say Tangata whenua consultation has been properly implemented in any real sense when tangata whenua don't fully understand the totality of the changes proposed and their true implications for iwi Māori.</p> <p>This situation will only worsen with all the resource management reform pending under the Natural and Built Environments Act (NBEA), Spatial Planning Act (SPA) and the Climate Adaptation Act (CAA).</p> <p>Tangata whenua/mana whenua interests are hardly referenced in Proposed Change 6. There are no clear obligations to consult or be involved in decision making. This is a Developers Facilitation model intended to make intensive urban development easier in the WBOPDC area.</p> <p>Reference to Te Tiriti obligations just doesn't do it. This is a failure in the NPSUD. Proposed Change 6 may be fine for intensive urban environments like Tauranga but not for the wider Western Bay of Plenty district.</p> <p>Compliance with the NPSUD requirements means decision making is effectively over and concluded. Implementation is purely a management administrative matter. Governance becomes almost an irrelevancy effectively a non-event.</p> <p>Cultural offsetting must be placed into statutory context for consideration. Without that context it is mere words.</p>	<p>The thrust of this submission is withdrawal of WBOPDC from Tier 1 on the basis that it is rural rather than urban in nature. It is not involved in any intensive urban development</p> <p>Strengthening Maori involvement in decision making requiring that all applications be subject to Tangata Whenua Manawhenua assessment for effects and options</p>

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	<p>Where intensive development results in sacred sites having been destroyed or modified then the plan must be amended to include appropriate compensation or alternative compensatory options.</p> <p>These concerns require specific mention in Proposed Change 6 - not a mere mention in a side note.</p>	
Whole change	<p>Proposed Change 6 (NPS-UD) introduces changes to the Bay of Plenty Regional Policy Statement (RPS) to implement the National Policy Statement on Urban Development 2020 (NPS UD). It proposes:</p> <ul style="list-style-type: none"> • broadening 'Providing for Papakāinga' Policy UG 22B to a 'Te Tiriti o Waitangi principles' policy that seeks to enable the development of Māori land, protect culturally significant view shafts from marae, and protect marae from incompatible uses and development • removing the urban limits and growth area timing and sequencing policies and Appendices C, D and E for the western Bay of Plenty sub-region • inserting new policies with criteria for considering unanticipated or out-of-sequence urban business and residential plan change proposals; and • inserting a new policy enabling higher density urban development. <p>In 2015 the NZ Productivity Commission undertook a review of the urban planning system to identify, from first principles, the most appropriate system for allocating land use to support desirable social, economic, environmental and cultural outcomes. In December 2015 the Productivity Commission released a 'Better Urban Planning' Issues Paper to assist people to participate in the inquiry. The Commission then contracted Ngā Aho to work with Papa Pounamu to inform their 'Better Urban Planning' Draft Report. A wānanga was held at with the Productivity Commission at Te Noho Kotahitanga on 17 June 2016, and a 'Wānanga Report' prepared subsequently by Ngā Aho and Papa Pounamu representatives in July 2016. The 'Wānanga Report' made the following points about urban planning:</p>	<p>We support the key points of the Ngā Aho and Papa Pounamu 'Wānanga Report' and the intent of NPS-UD Policies 1 and 9 and seek to ensure Proposed Change 6 (NPS-UD) enables urban planning decisions that address tangata whenua values and aspirations for urban development.</p>

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	<ul style="list-style-type: none"> • 'Māori communities have strong and varied interests in better urban planning • A better urban planning system needs to recognise planning based on mātauranga Māori • Better urban planning must focus on holistic outcomes • The existing planning framework does not deliver outcomes for Māori communities • There is a lack of guidance and capacity • Kaitiakitanga is more than 'preservation; and • Rangatiratanga is more than 'consultation' <p>In response the NPS-UD contains direction to require urban planning decision provide for tangata whenua values and aspiration. For example Policy 1(a)(ii) of the NPS-UD directs planning decisions contribute to well-functioning urban environments, which have or enable a variety of homes that enable Māori to express their cultural traditions and norms. Furthermore Policy 9 requires:</p> <p><i>Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</i></p> <p>(a) <i>involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</i></p> <p>(b) <i>when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</i></p> <p>(c) <i>provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</i></p> <p>(d) <i>operate in a way that is consistent with iwi participation legislation</i></p>	

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	Proposed Change 6 (NPSUD) must actively implement these requirements to address the urban planning issues identified in the Ngā Aho and Papa Pounamu 'Wānanga Report'.	
Policy UG 22B Te Tiriti o Waitangi Principles	<p>Support amending Policy UG 22B from 'Providing for Papakāinga' to 'Te Tiriti o Waitangi Principles'. Currently operative Policy UG 22B has a narrow focus only providing for Papakāinga including marae-based housing outside urban areas and the urban limits. The operative policy doesn't recognise nor provide for urban marae which have existed for many generations. It is more appropriate to enable Māori land development both inside and outside urban areas.</p> <p>Objective 5 and Policy 9 of the NPSUD seek to ensure planning decisions relating to urban environments take into account Te Tiriti o Waitangi principles. The new 'Te Tiriti o Waitangi Principles' policy has a broader focus on planning decisions and encapsulates both urban and rural marae and papakāinga. It seeks to ensure planning decisions provide for Te Tiriti o Waitangi principles and expands on the existing Policy UG 22B by seeking to (e) <i>protect marae and Papakāinga from incompatible uses or development and reverse sensitivity effects...</i> and (a) <i>enabling Māori to develop their land, including but not limited to Papakāinga housing, marae and community facilities.</i> These provisions seek to provide for te Tiriti o Waitangi principle of active protection.</p> <p>New Policy UG 22B goes further by providing for (b) <i>tikanga Māori and opportunities for Māori involvement in Council's decision making processes</i> and (c) <i>enabling early and ongoing engagement with iwi, hapū and affected Māori land trusts</i> and (f) <i>demonstrating how Māori values and aspirations identified during consultation in (c) have been recognised and provided for.</i></p> <p>It also seeks to (d) <i>identify and protect cultural significant areas and view shafts.</i></p> <p>By implementing the NPS-UD, RPS Change 6 is expected to contribute to social, cultural and economic benefits particularly in terms of meeting the government's urban housing objectives. The addition of a new Te Tiriti o Waitangi policy in relation to urban development is expected to clarify the obligations for developers</p>	Retain Policy UG 22B 'Te Tiriti o Waitangi Principles' subject to the changes requested below.

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	and resource management planning decisions around Te Tiriti o Waitangi principles.	
Cultural off setting – explanation text for Policy UG 22B Te Tiriti o Waitangi Principles	<p>Te Ihu o te Waka o te Arawa members are concerned about the concept of 'cultural offsetting'. The explanation text for Policy UG 22B includes the following paragraph '<i>One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or area.</i>'</p> <p>Cultural offsetting is a novel concept introduced in response to a project being championed by the SmartGrowth Combined Tangata Whenua Forum. It is proposed as a means of addressing cultural effects of urban development. Similar in concept to biodiversity offsetting which has been well established and applied in consents and plan change processes across Aotearoa.</p> <p>While we acknowledge the project being undertaken by the SmartGrowth Combined Tangata Whenua Forum we are also mindful it must still be developed into a robust framework, tested, consulted on and refined. We prefer waiting for the cultural offsetting project to be completed and consultation undertaken with Te Ihu o te Waka o Te Arawa members to determine whether a level of comfort and support can be reached. Until that time we would prefer the policy explanation does not include the paragraph referencing cultural offsetting.</p> <p>Removing this paragraph does not limit the ability for tangata whenua to explore nor propose specific cultural offsetting techniques or measures to avoid, remedy or mitigate adverse cultural effects of the use and development activities or as part of consultation and cultural impact assessments for resource consent applications.</p>	Delete the following paragraph from the explanation text for Policy UG 22B: <i>One of the means of giving effect to these principles is through methods developed in conjunction with tangata whenua to offset the impacts of urban development on culturally significant values, sites or area.</i>