



# Strategy and Policy Committee Agenda

NOTICE IS GIVEN that the next meeting of the Strategy and Policy Committee will be held in Council Chambers, Ground Floor, Regional House, 1 Elizabeth Street, Tauranga, and via Zoom on:

Tuesday 16 May 2023 COMMENCING AT 9.30 am

**This meeting will be livestreamed and recorded.**

The Public section of this meeting will be livestreamed and recorded and uploaded to Bay of Plenty Regional Council's website. Further details on this can be found after the Terms of Reference within the Agenda. [Bay of Plenty Regional Council - YouTube](#)

Fiona McTavish  
Chief Executive, Bay of Plenty Regional Council Toi Moana  
8 May 2023

# Strategy and Policy Committee

## Membership

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

## Purpose

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

## Role

- Develop, implement and review best practice strategy, policy and planning framework for decision making which enables connection across committees of Council.
- Consider emerging environmental and climate change issues and provide advice on the implications for effective resource management within the region.
- Inform Council's strategic direction, including prioritisation and policy responses.
- Enhance awareness and understanding of emerging issues and trends relating to meeting Councils strategic direction.
- Develop Council's position on regionally significant issues and provide guidance on sub-regional and regional strategy matters such as spatial planning and SmartGrowth.
- Approve submissions on matters relating to the committee's areas of responsibility that are not delegated to staff.
- The provision of governance oversight into the development and review of policies, plans, and strategies.
- Approve statutory and non-statutory plans, strategy and policy other than those required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Develop, review and approve Council's position on regional economic development.

- Consider any issues delegated by Council that have a regional, environmental, social or economic focus.
- Develop and review bylaws.
- Delegate to hearings commissioners under section 34A of the Resource Management Act 1991 to exercise the powers, functions duties in relation to any authorities that have been delegated by Council to the committee.

## Power to Act

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

The Strategy and Policy Committee is not delegated authority to:

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

## Power to Recommend

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

## Recording of Meetings

Please note the Public section of this meeting is being recorded and streamed live on Bay of Plenty Regional Council's website in accordance with Council's Live Streaming and Recording of Meetings Protocols which can be viewed on Council's website. The recording will be archived and made publicly available on Council's website within two working days after the meeting on [www.boprc.govt.nz](http://www.boprc.govt.nz) for a period of three years (or as otherwise agreed to by Council).

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Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of the Bay of Plenty Regional Council. Council accepts no liability for any opinions or statements made during a meeting.

# Bay of Plenty Regional Council - Toi Moana

## Governance Commitment

**mō te taiao, mō ngā tāngata - our environment and our people  
go hand-in-hand.**

We provide excellent governance when, individually and collectively, we:

- Trust and respect each other
- Stay strategic and focused
- Are courageous and challenge the status quo in all we do
- Listen to our stakeholders and value their input
- Listen to each other to understand various perspectives
- Act as a team who can challenge, change and add value
- Continually evaluate what we do

**TREAD LIGHTLY, THINK DEEPLY,  
ACT WISELY, SPEAK KINDLY, JOURNEY TOGETHER.**

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

# Agenda

- 1. Apologies**
- 2. Public Forum**
- 3. Items not on the Agenda**
- 4. Order of Business**
- 5. Declaration of Conflicts of Interest**
- 6. Public Excluded Business to be Transferred into the Open**
- 7. Minutes**  
**Minutes to be Confirmed**
  - 7.1 Strategy and Policy Committee Minutes - 14 February 2023 8**
- 8. Presentations**
  - 8.1 Presentation - SocialLink**  
Presented by: Liz Davies
- 9. Reports**  
**Strategy**
  - 9.1 Operating Environment 19**  
Attachment 1 - Strategy and Policy Committee Work Programme 26  
**Regulatory Policy**
  - 9.2 Update on Proposed Change 6: National Policy Statement - Urban Development (NPS-UD) to the Bay of Plenty Regional Policy Statement 27**
  - 9.3 Draft Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement 33**  
Attachment 1 - Project Plan for Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement 41  
Attachment 2 - Communication and Engagement Plan for Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement 56

## 9.4 Essential Freshwater Policy Programme Update

64

Attachment 1 - Framework for a Future Focussed Plan - Portals

71

## 10. Public Excluded Section

### Resolution to exclude the public

**Excludes the public from the following parts of the proceedings of this meeting as set out below:**

**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:**

Item No.	Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution	When the item can be released into the public
10.1	Regional Coastal Hazards Mapping Update	Withholding the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.	48(1)(a)(i) Section 7 (2)(j).	On the Chief Executive's approval.

### Strategy

## 10.1 Regional Coastal Hazards Mapping Update

Attachment 1 - BOPRC natural hazard mapping status

## 11. Public Excluded Business to be Transferred into the Open

## 12. Readmit the Public

## 13. Consideration of Items not on the Agenda

# Strategy and Policy Committee

## Open Minutes

<b>Commencing:</b>	Tuesday 14 February 2023, 9.30 am
<b>Venue:</b>	Council Chambers, Ground Floor, Regional House, 1 Elizabeth Street, Tauranga
<b>Chairperson:</b>	Cr Paula Thompson
<b>Deputy Chairperson:</b>	Cr Kat Macmillan
<b>Members:</b>	Cr Stuart Crosby Chairman Doug Leeder Cr Jane Nees (via Zoom) Cr Matemoana McDonald Cr Toi Kai Rākau Iti Cr Te Taru White (via Zoom) Cr Kevin Winters (via Zoom) Cr Lyall Thurston (via Zoom) Cr Andrew von Dadelszen Cr Ron Scott Cr Ken Shirley Cr Malcolm Campbell
<b>In Attendance:</b>	<p><u>Staff:</u> Fiona McTavish – Chief Executive; Namouta Poutasi – General Manager, Strategy and Science; Kataraina O’Brien – General Manager, Strategic Engagement; Reuben Fraser – General Manager, Regulatory Services; Chris Ingle – General Manager Integrated Catchments; Julie Bevan – Policy and Planning Manager; Stephen Lamb – Environmental Strategy Manager; Dean Howie – Programme Manager, Regional Economic Development; Nic Newman – Climate Change Programme Manager; Kate Barnes – Communications Partner; Stephanie Macdonald – Community Engagement Team Leader; Nicola Green – Principal Advisor, Policy and Planning; Nassah Rolleston-Steed – Principal Advisor, Policy and Planning; James Low – Team Leader Policy (Freshwater); Samantha Pottage – Planner; Elva Conroy – Acting Manager Spatial Planning (Contractor); Jenny Teeuwen – Committee Advisor</p> <p><u>External:</u> Julian Fitter and Michelle Elborn – Bay Conservation Alliance; Mary Dillon, Laura Wragg and Nick Gladding – EnviroHub BOP; Glen Crowther and Denise Arnold – Sustainable BOP; Graeme Coates – Chair BOP Aquaculture Group; Peter Vitasovich – CEO Whakatōhea Mussels Ōpōtiki Limited; Professor Chris Battershill – University of Waikato</p>
<b>Apologies:</b>	Cr Jane Nees



Please note that this meeting was livestreamed and the recording is available on the Council YouTube channel via this link: [Strategy and Policy Meeting 14 February 2023 - YouTube](#)

## 1. Opening Karakia

A karakia was provided by Cr Te Taru White.

## 2. Chairperson's Opening Statement

The Chairperson, Cr Paula Thompson, expressed grateful thanks to Tauranga City Council and the Civil Defence Emergency Management Team for their response to Cyclone Gabrielle.

## 3. Apologies

### Resolved

**That the Strategy and Policy Committee:**

- 1 **Accepts the apology from Cr Nees for possible intermittent attendance due to variable internet coverage, tendered at the meeting.**

Thompson/von Dadelszen  
**CARRIED**

## 4. Items not on the Agenda

### 4.1 Bay of Plenty Regional Council Natural and Built Environment Bill and Spatial Planning Bill Submissions

### Resolved

**That the Strategy and Policy Committee:**

- 1 **Receives the report, Bay of Plenty Regional Council Natural and Built Environment Bill and Spatial Planning Bill Submissions and accepts it as an Item not on the Agenda. Notes the reason why this item was not on the Agenda is that time needed to incorporate feedback received on the draft submission versions meant that the item was not ready when the Agenda was finalised, and the reason why it cannot be delayed is that the submissions must be lodged by 19 February 2023.**

Thompson/Shirley  
**CARRIED**

## 5. Order of Business

The Chairperson advised that due to the availability of external presenters, Item 8.1 - Bay of Plenty Aquaculture Group (BOPAG) – A Stocktake of Strategic Aquaculture Opportunities in the Bay of Plenty, would be taken at 10am and this could result in a change to the order of business.

## 6. Declaration of Conflicts of Interest

There was none.

## 7. Presentations

### 7.1 Presentation - Bay Conservation Alliance

Presented by: Julian Fitter and Michelle Elborn

*Presentation - Bay Conservation Alliance: Objective ID A4309042*

#### Key Points

- Outlined the Vision and Purpose of Bay Conservation Alliance.
- The group provided professional operational support, increased the number of Bay of Plenty care groups, and facilitated training and capability building for volunteers.
- Provided an insight to the following member groups - Friends of the Blade, Ōtānewainuku Kiwi Trust, Project Parore, Maketū Ōngātoro Wetland Society, Manawahe Kokako Trust and Manawahe Eco Trust, Kaharoa Kokako Trust, and Kokako Ecosystem Expansion Programme (KEEP).
- Good governance and succession planning was really challenging and both professional and volunteer inputs were needed to be successful.

#### In response to Questions

- Important to recognise the variety of different groups and the need to nurture volunteers.
- Requested that Regional Council continue to be open to new ideas and ways of doing things - keep an open mind about projects and how they could be delivered.
- Bay Conservation Alliance experienced difficulty in retaining existing and attracting new Board members and were considering changing to a charitable trust in the future.
- Regional Council funding had supported volunteers participating in the Institute of Directors governance training. There was a need and opportunities to provide more of this type of training.
- The Jobs for Nature cadet programme was going well - currently up to intake seven. Around 45 applications received per intake for 11 spaces. Tangata whenua were well represented on the programme.

Due to the availability of the external presenters for the item, Item 8.1. was taken next.

## 8. Reports

### Strategy

### 8.1 Bay of Plenty Aquaculture Group (BOPAG) – A Stocktake of Strategic Aquaculture Opportunities in the Bay of Plenty

Presented by: Dean Howie – Programme Manager, Regional Economic Development  
Graeme Coates - BOPAG Chair

Peter Vitasovich - CEO Whakatōhea Mussels Ōpōtiki Limited  
Professor Chris Battershill - University of Waikato

*Presentation - Bay of Plenty Aquaculture Group: Objective ID A4309072*

### **Key Points**

- Aquaculture development happened regionally, mainly outside of cities, and had a positive effect on small towns.
- The aquaculture industry in New Zealand farmed mussels, oysters and salmon.
- Bay of Plenty was currently around one to one and a half percent of the industry in New Zealand - planned to be 10 - 15% by 2030.
- The focus in the Bay of Plenty was on mussels as the waters were too warm for salmon.
- Whilst frozen half shell mussels currently made up to 63% of the value of exported product, mussel oil and mussel powder would be the future of the industry, as over the next 10 to 15 years, pharmaceutical products were expected to play a bigger part in the use of the industry's product.
- The Bay of Plenty region had been recognised as the growth area for aquaculture over the next 10 to 15 years.
- As part of the aquaculture settlement between the Crown and iwi, 20% of marine space was automatically allocated to iwi participants.
- Marine space in the Bay of Plenty region would be focussed in the eastern Bay of Plenty in the Ōpōtiki and Te Kaha areas.

### **In Response to Questions**

- BOPAG were working very closely with iwi to bring iwi aquaculture home through Treaty settlement, and to grow the aquaculture industry in the Bay of Plenty region.
- Unreliability of labour was a frustration and risk. Whakatōhea Mussels currently employed 190 and had an absenteeism rate of around 20-30 per day. The focus was on training and bringing communities together. Whakatōhea Mussels was working in conjunction with the Ministry for Social Development (MSD) and colleges to create a programme highlighting aquaculture industry career opportunities for young people, in all facets of the business.
- Much had been achieved since 2014; however, a collective effort and capital investment was required to develop fin fish or high value products.
- Aquaculture enhanced the productivity of the marine system by reducing the amount of take from the ocean, ensuring that the seabed stayed in its current state or better.
- Rainbow trout were more tolerant to higher water temperatures. Brown trout were generally found in the more southern parts of New Zealand. In the Bay of Plenty, for both freshwater and seawater, the temperature regime was more aligned to rainbow trout.

## **Resolved**

**That the Strategy and Policy Committee:**

- 1 Receives the report, Bay of Plenty Aquaculture Group - A Stocktake of Strategic Aquaculture Opportunities in the Bay of Plenty.**

**Thompson/Scott  
CARRIED**

## 7. Presentations (Continued)

### 7.1 Presentation - EnviroHub BOP

Presented by: Mary Dillon, Laura Wragg and Nick Gladding

*Presentation - EnviroHub BOP: Objective ID A4309043*

#### Key Points

- Introduced and demonstrated the Green Team app as a region specific way for people to take action and was aligned with Regional Council's four climate change goals.
- The App would provide the ability to scale awareness for government and council led initiatives.
- The goal now was to build, test and launch the app, starting with Tauranga Moana and then region-wide.

#### In response to Questions

- The Green Team app would enhance, not duplicate, the Regional Council's proposed Future Fit app.

### 7.2 Presentation - Sustainable BOP

Presented by: Glen Crowther and Denise Arnold

*Presentation - Sustainable BOP: Objective ID A4309047*

#### Key Points

- Outlined the vision and mission of sustainable BOP and introduced the Trustees.
- Sustainable BOP was an independent charitable trust. It was apolitical and their focus was at a strategic level.
- Thanked Regional Council for the three year funding agreement to June 2024.
- The challenge was to move towards a circular economy with more sustainable urban development and transport, and to focus on the transition to a low carbon economy.
- Better, deeper level engagement on the core issues was needed.
- In terms of climate change, New Zealand was not doing well, and had not done well, to change emissions.
- Western Bay of Plenty/Tauranga was lagging behind the rest of the country - there was no city, sub-regional or clear regional strategy or targets to reduce emissions.
- Before every investment, project or strategic decision it was important to assess if it was environmentally, socially or economically sustainable, and if not, then it was time for a rethink.

#### In response to Questions

- The key to the balance between self-sufficiency and free trade was life cycle analysis – understanding the cost and carbon embedded into everything, and promoting wherever possible local production, so that we move in the direction of taking more responsibility for the overall embedding of carbon and environmental costs.

11.30am - The meeting **adjourned**

11.30am - Chairman Leeder **withdrew** from the meeting.

11.50am - The meeting **reconvened**.

## 8. Reports (Continued)

### Strategy

#### 8.1 Operating Environment

Presented by: Namouta Poutasi - General Manager, Strategy and Science  
Julie Bevan - Policy and Planning Manager

#### Resolved

**That the Strategy and Policy Committee:**

- 1 Receives the report, Operating Environment**
- 2 Endorses in principle the Strategy and Policy work programme 2023.**

**Thompson/Crosby  
CARRIED**

#### 8.2 Climate Change Update

*Presentation - Future Fit: Objective ID A4309060*

Presented by: Nic Newman – Climate Change Programme Manager  
Kate Barnes – Communications Partner

#### **Key Points**

- Whakatāne District Council (WDC) and Regional Council staff would be talking with the Ministry for the Environment (MfE) regarding early thinking on the Climate Adaption Act (CAA) that was proposed to be introduced to the parliament this year.
- Feedback was provided by those who attended the Tauranga City Council Youth Climate Forum.
- Staff were providing “Climate Resilience” input into the update of the SmartGrowth Strategy.
- Marine heatwaves had been experienced in the Bay of Plenty over the summer. There had been no indication to date of changes to ecosystems due to the warmer sea temperatures other than they were keeping the population of sea lettuce down.
- The Regional Energy Transition Accelerator (RETA) Programme, run by the Energy Efficiency and Conservation Authority (EECA) was being launched in the Bay of Plenty.
- Guidance was sought for the Toi Moana Climate Change Scholarship. Guidance received included:
  - Degree majors needed to align with core business.
  - Consider the opportunity to obtain participants commitment to allow Regional Council to showcase them in Regional Council communications.

- Accept applicants from any degree major and then interview to determine how best the student and major aligned to the scholarship.
- Introduced and demonstrated the Future Fit tool which was a gamified carbon footprint tool that would be launched in the coming weeks. The tool helped individuals to understand their own carbon emissions and how to reduce these in a fun and engaging way.

12.11 pm - Chairman Leeder **entered** the meeting.

#### **In Response to Questions**

- Climate change anxiety was real. It was important to recognise that and consider what could be done so that the public were not over-burdened by it.
- Climate research suggested that 10 to 20% of the peak rainfall in the recent weather events could potentially be attributable to climate change/warming of the oceans.
- Future Fit:
  - It was suggested that Councillors also be involved in the Future Fit launch material.
  - Discussions with EnviroHub would be ongoing to ensure that the Green Team app and the Future Fit app would be complementary.
  - It was important that any communications also identified attitudinal shift.
  - It would be useful to promote or showcase the headwinds/difficulties some people faced in terms of wanting to come on this journey e.g. catching a bus.
  - \$30k had been allocated as part of the Climate Change Action Plan in the Long Term Plan (LTP) to support the project in its totality.

### **Resolved**

**That the Strategy and Policy Committee:**

- 1 Receives the report, Climate Change Update.**

**Thompson/Macmillan  
CARRIED**

### **Regulatory Policy**

#### **8.3 Essential Freshwater Policy Programme**

Presented by: Nicki Green – Principal Advisor, Policy and Planning  
 Stephen Lamb – Environmental Strategy Manager  
 Kataraina O'Brien – General Manager, Strategic Engagement  
 Stephanie Macdonald – Community Engagement Team Leader  
 Kate Barnes – Communications Partner  
 James Low – Team Leader Policy (Freshwater)

*Presentation - Essential Freshwater Policy Programme: Objective ID A4309096*

#### **Key Points**

- Change to notification date:
  - Tables One and Two of the agenda item outlined the reasons for extending the timeframe for notifying proposed changes to the Regional Policy Statement (RPS) and Regional Natural Resources

- Plan (RNRP) to implement the National Policy Statement for Freshwater Management 2020 (NPS-FM) to December 2024.
- Staff were of the view that a plan change and supporting documentation of reasonable robustness and quality could not be delivered by July 2024.
- It was noted that the title of Section 3.1 of the agenda item should read National Policy and Regulatory Changes.
- Outlined the amendments to the NPS-FM and the National Environment Standard for Freshwater (NES-F).
- Outlined the communications and engagement planned for the Essential Freshwater Policy Programme in 2023.

#### **In Response to Questions**

- Change to notification date:
  - The uncertainty around potential solution options for nitrogen management was due to the review of the Overseer tool which had highlighted several deficiencies. Further research had been undertaken but draft guidance and a risk index tool which had been expected a year ago had still not been received.
- Communications and Engagement:
  - The capacity for iwi, hapū, trusts and marae to engage was challenging as Regional Council was also competing with other agencies and councils. Several tangata whenua led projects were being supported and were progressing.
  - It was recognised that this was a difficult and complex space. There would be different levels of engagement for different audiences - some were already on the journey and had been for some time and some were new to it.

#### **Key Points - Members**

- Change to notification date:
  - Supported the staff recommendation to change the notification date. Needed to do everything to limit or mitigate the risk.
  - Concern was raised that the extra time may not be enough - should be advocating to the Ministry that the December 2024 deadline needed to shift.
- Amendments to NPS-FM and NES-F:
  - There was some conflict between national policy directive instruments such as National Policy Statement for Urban Development (NPS-UD) versus National Policy Statement for Highly Productive Land (NPS-HPL) versus NPS-FM. A National Policy Framework was not expected for another five to ten years. The challenge would be how Regional Council managed the conflicts going forward.
- Communications and engagement:
  - It was suggested that tangata whenua engagement included governance to governance.
  - Needed to use the Komiti Māori platform more to drive this issue, and also use Regional Council co-governance forums.
  - Work was underway in the Māori landscape in this space. Needed to provide whatever support was required in the workshops already happening.
  - Needed to find a way to better communicate with lay people, particularly Māori.

- Farmers were already overburdened with forums – consider involving Dairy NZ or Fonterra as well to make it more meaningful for farmers, and include tangata whenua in those engagements.

## Resolved

### That the Strategy and Policy Committee:

- 1 Receives the report, Essential Freshwater Policy Programme.
- 2 Extends the timeframe for notifying proposed changes to the Regional Policy Statement and Regional Natural Resources Plan to implement the National Policy Statement for Freshwater Management 2020 to December 2024.

Thompson/von Dadelszen  
CARRIED

## 8.4 Update on Proposed Change 6: National Policy Statement - Urban Development (NPS-UD) to the Bay of Plenty Regional Policy Statement

Presented by: Nassah Rolleston-Steed  
Samantha Pottage - Planner

### Key Points - Members

- Hearings Panel should have two if not three councillors– should be a Regional Council driven process.
- If there were two or more councillors, the Chair needed to be independent.
- The appointment of the Chair should be left to the Hearing Panel.

## Resolved

### That the Strategy and Policy Committee:

- 1 Receives the report, Update on Proposed Change 6: National Policy Statement - Urban Development (NPS-UD) to the Bay of Plenty Regional Policy Statement.
- 2 Establishes a Hearing Committee under section 34 of the Resource Management Act 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 6: (National Policy Statement on Urban Development) to the Bay of Plenty Regional Policy Statement.
- 3 Delegates authority to the Hearing Committee to provide a written report and recommendations on those submissions back to the Strategy and Policy Committee.
- 4 Endorses the Hearing Panel make up of two Councillors; one panel member with tikanga Māori expertise and one panel member with urban growth technical expertise.
- 5 Appoints two Councillors from the table in section 3.2 - Cr Jane Nees and Cr Paula Thompson - as members to the Hearing Panel.



- 6 Confirms one independent hearing panel member to be appointed to the hearing panel with tikanga Māori expertise from the persons listed at section 3.3 and appoints Mr Rawiri Faulkner.
- 7 Confirms one independent hearing panel member to be appointed to the hearing panel with urban growth technical expertise from the persons listed in section 3.4 and appoints Mr Robert Scott.
- 8 Confirms a Chairperson for the hearing panel from members with Chair endorsement in tables contained in section 3.2, 3.3 or 3.4.
- 9 Delegates Authority to the Chair of the Strategy and Policy Committee to appoint replacement members including the Chair to the Hearing Panel if necessary.

Leeder/Crosby  
CARRIED

## 9. Consideration of Items not on the Agenda

### Regulatory Policy

#### 9.1 Bay of Plenty Regional Council Natural and Built Environment Bill and Spatial Planning Bill Submissions

Presented by: Namouta Poutasi - General Manager, Strategy and Science  
Julie Bevan - Policy and Planning Manager

#### Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Bay of Plenty Regional Council Natural and Built Environment Bill and Spatial Planning Bill Submissions and accepts it as an Item not on the Agenda. Notes the reason why this item was not on the Agenda is that time needed to incorporate feedback received on the draft submission versions meant that the item was not ready when the Agenda was finalised, and the reason why it cannot be delayed is that the submissions must be lodged by 19 February 2023.
- 2 Endorses and confirms for lodgement of the Bay of Plenty Regional Council submissions on the Natural and Built Environment Bill and the Spatial Planning Bill.
- 3 Notes that if any changes result from this meeting and/or minor editorial changes or corrections are required to the Bay of Plenty Regional Council submissions, these will be incorporated before lodgement with the approval of the Strategy & Policy Committee Chair.
- 4 Endorses and confirms for lodgement the Bay of Plenty councils' submission on the Natural and Built Environment Bill and the Spatial Planning Bill.
- 5 Notes that any changes resulting from this meeting and/or from further partner feedback will be incorporated before lodgement with the approval of the Strategy & Policy Committee Chair.

Thompson/Macmillan  
CARRIED

## 20. Closing Karakia

A closing karakia was provided by Cr Te Taru White.

**1.30 pm - the meeting closed.**

**CONFIRMED**

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Cr Paula Thompson  
Chairperson, Strategy and Policy Committee



**Report To:** Strategy and Policy Committee

**Meeting Date:** 16 May 2023

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

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

**Purpose:** To provide an update on Council's operating environment.

## Operating Environment

### Executive Summary

This report covers the operating environment areas that influence and inform Council's policy direction and work. It provides information on the operating environment and upcoming reforms that will potentially have considerable impact on our local government form and functions.

It covers:

- Resource Management Reforms Update
- National Policy Statements and National Environmental Standards Updates
- Climate Change
- Strategy and Policy Committee Work Programme

### Recommendations

**That the Strategy and Policy Committee:**

- 1 Receives the report, Operating Environment.**

## 1. Introduction

This report provides a briefing on the range of Government reforms and legislative change proposals that might impact on the future scale and scope of our work. Also included in the report is a summary of the Strategy and Policy Committee Work Programme 2023 which sets out the process stages for proposed changes to the Regional Policy Statement (RPS) and Regional Natural Resources Plan (RNRP) to ensure that Councillors are aware of the upcoming reporting and decision-making programme.

### 1.1 Alignment with Strategic Framework

<b>A Healthy Environment</b>	We develop and implement regional plans and policy to protect our natural environment.
<b>Freshwater for Life</b>	<p>We listen to our communities and consider their values and priorities in our regional plans.</p> <p>We deliver solutions to local problems to improve water quality and manage quantity.</p> <p>We listen to our communities and consider their values and priorities in our regional plans.</p> <p>Good decision making is supported through improving knowledge of our water resources.</p> <p>We recognise and provide for Te Mana o Te Wai (intrinsic value of water).</p>
<b>Safe and Resilient Communities</b>	We work with communities and others to consider long term views of natural hazard risks through our regional plans and policies.
<b>A Vibrant Region</b>	We contribute to delivering integrated planning and growth management strategies especially for sustainable urban management.
<b>The Way We Work</b>	<p>We use robust information, science and technology.</p> <p>We honour our obligations to Māori.</p>

The delivery of RPS and RNRP Changes are an integral part of the Long Term Plan's Regional Planning activity which sets Council's strategic planning and policy direction. The RPS identifies how the integrated management of the region's natural and physical resources is to be managed by establishing policy direction for regional and district plans. The RNRP is focussed on promoting the sustainable management of air, land, water and geothermal resources, achieving integrated management and improving environmental quality in the Bay of Plenty Region.

## 2. Operating Environment

### 2.1 Resource Management Reforms Update

The two new Bills, the Spatial Planning Bill (SP Bill) and the Natural and Built Environments Bill (NBE Bill) were introduced into Parliament on 15 November 2022. Submissions closed in February 2023 and the Parliament's Environment Committee has been reviewing the submissions and holding public oral hearings which our Council presented to in March.

The Environment Committee will likely release its recommendations later in May 2023 and the Ministry for the Environment (MfE) are anticipating the Natural and Built Environment Bill and the Spatial Planning Bill to be passed in mid-2023.

MfE are planning for the next stages of the resource management system reform and developing the National Planning Framework (NPF) and have indicated that:

- Soon after the new legislation comes into force the Government will release a draft NPF, which will provide more detailed national direction on how decision-makers in the new resource management system will give effect to the new legislation. The intention is that this comes into effect in early 2025.
- The NPF will comprise a single, cohesive and coherent body of national regulation to direct regional planning committees to prepare regional spatial strategies and Natural and Built Environment plans and local authorities to undertake consenting in the new resource management system.
- Resource management reforms will play an instrumental role in planning for natural hazards. The NPF will provide national direction on risk reduction and resilience to natural hazards and the effects of climate change. The NPF will guide regions on how to undertake risk assessments, respond to, and prepare for future hazard and climate events, supporting consistency across the country.
- The first NPF is intended to provide high-level direction for regional planning committees to support strategic direction and identification of natural hazards at the regional level and consideration of strategic opportunities to improve resilience.

It is anticipated that there will be approximately a 10-year transition pathway to implement the next Acts and the RMA requirements will cease over time, region by region, as the new National and Built Environment plans come online.

It is expected that a Bill for the Climate Adaptation Act (CAA) will be introduced to Parliament in 2023 and enacted the following year.

#### 2.1.1 National Policy Statements and National Environmental Standards Updates

#### 2.1.2 National Policy Statement for Renewable Electricity Generation, National Policy Statement for Electricity Transmission and National Environmental Standards for Electricity Transmission Activities

The Ministry of Business, Innovation and Employment (MBIE) along with the Ministry for the Environment (MfE) is asking for feedback on proposals to strengthen government direction for consenting renewable electricity infrastructure.

The proposals provide more enabling policy direction for renewable electricity infrastructure development particularly wind and solar generation and transmission projects.

The proposals relate to a package of national direction instruments under the Resource Management Act (1991). This covers the existing:

- National Policy Statement for Renewable Electricity Generation
- National Policy Statement for Electricity Transmission
- National Environmental Standards for Electricity Transmission Activities

It also proposes a new National Environmental Standards for Renewable Electricity Generation. MfE states why the changes are required:

- Current national direction was developed before emissions reduction targets were incorporated into New Zealand law and no longer supports the pace and scale of development required to decarbonise our economy.
- Competing interests with other important environmental considerations, such as valued landscapes and indigenous biodiversity, have been an issue with past project consenting. The consultation proposes options for nationally consistent 'consenting pathways' to guide how environmental impacts are balanced against the need for renewable electricity development.

MBIE states that the government is proposing to strengthen the national direction on renewable electricity generation and transmission under the RMA across the following key areas:

- Providing for the national significance of renewable electricity generation and electricity transmission.
- Creating consent pathways where there are potential adverse effects on significant environmental values.
- Better enabling renewable electricity and transmission where there are potential adverse effects on other areas, including effects on local amenity.
- Recognising and providing for Māori interests.
- Upgrading and repowering existing wind and solar generation.
- Providing for small and community scale renewable electricity generation.
- Improving the workability and scope of the national environmental standard for electricity transmission activities.

Consultation on these matters closes on 1 June 2023 and Councillors will be asked to review any staff feedback prepared.

### 2.1.3 **National Environmental Standard for Sources of Human Drinking Water (NES-DW)**

In early 2022 MfE undertook public consultation on proposed changes to the National Environmental Standard for Sources of Human Drinking Water (NES-DW). MfE considered the submissions on the NES-DW and developed policy options that were

reported to Cabinet in late 2022. They are now working on drafting the changes to the NES-DW and indicated that the finalised policy will be available on the Ministry's website later this year.

Further information about the amendments to strengthen the NES-DW that are anticipated later this year are included in this Committee Agenda Essential Freshwater Policy Programme Update report.

## 2.2 Climate Change

There are a number of key policy developments and initiatives currently underway, primarily at a national level:

- In March 2023, Intergovernmental Panel for Climate Change (IPCC) released the Synthesis Report of its Sixth Assessment (AR6) which draws on the current global science on climate change and explains how the changing climate impacts the world we live in, now and in the future, as well as addressing options for reducing emissions. NIWA is in the process of downscaling the latest IPCC climate change projections from AR6 to provide updated national climate projections for Aotearoa New Zealand – this is expected to be completed in 2024.
- As part of a series of stakeholder meetings, Climate Change Commission staff recently met with BOPRC staff to discuss the Commission's approach to the monitoring of Government's implementation of the National Adaptation Plan (advice due to be delivered in August 2024).
- The Climate Change Commission is also consulting on its draft advice to inform the strategic direction of the Government's second emissions reduction plan, covering Aotearoa New Zealand's 2026–2030 emissions budget. The consultation closes on 20 June. Staff will be preparing a high-level submission.
- Minister of Climate Change, James Shaw, recently released the Climate Change Commission's second annual advice on NZ Emission Trading Scheme (NZETS) unit limits and price control settings, covering the period 2024 – 2028. The Commission recommended a series of changes to the NZETS in order to stay on track for meeting national emissions reductions targets. The Government is currently reviewing the New Zealand Emissions Trading Scheme to assess if changes are needed to provide a stronger incentive for businesses to transition away from fossil fuels, while also supporting greenhouse gas removals.
- Ministry for the Environment has been holding initial discussions around development of the Climate Action Portal, as signalled in both the National Adaptation Plan and the Emissions Reduction Plan. Further detail will be available once funding for the first 12 months has been secured.
- Ministry of Transport is consulting on their EV Charging Strategy which is intended to provide certainty to all parties about the role Government will play in supporting EV charging infrastructure. Consultation closes on 11 May.
- Ministry for Business, Innovation and Employment is currently consulting on strengthened national direction on renewable energy. The proposals are around providing a consenting process for renewable electricity generation and transmission that is more efficient, certain and environmentally

sustainable (separate to the wider resource management reforms). Further detail is outlined in section 2.1.2 of this report.

- Under the resource management reforms, the draft Climate Change Adaptation Bill is expected to be introduced into Parliament in the next two to three months (the Spatial Planning Bill and Natural and Built Environments Bill are currently in the Select Committee process).

At a regional level, the Bay of Plenty Regional Climate Change Risk Assessment was publicly released at the Mayoral Forum on 21 April, with the outputs available on the BOPRC website:

<https://www.boprc.govt.nz/environment/climate-change/regional-risk-assessment>

There will be further discussion around progressing this work at a local level at the next Mayoral Forum on 11 August, informed by input from the Risk Assessment Technical Working Group.

## 2.3 Strategy and Policy Committee Work Programme

The Strategy and Policy Committee Work Programme for the Strategy and Policy Committee Meetings and Workshops for 2023 are set out in Attachment One.

## 3. Considerations

### 3.1 Risks and Mitigations

This is an information only report and matters of risk in relation to future RPS and RNRP changes, and possible updated National Policy Statements and National Environmental Standards will be outlined in the separate reports when reported to the Committee for decision making purposes.

### 3.2 Climate Change

The matters addressed in this report are of a procedural nature and this Committee Agenda includes an update on Climate Change. Climate Change is a key matter that will be considered in the policy development, implementation and analysis process of the proposed RPS Changes and RNRP Plan Changes and will be reported to the Committee during the process.

### 3.3 Implications for Māori

The RMA processes, and any future RPS Changes and Plan Changes all involve consideration of implications for Māori, engagement and consideration of iwi planning documents.

### 3.4 Community Engagement

The RMA processes, and any future RPS Changes and Plan Changes all involve consideration of community engagement undertaken through those processes.

### 3.5 Financial Implications

The matters addressed in this report are of a procedural nature and information only. There are no material unbudgeted financial implications and this fits within the allocated budget.



#### 4. **Next Steps**

As further details on areas under reform become available, updates on operating environment areas that influence and inform Council's policy direction and work will be provided at future Strategy and Policy Committee Meetings. Once there is a clearer picture of proposed changes additional analysis on bigger picture implications can be assessed further.

### **Attachments**

Attachment 1 - Strategy and Policy Committee Work Programme [↓](#)

Strategy and Policy Committee Work Programme 2023				
Workshop 27 June	Meeting 8 August	Workshop 19 September	Meeting 31 October	Workshop 14 December
<div>Essential Freshwater Policy Programme Update Engagement and other progress</div> <div>Possible Items:</div> <div>Mount Maunganui Airshed s293 process update</div> <div>National Environmental Standards for Air Quality Update (assuming gazettal is prior to Committee Meeting)</div>	<div>Essential Freshwater Policy Programme Update Engagement and other progress</div> <div>RPS Change 6 NPS UD Update on Hearing Process</div> <div>RPS Change 5 Kaituna River Update on process</div> <div>Possible Items:</div> <div>Mount Maunganui Airshed Approval of work programme and draft documents (s293 process)</div> <div>Bay of Connections update</div> <div>RNRP Plan Change 11 Geothermal Approval of Draft Rotorua SMP, Kawerau SMP and Draft PC11</div> <div>Update on Natural and Built Environments Act and Strategic Planning Act – expected to be introduced to Parliament</div> <div>Update on implementing National Policy Statement – Highly Productive Land</div>	<div>Essential Freshwater Policy Programme Update Engagement and other progress</div>	<div>Essential Freshwater Policy Programme Engagement findings summary. Decisions – possibly first policy options and recommendations for decision #1</div> <div>Possible Items:</div> <div>Rotorua Air Quality Action Plan Possible Action Plan Update</div> <div>Mount Maunganui Airshed Possible approval of work programme and draft documents (management plan, PC18)</div> <div>Bay of Connections update</div> <div>RPS Proposed Change 8 (NPS-HPL) Project update, snapshot of consultation undertaken, and issues encountered to date, and offer to take a deeper dive workshop if interest shown at the 14 December workshop</div> <div>National Environmental Standards for Sources of Human Drinking Water Update (assuming gazettal is prior to Committee Meeting)</div>	<div>Essential Freshwater Policy Programme Decisions – policy options and recommendations for decision #2</div> <div>RPS Proposed Change 8 (NPS-HPL) Follow up on deeper dive workshop if interest shown at the 31 October update report</div>



**Report To:** Strategy and Policy Committee

**Meeting Date:** 16 May 2023

**Report Writer:** Samantha Pottage, Planner

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

**Purpose:** To provide an update on Proposed Change 6: National Policy Statement – Urban Development to the Bay of Plenty Regional Policy Statement.

## Update on Proposed Change 6: National Policy Statement - Urban Development (NPS-UD) to the Bay of Plenty Regional Policy Statement

### Executive Summary

Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement seeks to fulfil Council's statutory obligations under the National Policy Statement on Urban Development 2020.

Proposed Change 6 (NPS-UD) was publicly notified on 9 August 2022 and submissions closed on 6 September 2022. The *'Summary of Decisions Requested'* was publicly notified on 24 January and submissions closed on 10 February 2023. Council received 34 submissions and 13 further submissions. All further submissions were made by original submitters.

At its meeting on 14 February 2023 Regional Council established a Hearing Panel under section 34 of the Resource Management Act. The Hearing Panel have been given delegated authority to hold and conduct hearings and to provide a written report and recommendations on submissions. Regional Council has appointed two Councillors; Cr Jane Nees and Cr Paula Thompson, alongside a panel member with tikanga Māori expertise; Mr Rawiri Faulkner, and a panel member with urban growth technical expertise; Mr Robert Scott.

This report provides a progress update on Proposed Change 6 (NPS-UD) and seeks the appointment of a Hearing Panel Chairperson. Hearing Panel members who are Chair Endorsed are Cr. Nees and Mr Robert Scott.

### Recommendations

**That the Strategy and Policy Committee:**

- 1 **Receives the report, Update on Proposed Change 6: National Policy Statement - Urban Development (NPS-UD) to the Bay of Plenty Regional Policy Statement.**
- 2 **Confirms Mr Robert Scott as Chairperson for the Hearing Committee for the reasons set out in section 2.2 of this report.**

## 1. Introduction

Proposed Change 6 (NPS-UD) was publicly notified on 9 August 2022 and submissions closed on 6 September 2022. The *'Summary of Decisions Requested'* was publicly notified on 24 January and further submissions closed on 10 February 2023. Council received 34 submissions and 13 further submissions. All further submissions were made by original submitters.

Proposed Change 6 (NPS-UD) seeks to fulfil Council's statutory obligations under the National Policy Statement for Urban Development relating to urban intensification, responsive planning and principles of Te Tiriti o Waitangi.

### 1.1 Legislative Framework

The National Policy Statement on Urban Development came into effect on 20 August 2020 and sets out that implementation by way of a Regional Policy Statement amendment shall be notified no later than 20 August 2022.

#### 1.1.1 National Policy Statement – Urban Development 2020

The National Policy Statement on Urban Development recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing.
- Providing sufficient development capacity to meet the different needs of people and communities.

The National Policy Statement on Urban Development requires:

- Urban development to occur in a way that takes into account the principles of Te Tiriti o Waitangi.
- That plans make room for growth both 'up' and 'out'.
- That there is an evidence base about demand, supply and prices for housing to inform planning decisions; and
- Aligning and coordinating planning across urban areas, regardless of boundaries.

### 1.2 Alignment with Strategic Framework

<b>A Healthy Environment</b>	We develop and implement regional plans and policy to protect our natural environment.
<b>A Vibrant Region</b>	We contribute to delivering integrated planning and growth management strategies especially for sustainable urban management.

Proposed Change 6 (NPS-UD) contributes to the Healthy Environment, and Vibrant Region Community Outcomes in Council's Long-Term Plan 2021-2031. Proposed Change 6 (NPS-UD) implements the National Policy Statement on Urban Development requirements and contributes to Council's functions and responsibilities for sustainable urban management.

### 1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected			
<input type="checkbox"/> Environmental	<input type="checkbox"/> Cultural	<input checked="" type="checkbox"/> Social	<input type="checkbox"/> Economic
Medium - Positive			

There is a positive impact of implementing the National Policy Statement on Urban Development through Proposed Change 6 (NPS-UD). Providing for sufficient development capacity is essential to meeting the needs of the community in urban areas that are experiencing rapid growth. The National Policy Statement on Urban Development sets out policy direction to support productive and well-functioning urban areas through recognising and enabling opportunities for land to be developed to meet community business and housing needs.

## 2. Update on Proposed Change 6 (NPS-UD) Process

This section of the report provides an update on the hearing process and recommends appointing a Hearing Panel Chairperson.

### 2.1 Hearing of Submissions

Staff have arranged for the Hearing of Submissions to commence from Wednesday 21<sup>st</sup> June through to Friday 23<sup>rd</sup> June. The hearing venue is Conference Rooms 1 & 2 (which opens out into one large open space) at The Atrium Café and Conference Centre located at 252 Otumoetai Road, Tauranga. The venue also includes screens and Wi-Fi to allow for virtual presentation of submissions. The Hearings will commence from 10am, allowing Council and venue staff time to ensure the space is set up from venue open time at 9am.

### 2.2 Chairperson Appointment

At its meeting on 14 February 2023 Regional Council established a Hearing Panel under section 34 of the Resource Management Act and delegated the Hearing Panel authority to hold and conduct the hearings process, and to provide a written report and recommendations on submissions. The four panel members are Cr Jane Nees, Cr Paula Thompson, Mr Rawiri Faulkner and Mr Robert Scott. Cr Nees and Mr Robert Scott are Chair Endorsed.

Two key points were raised at this meeting relevant to the appointment of a Chairperson, as at section 8.4 of the Strategy and Policy Committee Meeting Open Minutes:

- If there were two or more Councillors, the Chair needed to be an independent.
- The appointment of the Chair should be left to the Hearing Panel.

Considering these points, and those panel members who are Chair endorsed, staff recommend that Mr Robert Scott be appointed as the Hearing Panel Chairperson.

Mr Robert Scott comes equipped with extensive experience in Chairing Council hearings including urban growth Plan Change 5 Council and Private Plan Change 73 (O'Hara, Waiuku) both to the Auckland Unitary Plan, Private Plan Change 73 is the first plan change to consider the National Policy Statement for Highly Productive Land 2022.

### 3. Considerations

#### 3.1 Risks and Mitigations

There is low risk associated with Proposed Change 6 (NPS-UD). This change is required to implement the National Policy Statement on Urban Development which is a national direction requirement that must be implemented. Proposed Change 6 (NPS-UD) follows Ministry for the Environment guidance material on responsive planning criteria. Previous direction from the Strategy and Policy Committee has limited Proposed Change 6 (NPS-UD) to *'only doing what we need to do'*. Staff have engaged early and widely through a meaningful consultation process. As it relates to the Hearing process, The conference rooms booked at Atrium Café and Conference Centre open out into one large space to cater to all participants. The conference room also includes screens and Wi-Fi connection to allow online participation by submitters. To mitigate any risks legal advice has and will continue to be sought in relation to legal questions arising from submission points.

#### 3.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts. Existing Regional Policy Statement climate change provisions will continue to apply to urban growth and development. These are Regional Policy Statement Policy NH 11B *'Providing for climate change'* and Policy IR 2B *'Having regard to the likely effects of climate change'*.

#### 3.3 Implications for Māori

National Policy Statement on Urban Development Policy 9 requires Te Tiriti o Waitangi principles are taken into account in relation to urban environments, which includes:

- Undertaking effective involvement and consultation with hapū and iwi that is early, meaningful and, as far as practicable, in accordance with tikanga Māori;
- Taking into account hapū and iwi values and aspirations for urban development;
- Providing opportunities 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
- Operative in a way that is consistent with iwi participation legislation.

Proposed Change 6 (NPS-UD) includes a new policy (i.e. replacement Policy UG 22B) to implement National Policy Statement on Urban Development Policy 9 requirements. Replacement Policy UG 22B contains elements of existing operative Regional Policy Statement policies in the Iwi Resource Management chapter that apply to urban growth and development. The policy direction will result in positive cultural and economic effects while also seeking to protect existing urban marae from incompatible uses or development and reverse sensitivity effects.

Additionally, Mr Rawiri Faulkner has been appointed as a panel member with expertise in tikanga Māori. Mr Rawiri Faulker is a qualified environmental hearing commissioner who has held senior roles in Local Government and Crown Agencies and is currently employed by Ngāti Toa Rangatira as Partnership Manager on the Te Aranga Alliance.

### 3.4 Community Engagement



#### **INFORM** **Whakamōhio**

To provide affected communities with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.

Consultation and feedback were sought throughout the process of drafting Proposed Change 6 (NPS-UD). Once the formal Schedule 1 process commences community engagement is limited. Through the second round of submissions, there are limited rights to who can make further submissions. Only certain persons can make a further submission. Under Clause 8 of Schedule 1 to the Resource Management Act 1991 the following persons may make a further submission:

- a) any person representing a relevant aspect of the public interest, and
- b) any person that has an interest in the proposed policy statement or plan greater than the interest that the general public has, and
- c) the local authority itself.

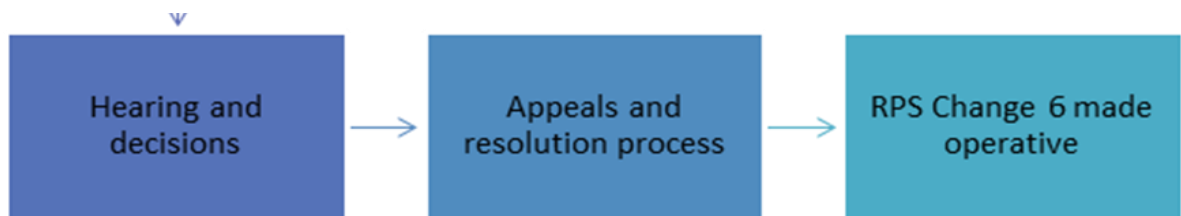
All further submissions were provided by original submitters and were accepted. Staff have updated the Proposed Change 6 (NPS-UD) webpage to ensure that the community is up to date with the process. Additionally, staff have also sent letters to those submitters who wish to be heard advising of the times and dates scheduled for the hearing, and a hearing status form providing opportunity for flexibility on the presenting of their submissions.

### 3.5 Financial Implications

There are no material unbudgeted financial implications and this Proposed Change 6 (NPS-UD) fits within the allocated budget. Proposed Change 6 (NPS-UD) is under the Regional Planning activity. Work to date has involved staff time (for project planning, policy development, and community engagement), and specialist urban growth consultant advice. Costs for the Schedule 1 process are administrative (e.g. public notification, printing), staff time, and Hearing Committee costs (Commissioners).

## 4. Next Steps

Staff are preparing the Planners Recommendation Report and a subsequent s32(2)(A) evaluation report in preparation for hearing. The Council reports will be made available to submitters on 6 June 2023. Further submitter evidence in response to staff recommendations on submissions can be provided anytime prior to the hearing or can be provided in hard copy on the day of hearing. Staff are liaising with submitters and scheduling the submitter presentations for the hearing dates.



Timeframe	Action
April - June 2023	Staff prepare recommendations in response to submissions received, reporting on this is due on 6 June 2023. Meetings may occur with submitters to clarify relief sought.
Late June to Late July	Hearings held on 21 <sup>st</sup> , 22 <sup>nd</sup> and 23 <sup>rd</sup> June. Hearings Panel deliberates are set for 19 <sup>th</sup> and 20 <sup>th</sup> July to make recommendations to Council.
Mid to late 2023	Council to consider whether to adopt Hearings Panel recommendations as Council's decisions. If Council adopts those recommendations, they will then become Council's decisions which must be publicly notified.
Late 2023	Publicly notify decisions on submission. Submitters have 30 working days to lodge an appeal against Council's decisions. If appeals are received, they are resolved through mediation or an Environment Court hearing.





**Report To:** Strategy and Policy Committee

**Meeting Date:** 16 May 2023

**Report Writer:** Nassah Rolleston-Steed, Principal Advisor, Policy & Planning

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

**Purpose:** Seek approval to commence broader external consultation with tangata whenua, affected landowners and stakeholders.

## Draft Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement

### Executive Summary

Staff workshopped the key implications of the National Policy Statement for Highly Productive Land 2022 at the Strategy and Policy Committee workshop on Tuesday 28 March 2023. At that workshop staff foreshadowed presenting this report with the project plan and communication and engagement plan for formal adoption. Staff seek mandate to commence broader external consultation with tangata whenua, affected landowners and stakeholders to ensure the NPS-HPL consultation requirements are met.

### Recommendations

**That the Strategy and Policy Committee:**

- 1 Receives the report, Draft Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement.**
- 2 Approves the timeframes and process for developing Draft Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement up to the point of public notification for submissions.**
- 3 Notes the draft proposed maps of highly productive land will be reported to the Strategy and Policy Committee for approval in the third quarter of 2023.**
- 4 Approves staff to commence tangata whenua, community, landowner and stakeholder consultation for Draft Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement.**

## 1. Introduction

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) took effect on the 17 October 2022. Its primary objective is the protection of highly productive land for use in land based primary production, both now and for future generations. Land-based primary production means production from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

The NPS-HPL seeks to enhance the protection of Aotearoa's most productive land, whilst still allowing for some development of highly productive land in limited circumstances (for example, on specified Māori land and land subject to permanent or long-term constraints). The NPS-HPL is a response to the issue of productive and being lost to housing developments and lifestyle blocks and is intended to complement the National Policy Statement for Urban Development 2020 (NPS-UD).

The NPS-HPL directs urban development away from highly productive land by preventing inappropriate rezoning, subdivision, and use of highly productive land. The direction includes avoiding rezoning and subdivision for the creation of rural lifestyle blocks.

### 1.1 Legislative Framework

National Policy Statements (NPSs) enable central government to set out objectives and policies relating to matters of national significance. NPSs guide local resource management decision making that RPS, regional and district plans are required to give effect to them under sections 62(3), 67(3) and 75(3) of the Resource Management Act 1991 (RMA).

The NPS-HPL policies require additional focus on a number of themes including recognition of the value of highly productive land and protecting it from inappropriate use, integrated management, mapping of highly productive land, prioritising land-based primary production.

The NPS-HPL requires regional councils map all highly productive land in the region within 3 years (i.e. by 17 October 2025). RPS mapping to identify highly productive land in the region must be done in collaboration with the region's territorial authorities (TAs) and in consultation with tangata whenua. Regional Council must actively involve tangata whenua to the extent they wish to be involved.

The NPS-HPL contains directive threshold criteria in Clause 3.6 for proposals involving urban rezoning of highly productive land. The introduction of the NPS-HPL in combination with existing provisions in the RPS relating to avoiding the loss of versatile land, sets a substantial threshold to be achieved in order to allow urban rezoning of highly productive land to occur. An exception applies to land which territorial authorities have identified for future urban development prior to this NPS-HPL coming into force.

The NPS-HPL adds an additional element to be considered while undertaking other policy work required to implement the NPS-FM and NPS-UD. Regional policy statements, regional and district plans must give effect to national policy statements, which means that the full suite of national direction needs to be considered as policy is developed. This includes resolving tensions between competing values identified in different national policy statements, through consideration in a regional (or more specific) context.

The RPS highly productive land mapping to be undertaken will also inform and fit in with other policy development in future, such as mapping for a Regional Spatial Strategy which will be required following resource management reform.

The region’s territorial authorities must include maps of highly productive land in their district plans no later than six months after the RPS highly productive land maps become operative. The process to amend district plans is subject to section 55(2) of the Resource Management Act 1991 which avoids the need to go through a Schedule 1 submissions and hearings process.

1.2 Alignment with Strategic Framework

<b>A Healthy Environment</b>	We develop and implement regional plans and policy to protect our natural environment.
<b>The Way We Work</b>	We honour our obligations to Māori.

Draft Proposed Change 8 (NPS-HPL) is in direct response to central government direction that Regional Council must publicly notify for submissions by the 17 October 2025 deadline.

1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected			
<input checked="" type="checkbox"/> Environmental High - Positive	<input checked="" type="checkbox"/> Cultural Medium - Positive	<input checked="" type="checkbox"/> Social Medium - Positive	<input checked="" type="checkbox"/> Economic Medium - Positive

The purpose of Draft Proposed Change 8 (NPS-HPL) is to achieve the purpose of the NPS-HPL which involves directing new housing development away from highly productive land, where possible. Preventing inappropriate subdivision, use and development will ensure the availability of highly productive land for food and fibre production.

2. Purpose of Proposed Change 8 (NPS-HPL)

Proposed Change 8 (NPS-HPL) purpose is to implement the highly productive land mapping requirements under Policy 3 and Clause 3.4 of the NPS-HPL. Other amendments to the RPS rural growth management provisions will also be necessary to align with NPS-HPL terminology and policy nuances.

2.1 Key objectives

Proposed Change 8 (NPS-HPL) will contribute to achieving NPS-HPL Objective 2.1 and existing RPS rural growth management Objective 26, by implementing NPS-HPL Policy 3 for the RPS.

Objectives
NPS-HPL Objective 2.1: Highly Productive Land is protected for use in land based primary production, both now and for future generations.
RPS Objective 26: The productive potential of the region’s rural land resource is sustained and the growth and efficient operation of rural production activities are provide for.

NPS-HPL Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.

### 2.1.1 Project Plan and Communication and Engagement Plan

This project covers stages and timeframes up to the point of publicly notifying Proposed Change 8 (NPS-HPL) for submissions. A *Project Plan* and *Communication and Engagement Plan* have been developed in liaison and with input from both the Communications and Te Amorangi teams. These plans set out the key project stages, steps, milestones and dates and are included as attachments to this report.

The NPS-HPL requires that Regional Council must notify an RPS change to implement its requirements no later than 17 October 2025. Once the project enters the Schedule 1 submissions process the steps set out in the plan change process manual must be followed. This involves regular project update reports to the Strategy and Policy Committee as well as any key directions sought.

## 3. Considerations

### 3.1 Risks and Mitigations

There is low risk associated with progressing Draft Proposed Change 8 (NPS-HPL) as regional council are required to implement the highly productive land mapping requirements. This change is required to implement the National Policy Statement for Highly Productive Land which is a national direction requirement that must be implemented. Staff have engaged early with the region's territorial authorities. Consultation has resulted in feedback requesting regional council commence early engagement with tangata whenua particularly in the Ōpōtiki and Kawerau districts. Staff consider there is greater risk in delaying tangata whenua and external stakeholder and landowner consultation as it will reduce time available for meaningful engagement.

### 3.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts. Existing Regional Policy Statement climate change provisions will continue to apply to growth management considerations in so far as they relate to highly productive land. In particular Policy NH 11B 'Providing for climate change' and Policy IR 2B 'Having regard to the likely effects of climate change' will continue to apply.

### 3.3 Implications for Māori

The NPS-HPL requires Toi Moana to actively involve tangata whenua (to the extent they wish to be involved) in giving effect to its RPS highly productive land mapping requirements.

Clause 3.3(2) provides direction on what actively involve constitutes in relation to tangata whenua consultation being:

1. *Early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
2. *Undertaken at the appropriate levels of whānau, hapū and iwi decision-making structures, recognising that:*

- i. *Some delegates will have to represent the interests and perspectives of more than one group; and*
- ii. *Some committees are not always fully representative of every iwi and hapū in the region; and*
- iii. *Each constituent group will continue to be entitled to make submissions on notified plans and retain all other rights to be heard and have standing for appeals.*

Specified provisions are included in the NPS-HPL in response to consultation undertaken with iwi and Māori in developing the draft NPS-HPL. Highly productive land comprises approximately 9% of Māori customary and freehold land (113,200 ha) nationally. This equates to approximately 3% of highly productive land nationally. Another 32,160 ha of Treaty Settlement Land is LUC 1-3, however most of this land was returned as general title land and will be subject to NPS-HPL protection mechanisms.

In the NPS HPL ‘specified Māori land’ means land that is any of the following:

- (a) *Māori customary land or Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):*
- (b) *land vested in the Māori Trustee that—*
  - (i) *is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955; and*
  - (ii) *remains subject to that Act:*
- (c) *land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:*
- (d) *land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):*
- (e) *the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:*
- (f) *land held by or on behalf of an iwi or hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of the mana whenua over the land.*

Land that is rezoned a Māori purpose zone, or included within a Māori purpose zone, is not highly productive land because land is only highly productive land if it is zoned general rural or rural production zone or equivalent.

An effect of these provisions is some iwi and hapū are looking to change the status of highly productive rural zoned land to Māori freehold land (as defined in Te Ture Whenua Māori Act 1993) to avoid the high protection requirements under the NPS-HPL. This is in response to the NPS-HPL restricting the ability to develop papakāinga on general title land owned by iwi or hapū.

This report seeks mandate to commence tangata whenua, stakeholder, landowner and community consultation in line with consultation provisions in the RPS. For example Method 41 ‘Promote consultation with potentially affected tangata whenua’ which states:

*Promote consultation with tangata whenua and any other parties affected:*

- (a) *Early in a proposal development and, as appropriate, to continue this consultation during the implementation of any consented activity; and*

- (b) *As the occasion may dictate, in accordance with tikanga Māori (consultation may be through tribal federations or runanga, iwi authorities, hapū or whānau, depending on the issue).*

*Implementation responsibility: Regional council and city and district councils.*

### 3.4 Community Engagement



#### **CONSULT** **Whakauīuia**

To obtain input or feedback from affected communities about our analysis, alternatives, and /or proposed decisions.

A Communication and Engagement Plan has been developed in liaison and with input from both the Communications and Te Amorangi teams. The purpose of this report is to provide staff with mandate to commence tangata whenua, stakeholder, landowner and community consultation in line with its own consultation policies. In particular RPS Policy IR 4B *‘Using consultation in the identification and resolution of resource management issues’* which states:

*Encourage the timely exchange, consideration of, and response to, relevant information by all parties with an interest in the resolution of a resource management issue by:*

- (a) *Consulting as widely as practicable in the preparation, implementation and review of policy statements and plans;*
- (b) *Consulting all potentially affected parties and interest groups in the planning, implementation and review of councils’ own operational activities in relation to the use, development and protection of natural and physical resources; and*
- (c) *Encouraging all parties undertaking resource use, development and protection activities to consult with others who may be affected.*

The NPS-HPL also requires that regional council must collaborate with the region’s TAs when preparing highly productive land maps in the RPS. Initial discussions with the relevant Policy and Planning staff at the region’s TAs commenced at the Regional Planners Forum hui in Ōpōtiki on 18 November 2022. At that hui there was initial interest in establishing a sub-group of TA Policy staff to develop generic provisions for inclusion in district plans to give effect to the NPS-HPL. The idea of appointing a single Hearing Panel to consider and hear submissions on the RPS and district plan changes to give effect to the NPS-HPL was also socialised. While noting that is a decision for elected officials, staff consider there is merit in considering such an approach from an efficiency and effectiveness perspective. Particularly if generic district plan highly productive land provisions are adopted by the region’s TAs.

Meetings have been scheduled with Opoitiki District Council staff to discuss areas they are considering for urban growth spatial planning and ways and means these can be factored into the RPS highly productive land mapping exercise. They are also concerned about the impacts of RPS highly productive land mapping on Maori land development opportunities in the Opoitiki district.

Taupo District Council have no highly productive land in their part of the district which is in the Bay of Plenty region. On that basis their planning staff have opted out of the RPS highly productive land mapping meetings with TAs in the Bay of Plenty region.

### 3.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget. Draft Proposed Change 8 (NPS-HPL) is under the Regional Planning activity. The costs for this process involves staff time, consultancy and legal fees. Legal input and reviews are intended to be accommodated in house but depending on the scale and nature of submissions may need to be outsourced. Future costs (such as hearings and the Schedule 1 process) are accommodated within the Long-Term Plan 2021-2031 budget. Costs for the Schedule 1 process are administrative (e.g., public notification, printing), staff time, and Hearing Panel costs (Commissioners). These costs are typical of RPS change processes and similar to those for Proposed Change 6 (NPS-UD) which is proceeding to hearings in June 2023 and the freshwater RPS changes which give effect to the NPSFM 2020. Those RPS changes similarly stem from recent central government directives and fit within the allocated budget for the 2022/2023 and 2023/2024 years.

#### 3.5.1 Future Budget Implications

Additional funding may be required if an appeal requires a court hearing to resolve. Staff will assess whether the budget is sufficient if/when an appeal is received.

### 4. Next Steps

The scope of Draft Proposed Change 8 (NPS-HPL) is focused primarily on implementing the NPS-HPL RPS highly productive land mapping requirements. It will also include changes to existing RPS rural growth management provisions to align with the NPS-HPL. This includes changing *Versatile Land* references to *Highly Productive Land* along with other minor policy amendments that ensure alignment with the NPS-HPL.

This project covers stages and timeframes up to the point of publicly notifying Proposed Change 8 (NPS-HPL) for submissions. Once the project enters the Schedule 1 submissions process the steps set out in the plan change process manual must be followed. This involves regular project update reports to the Strategy and Policy Committee as well as any key directions sought.

The project plan sets out the key project stages, more detailed steps and timeframes within each stage however a redacted summary of key project milestones and steps is as follows:

Milestone	Date
Strategy and Policy Committee Workshop Proposed Change 8 (NPS-HPL) - to inform on NPS-HPL implications for regional council and initial planning underway to give effect to its requirements.	28 March 2023
Commence preparation of first draft RPS highly productive land maps and track changes version showing amendments to RPS rural growth management provisions.	May 2023
Commence external stakeholder, iwi/hapū/Māori land trusts consultation.	May 2023 - ongoing until public notification to commence Schedule 1 process


Milestone	Date
Strategy and Policy Committee approve Draft Proposed Change 8 (NPS-HPL) highly productive land maps and proposed changes to RPS rural growth management provisions	Final quarter 2023
Regional Council approves Proposed Change 8 (NPS-HPL) for public notification	First quarter - mid 2024
Proposed Change 8 (NPSHPL) notified for submissions	Third or fourth quarter 2024
Change 8 (NPS-HPL) made operative	Mid - fourth quarter 2026

## Attachments

Attachment 1 - Project Plan for Proposed Change 8 (NPS-HPL) to the Bay of Plenty  
Regional Policy Statement [↓](#)

Attachment 2 - Communication and Engagement Plan for Proposed Change 8 (NPS-HPL)  
to the Bay of Plenty Regional Policy Statement [↓](#)



		<b>Project Plan</b>	
<b>Project title:</b>		<b>Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement</b>	
<b>Project sponsor:</b>		<b>Namouta Poutasi, Group Manager Strategy and Science</b>	
<b>Business owner:</b>		<b>Julie Bevan, Manager Policy and Planning</b>	
<b>Project manager:</b>		<b>Nassah Rolleston-Steed</b>	
<b>Tech1 Subtask No:</b>		<b>10-6115.50.440</b>	
<b>Date: Version 1.0 – 3 April 2023</b>	<b>Group: Strategy and Science</b>	<b>Updated</b>	<b>File No. 7.00113</b>

## 1 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) took effect on the 17 October 2022. Its primary objective is the protection of highly productive land for use in land based primary production, both now and for future generations. Land-based primary production means production from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

This 'tool' is a response to the issue of productive land being lost to housing developments and lifestyle blocks and is intended to complement the National Policy Statement for Urban Development 2020 (NPS-UD)<sup>1</sup>.

National Policy Statements (NPSs) enable central government to set out objectives and policies relating to matters of national significance. NPSs guide local resource management decision making that Regional Policy Statements (RPS), regional and district plans are required to give effect to them under sections 62(3), 67(3) and 75(3) of the Resource Management Act 1991 (RMA).

The NPS-HPL directs urban development away from highly productive land by preventing inappropriate rezoning, subdivision, and use of highly productive land (with few exceptions). The direction includes avoiding rezoning and subdivision for the creation of rural lifestyle blocks. The NPS-HPL seeks to enhance the protection of Aotearoa's most productive land, whilst still allowing for some development of highly productive land in limited circumstances (for example, on specified Māori land and land subject to permanent or long-term constraints).

## 2 NPS-HPL Responsibilities and Requirements

The NPS-HPL policies require additional focus on a number of themes including recognition of the value of HPL, integrated management, mapping of HPL, prioritising land-based primary production, and protection of HPL from inappropriate use.

The NPS-HPL requires regional councils map all highly productive land in the region within 3 years (i.e. by 17 October 2025). RPS mapping to identify highly productive land in the

<sup>1</sup> Beehive press release dated 18 September 2022.

region must be done in collaboration with the region's territorial authorities (TAs) and in consultation with tangata whenua. Regional Council must actively involve tangata whenua to the extent they wish to be involved.

The NPS-HPL contains directive threshold criteria in Clause 3.6 for proposals involving urban rezoning of highly productive land. The introduction of the NPS-HPL in combination with existing provisions in the RPS relating to avoiding the loss of versatile land, sets a substantial threshold to be achieved in order to allow urban rezoning of highly productive land to occur. An exception applies to land which territorial authorities have identified for future urban development prior to this NPS-HPL coming into force.

The NPS-HPL adds an additional element to be considered while undertaking other policy work required to implement the NPS-FM and NPS-UD. Regional policy statements, regional and district plans must give effect to national policy statements, which means that the full suite of national direction needs to be considered as policy is developed. This includes resolving tensions between competing values identified in different national policy statements, through consideration in a regional (or more specific) context.

The RPS highly productive land mapping to be undertaken will also inform and fit in with other policy development in future, such as mapping for a Regional Spatial Strategy which will be required following resource management reform.

The region's territorial authorities must include maps of highly productive land in their district plans no later than six months after the RPS highly productive land maps become operative. The process to amend district plans is subject to section 55(2) of the Resource Management Act 1991 which avoids the need to go through a Schedule 1 submissions and hearings process.

### **3 Dependencies and Inter-relationships**

#### **3.1 NPS-HPL Timeframe**

The NPS-HPL imposes a timeframe of notifying an RPS change to map highly productive land by 17 October 2025.

#### **3.2 Long Term Plan**

Delivery of RPS changes is an integral part of the Long-Term Plan (LTP) Regional Planning activity, which sets Council's strategic planning and policy direction. The RPS identifies how the integrated management of the region's natural and physical resources are to be managed by establishing policy direction for resource management decision making processes particularly in regional and district plans.

#### **3.3 Resource Management Reform**

Proposed Change 8 (NPS-HPL) is progressing amidst RMA reform including new spatial/strategic planning requirements.

The Government plans to repeal the Resource Management Act 1991(RMA) and replace it with three new pieces of legislation:

- Natural and Built Environments Act (NBA);
- Spatial Planning Act (SPA); and
- Climate Change Adaptation Act (CAA).

The select committee process provides for the NBA and SPA to be passed into law by mid-2023.

The SPA is being developed in parallel with the NBA and closely aligned to the development of the CAA. The purpose of the SPA is to provide a strategic and long-term approach to how regions plan for using land and the coastal marine area. Long-term spatial strategies in each region are to be developed to identify areas that:

- Will be suitable for development;
- Need to be protected or improved;
- Will require new infrastructure and other social needs provision; and
- Are vulnerable to climate change effects and natural hazards.

Regional spatial strategies aim to enable more efficient land and development markets to improve housing supply, affordability and choice, and deliver climate change mitigation and adaptation.

### 3.4 Subregional Spatial Planning Initiatives

Bay of Plenty Regional Council in partnership with the region's territorial authorities have been working collaboratively on sub-regional spatial plans over the years. In recognition of these efforts the councils have recently collaborated in the development of a joint submission on the NBA and SPA Bills. A summary of the sub-regional projects is provided as follows. Highly productive land exists in all these sub-regional spatial planning project areas. This will provide another constraint or layer added to other considerations including rural and economic corridors, infrastructure (both significant and social), population projections and environmental (SNAs, hazards, freshwater) values.

#### 3.4.1 SmartGrowth Western Bay of Plenty Sub-region

In the western Bay of Plenty sub-region, the SmartGrowth Settlement Pattern is set within a corridor approach where integration is sought between the transport network, land use, the supply of land for urban development, infrastructure delivery and funding and the commercial viability of development.

The SmartGrowth Settlement Pattern has been given effect to in a number of ways, including through urban limits and growth areas in the operative RPS (in Appendix E).

Currently, the RPS urban limits identify land to be developed for urban purposes. The original urban limits identified required land to 2051 to accommodate expected population growth and demand for land for housing and business purposes. Land outside of the urban limits was not intended to be urbanised.

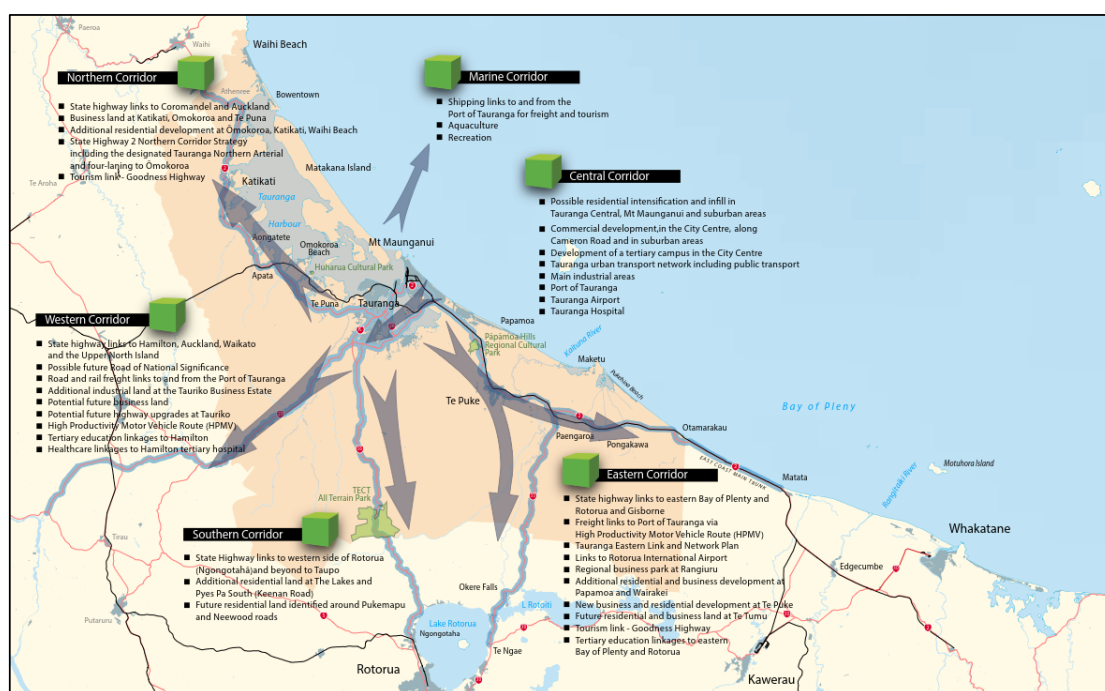


Figure 1 SmartGrowth settlement pattern corridors

To implement the NPS-UD responsive planning requirements Proposed Change 6 (NPS-UD) proposes dispensing with the defined urban limits and growth management areas. It has instead replaced the hard urban ring fence with qualitative criteria that enable increased density urban development and for the consideration of unanticipated or out-of-sequence urban growth.

The HPL Webviewer identifies the key western Bay of Plenty urban growth areas as these have already been earmarked from urban development by the partner agencies. Those areas therefore qualify as future urban development areas under the NPS-HPL.

### 3.4.2 Rotorua Urban Development Planning

Rotorua Lakes Council (RLC) are exploring a number of ways to improve urban development planning. This includes a Plan Change, focusing on enabling greater infill, intensification, and housing choice. The plan change process will involve a gap analysis assessment of the District Plan objectives, policies, and provisions in terms of enabling intensification. It will build on the 2018 Rotorua Spatial Plan which identifies how the district will grow, develop and change over a 30-year time period. There will also be a workstream to consider flooding and associated issues.

A number of new residential growth areas identified in the Spatial Plan are subject to various constraints including flooding hazard and highly productive land. However, because the identified new residential areas are included in the Spatial Plan they are considered future urban development areas under the NPS-HPL.

### 3.4.3 Eastern Bay Spatial Planning and Urban Development planning

The current focus of Eastern Bay spatial planning work (i.e. Whakatāne-Kawerau-Matātā-Ōpōtiki areas) is planning for new urban development areas. Areas of highly productive land will be considered a constraint as part of this urban development planning. It is worthwhile noting large tracts of highly productive land exist in the lowland plains surround eastern bay settlements of Kawerau, Edgecumbe, Whakatāne and Ōpōtiki. Both

Whakatāne and Ōpōtiki District Council have resolved to commence urban development in areas comprising highly productive land on the outskirts of their existing urban areas (e.g. Hikutaia Growth Area and Julian's Berry Farm) and these are considered identified future urban development areas under the NPS-HPL.

### 3.5 Relationship to Other National Policy Statements

New Zealand has four other National Policy Statements being the:

1. National Policy Statement on Electricity Transmission 2008
2. New Zealand Coastal Policy Statement 2010
3. National Policy Statement for Renewable Electricity Generation 2011; and
4. National Policy Statement for Freshwater Management 2020.

The Regional Policy Statement already gives effect to NPSs for Electricity Transmission, Renewable Electricity Generation and the New Zealand Coastal Policy Statement. These were all given effect to through the development of the second-generation Bay of Plenty Regional Policy Statement which was successively made operative in 2014 and 2015.

#### 3.5.1 NPS Freshwater Management (NPSFM)

Implementation of the National Policy Statement for Freshwater Management (NPSFM) 2020 a key priority for Regional Council and is being progressed separately through the Essential Freshwater Policy Programme (EFPP). The EFPP involves RPS and RNRP changes currently scheduled to be notified in December 2024.

The NPSFM 2020 came into effect on 3 September 2020 and replaces the National Policy Statement for Freshwater Management 2014 (amended 2017).

The NPSFM requires local authorities adopt an integrated approach to freshwater and land use development. The NPSFM has a number of implications for urban planning such as the need to define wetlands, identify suitable water supply, wastewater infrastructure and stormwater discharge locations etc. Most of these implications will be addressed during the structure planning stages of urban development.

Policy 2 of the NPS-HPL requires the identification and management of highly productive land to be undertaken in an integrated way that considers the interactions with freshwater management. The operative RPS already includes an example in Policy UG 18B where land use change to achieve water quality outcomes can over-ride the protection of versatile land.

## 4 Project description

### 4.1 Purpose of Proposed Change 8 (NPS-HPL)

Proposed Change 8 (NPS-HPL) aims to implement the highly productive land mapping requirements under Policy 3 and Clause 3.4 of the NPS-HPL.

### 4.2 Outputs

Proposed Change 8 (NPS-HPL) to the RPS is publicly notified, consultation meets the requirements of Clause 3.3 and 3.4(4) of the NPS-HPL and a Section 32 report is produced that is fit for purpose.

## 5 Project Scope

The scope of Proposed Change 8 (NPS-HPL) is focused primarily on implementing the NPS-HPL RPS highly productive land mapping requirements. It will also include changes to existing RPS rural growth management provisions to align with the NPS-HPL. This includes changing *Versatile Land* references to *Highly Productive Land* along with other minor policy amendments that ensure alignment with the NPS-HPL.

This project plan includes stages and timeframes up to the point of publicly notifying Proposed Change 8 (NPS-HPL) for submissions. Once the project enters the Schedule 1 submissions process the steps set out in the plan change process manual must be followed. This involves regular project update reports to the Strategy and Policy Committee as well as any key directions sought.

6      **Key objectives**

Proposed Change 8 (NPS-HPL) will contribute to achieving NPS-HPL Objective 2.1 and existing RPS rural growth management Objective 26, by implementing NPS-HPL Policy 3 for the RPS.

Objectives
<b>NPS-HPL Objective 2.1:</b> Highly Productive Land is protected for use in land based primary production, both now and for future generations.
<b>RPS Objective 26:</b> The productive potential of the region's rural land resource is sustained and the growth and efficient operation of rural production activities are provide for.
<b>NPS-HPL Policy 3:</b> Highly productive land is mapped and included in regional policy statements and district plans.

7      **Benefits/outcomes**

Qualitative benefits	Indicator of success	Owner	Timeframe
Regional Council fulfils its NPS-HPL statutory obligation to include maps of highly productive land in the Bay of Plenty Regional Policy Statement.	Proposed Change 8 is made operative. Lack of opposing submissions from region's territorial authorities.	Project lead	2024/2025
Clear and certain maps identify where in the region NPS-HPL directives apply.	District Council's include equivalent maps of highly productive land in their city and district plans.	Project lead	2025/26

8      **Proposed Change 8 (NPS-HPL) work plan**

**Project work breakdown**

Stage	Key components	Tasks and timeframes
<b>Stage 1: Draft Proposed Change 8 (NPS-HPL) Project Plan, Communication and Engagement Plan for</b>	Develop draft Project Plan and Communication and Engagement Plan for Proposed Change 8 (NPS-HPL) to the RPS. Seek input from key internal staff (e.g. Te Amorangi,	Underway

## Item 9.3, Attachment 1

Stage	Key components	Tasks and timeframes
ready for Strategy and Policy Committee approval	Legal, Catchment Management and Communications).	
	Obtain Project Sponsor (Namouta Poutasi) and Business Owner (Julie Bevan) approval for Project Plan and Communications and Engagement Plan.	Underway
	Seek formal Strategy & Policy Committee endorsement of Project Plan and Communication and Engagement Plan – 16 May 2023	Pending
Stage 2: Prepare first draft RPS highly productive land maps and commence consultation with key stakeholders, TAs and tangata whenua	Develop Proposed Change 8 (NPS-HPL) page on Regional Council's website under the Policies page	Pending
	<p>Targeted consultation on RPS highly productive land maps with territorial authorities, tangata whenua (through Māori contacts database) and other key stakeholders including Federated Farmers, Horticulture NZ, infrastructure providers (e.g. Transpower, Waka Kotahi), developers (e.g. Kainga Ora, Element IMF)</p> <p>Key stakeholders to be targeted for consultation as below.</p> <p>Note: staff will remain open to continuing consultation up until Council approval is sought to notify Proposed Change 8 to commence submissions in mid-2024. From that point on the ability to consider with an open mind the concerns of stakeholders, landowners and/or tangata whenua become restricted and consultation in its true sense cannot occur.</p>	Provide early working draft of Proposed Change 8 (NPS-HPL) to the RPS maps of highly productive land in the region. Allow adequate time and opportunity for stakeholders to provide feedback. Have particular regard to any feedback received and make appropriate responses. Update consultation record and section 32 analysis after each meeting.
	Email and/or send letters to all persons listed in the region's Māori contacts (i.e. Iwi Authorities, kaitiaki, hapū, Māori land trusts) and provide information on and invite them to advise whether they're interested in meeting to discuss Proposed Change 8 (NPS-HPL). Staff will arrange to meet with anyone who responds and expresses an interest in being consulted. Seek feedback on the first draft RPS highly productive land maps. This step will be repeated 3 times in 2023 during	<p>Pending in May, August and November 2023.</p> <p>Update consultation record to include any hui, responses, and actions resulting.</p>

## Item 9.3, Attachment 1

Stage	Key components	Tasks and timeframes
	the months of May, August and November.  Request time on territorial authorities tangata whenua forums (e.g. Rangapu, Te Hiku o te Waka o te Arawa) hui agendas to report on the implications of the NPS-HPL on Māori land. Use tangata whenua forums as a sounded board, to raise awareness about, and as an avenue for further engagement with tangata whenua on the NPS-HPL and Proposed Change 8.	
	Schedule and undertake consultation with local authorities staff and combine discussion with review of District Application Consents protocol. Note the organising of these hui is already in train. Utilise Regional Planners Forum meetings to discuss related project management matters. Separate meetings can be scheduled and held with TAs staff and/or elected officials as and when required and depending on their level of interest.	Update Consultation Record following any presentations and/or consultation hui with TA staff or their elected officials.
	Develop Section 32 analysis report for Proposed Change 8 (NPS-HPL)	
<b>Stage 3: Strategy and Policy Committee approve Proposed Change 8 (NPS-HPL) policy framework</b>	Provide project update report to the Strategy and Policy Committee meeting on 31 October 2023. Offer to undertake a deeper dive at the 13 December 2023 workshop.  Foreshadow intent to seek Council approval to notify in either the first quarter or mid 2024 depending on how consultation with TAs and tangata whenua has progressed.	31 October 2023
	Provide a deeper dive workshop with Strategy and Policy Committee on 13 December 2023 if that is requested.	TBC – 13 December 2023
<b>Stage 4: Schedule 1 process</b>	Council approval to publicly notify Proposed Change 8 (NPS-HPL). Documentation required: <ul style="list-style-type: none"> <li>Report to Council</li> <li>Proposed Change 8 Version 3.0</li> <li>Section 32 evaluation report</li> </ul>	First quarter - mid 2024



## Item 9.3, Attachment 1

Stage	Key components	Tasks and timeframes
	Publicly notify Proposed Change 8 (NPS-HPL) for submissions. Minimum 20 working days for submissions must be specified in the public notice.  See Plan Process Manual (A166467) for notification process requirements and timeframes.	Notification June – August 2024
	Submissions period	August - September 2024
	Prepare summary of submissions (decisions requested by submitters)	October 2024
	Publicly notify summary of submissions to enable certain persons (as defined by RMA) to make future submissions – either in support or opposition	November 2024
	Further submissions period – 10 working days	November/December 2024 (dates TBC)
	Seek direction from the Strategy and Policy Committee to appoint members of the Hearing Panel	1 <sup>st</sup> meeting of 2025
	Staff prepare recommendations in response to submissions received. Meetings may occur with submitters to clarify relief sought	January – March 2025
	Hearings held, Hearings Panel deliberates and makes recommendations to Council	May 2025 (dates TBC)  Dates depend on availability of appointed Hearing Panel members
	Council to consider whether to adopt Hearing Panel recommendations as Council's decisions. If Council adopts those recommendations they will then become Council's decisions which must be publicly notified.	Mid 2025
	Publicly notify Council's decisions on submissions. Submitters have 30 working days to lodge an appeal against Council's decisions.  If appeals are received, they are resolved through mediation or an Environment Court hearing.	Mid 2025

## 9 Project milestones

Milestone	Date
Strategy and Policy Committee Workshop Proposed Change 8 (NPS-HPL) – to inform on NPS-HPL implications for regional council and initial planning underway to give effect to its requirements	28 March 2023
Strategy and Policy Committee Workshop Proposed Change 8 (NPS-HPL) – approval given for external stakeholder consultation, project plan and communications and engagement plan	16 May 2023
External stakeholder, iwi/hapū/Māori land trusts consultation	May 2023 – May 2024
Council approves Proposed Change 8 (NPS-HPL) for public notification	First quarter - mid 2024
Proposed Change 8 (NPSHPL) notified for submissions	Third quarter 2024
Change 8 (NPS-HPL) made operative	Mid 2026

## 10 Budgeted cost/resources

The cost for this process under the Long-Term Plan 2018-2028 budget involves staff time, consultancy and legal fees. Legal review/analysis are intended to be accommodated in house but depending on the scale and nature of submissions and internal capacity at that time, this may need to be outsourced. Future costs (such as hearings and the Schedule 1 process) are accommodated within the Long-Term Plan 2021-2031 budget.

Given the NPS-HPL was gazetted in September 2022 no specific RPS charge code has been set up for Proposed Change 8 (NPS-HPL). Finance staff have been consulted. Project costs will be accommodated under the broader RPS work programme 10.6113.50.440.2320. This is a similar situation to Proposed Change 6 (NPS-UD) which is proceeding to hearings in June 2023 and the freshwater RPS changes which give effect to the NPSFM 2020 and form part of the wider Essential Freshwater Policy Programme. Those RPS changes similarly stem from recent central government directives and fit within the allocated budget for the 2022/2023 and 2023/2024 years.

### 10.1 Project resource requirements

Refer Change 8 (NPS-HPL) objective folder reference fA1563498 for project resource requirements.

## 11 Assumptions

Proposed Change 8 (NPS-HPL) to the RPS is required by the NPS-HPL. Key assumptions include:

1. Elected members understand Proposed Change 8 (NPS-HPL) gives effect to national direction in the NPS-HPL.

2. Proposed Change 8 (NPS-HPL) is resourced by Council as it is a statutory requirement.

12 Risk analysis

Risk No.	Name of person who raised the risk	Risk	Inherent risk				Mitigating actions	Risk treatment	Who/when	Residual risk			
			Likelihood	Consequence	Total	Rating				Likelihood	Consequence	Total	Rating
1	Project team	Scope creep The scope of highly productive land mapping may increase in response to stakeholder feedback and Councillors directions	4	3	7	Significant	Agreeing to clear and consistent criteria for the highly productive mapping aligned with directions in the NPS-HPL which focus only on the changes required.	Mitigate	Project team, Manager, GM and Councillors  May – December 2023	2	1	3	Low
2	Project team	Unrealistic stakeholder expectations Stakeholders expectations about ability of Proposed Change 8 (NPS-HPL) highly productive land mapping to address their concerns/aspirations may be beyond scope of changes proposed.	4	3	7	Significant	Clear, targeted engagement process and messaging regarding what changes are necessary, accompanied by online information. Clearly articulate scope of the RPS change.	Mitigate	Project team, Manager, GM and Councillors May-December 2023	2	2	4	Low
3	Project lead	Appeals on Council's decisions on submissions The nature of appeals will most likely relate to areas being mapped highly productive land being situated in areas where landowners or developer wish to undertake urban or rural lifestyle development or affecting Māori land.	4	3	7	Significant	Resolve submissions prior to Hearing or as part of Hearing Panel deliberations.	Mitigate	Project team Mid 2024 – first quarter of 2025	3	3	6	Moderate
Issues - risks to be managed once detail is confirmed													

Risk No.	Name of person who raised the risk	Risk	Inherent risk				Mitigating actions	Risk treatment	Who/when	Residual risk			
			Likelihood	Consequence	Total	Rating				Likelihood	Consequence	Total	Rating
3	Project team	RM reform may signal other related changes that could place uncertainty on the life of areas mapped highly productive land.					Keep abreast of reform changes.	Accept	Project team, Manager, GM and Councillors 2023/24				
4	Project team	Local Government Reform					Keep abreast of reform changes.	Accept	Project team, Manager, GM and Councillors 2023/24				
5	Project team	NPS IB is gazetted and imposes further RPS requirements affecting draft Proposed Change 8 (NPS-HPL) policies already consulted on requiring further consultation with same parties.					NPS-IB was scheduled to be released in early 2023 however it would appear now that is unlikely to occur until after central government elections. Stop and pause when NPS IB are gazetted and analyse impact on Proposed Change 8 (NPS-HPL) and options for moving forward including whether further consultation with stakeholders and tangata whenua already consulted is necessary.	Accept	Project team, Manager, GM and Councillors 2023/2024				

Likelihood	1=rare	2=possible	3=likely	4=very likely	5=extremely likely
Consequence	1=insignificant	2=minor	3=moderate	4=major	5=catastrophic
Ratings	1-4=low	5-6=moderate	7-8=significant	9-10=extreme	

## 13 External Stakeholders

Stakeholder	Project interest
Territorial authorities	The NPS-HPL requirements apply to all territorial authorities. Once the RPS highly productive land maps are made operative, the region's territorial authorities have 6 months to include equivalent maps in the district and/or city plans. The maps must be inserted by direct reference under section 55 of the Resource Management Act 1991. Territorial authorities must include objectives, policies and rules in their district plans to give effect to the NPS-HPL using the schedule 1 process as soon as practicable and no later than 2 years after the RPS highly productive maps become operative.
Iwi and hapū	<p>The NPS-HPL will affect the different priorities of iwi, hapū and whānau, in terms of urban rezoning, freshwater and aspirations for development of Māori land. Council is required to actively involve tangata whenua (to the extent they wish to be involved) when implementing the NPS-HPL. This must be done in a way that is early, meaningful and, as far as practicable, in accordance with tikanga Māori.</p> <p>The NPS-HPL implications vary for different types of land owned by Māori, including specified Māori land, general land owned by Māori, land returned under Treaty settlement or by other means, and land zoned Māori purpose zone.</p> <p>Specified Māori land is exempt from NPS-HPL restrictions on subdivision, use or development. Although the NPS-HPL will not restrict the type of activities that can occur on specified Māori land, care will need to be taken to ensure that activities minimise the actual and cumulative loss of highly productive land and do not adversely affect the productive use of highly productive land on neighbouring sites.</p>
Ministry of Housing and Urban Development	Ministry of Housing and Urban Development (MHUD) leads New Zealand's housing and urban development work programme. It is responsible for strategy, policy, funding, monitoring and regulation of New Zealand's housing and urban development system.
Kainga Ora	Kāinga Ora—Homes and Communities (Kāinga Ora) is a new Crown agency established to transform housing and urban development throughout New Zealand. Kāinga Ora has two key roles – continuing to be a public housing landlord, and a new role to work in partnership to enable, facilitate, and deliver urban development projects.
Infrastructure Providers (Territorial Authorities, Waka Kotahi (NZTA), Lines Company (Powerco). Fibre Installation (Chorus)).	The NPS-HPL includes specific exclusions where subdivision of highly productive land is for specified infrastructure namely transport, energy, water and telecommunications. Providing opportunity for their involvement in the consultation phase of the planning process provides an early indication of pending changes and ensures better infrastructure planning.

14 **Communication management**

Refer Communication and Engagement Plan Objective ref: A4338363

# Communications & Engagement Plan

## Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement

Engagement start/end date:	May 2023 until Proposed Change 8 (NPS-HPL) is publicly notified
Business owner:	Julie Bevan, Manager Policy and Planning

### 1. Identify:

#### Project Scope:

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) took effect on the 17 October 2022. Its primary objective is the protection of highly productive land for use in land based primary production, both now and for future generations. Councils are required to give effect to the NPS-HPL in their resource management decisions.

National Policy Statements (NPSs) enable central government to set out objectives and policies relating to matters of national significance. NPSs guide local resource management decision making that RPS, regional and district plans are required to give effect to them under sections 62(3), 67(3) and 75(3) of the Resource Management Act 1991 (RMA).

The NPS-HPL directs urban development away from highly productive land by preventing inappropriate rezoning, subdivision, and use of highly productive land (with few exceptions). The direction includes avoiding rezoning and subdivision for the creation of rural lifestyle blocks. The NPS-HPL seeks to enhance the protection of Aotearoa's most productive land, whilst still allowing for some development of highly productive land in limited circumstances (for example, on specified Māori land and land subject to permanent or long-term constraints).

Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement (RPS) seeks to implement the NPS-HPL requirements specific to the RPS. NPS-HPL requires regional councils include to RPS maps of all highly productive land in the region. This RPS change must be notified as soon as possible but no later than 3 years from the NPS-HPL being gazetted (i.e. by 17 October 2025).

RPS mapping to identify highly productive land in the region must be done in collaboration with the region's territorial authorities (TAs) and in consultation with tangata whenua. Regional Council must actively involve tangata whenua to the extent they wish to be involved. Subject to gaining Strategy and Policy Committee approval for the project plan and communication and engagement plan correspondence (on three separate occasions) will be sent to the region's Māori contacts (i.e. Iwi Authorities, hapū, Māori land trusts), and RPS mailout list providing information on and inviting them to anyone interested to advise whether they're interested in meeting to discuss Proposed Change 8 (NPS-HPL). Staff will arrange to meet with anyone interested in Proposed Change 8 (NPS-HPL) and seek feedback on any changes proposed.

**Level of Significance: Medium**

#### What are the desired outcomes for the project? What are the desired outcomes for community?

1. Regional Council fulfils its statutory obligations and Proposed Change 8 (NPS-HPL) provides clear direction to Toi Moana, and the region's city and district councils to achieve NPS-HPL Objective 2.1 and its policies.
2. Proposed Change 8 (NPS-HPL) achieves the purpose of the Resource Management Act 1991 with regards to protecting highly productive land now and for future generations.
3. The region's highly productive land resource is protected for the ongoing growth and operation of rural production activities.

BOPRC ID: A4338363



<b>Why do you want to engage with your community?</b>	<ul style="list-style-type: none"> <li>• The operative RPS includes an objective and policies specific to consultation. Any RPS changes must therefore ensure consultation is undertaken consistent with this policy direction.</li> <li>• Under the Local Government Act Regional Council is required to carry out consultation with affected communities to which this RPS changes applies.</li> <li>• The NPS-HPL, clause 3.3, requires local authorities must actively involve tangata whenua to the extent they wish to be involved in its implementation.</li> <li>• The NPS-HPL, clause 3.4(4)(a) requires regional councils must undertake mapping in collaboration with relevant territorial authorities.</li> <li>• District and city plans must give effect to the RPS highly productive land maps. Landowners may have future aspirations to develop highly productive land on their land holdings which is at odds with the NPS-HPL. There is a duty to ensure any persons, landowners, stakeholders who could be affected by the HPL mapping exercise are informed early and provided opportunity to be involved in the process.</li> </ul>
<b>Parameters:</b> <i>(budget, timing, legislation, what's 'off the table/on the table')</i>	<ul style="list-style-type: none"> <li>• Not progressing a RPS change to give effect to the NPS-HPL is <u>not</u> an option.</li> <li>• Proposed Change 8 (NPS-HPL) must be notified no later than 17 October 2025.</li> <li>• There is no additional budget allocation for marketing or promotion above that normally allocated for statutory plan or RPS changes. Consultation and engagement on Proposed Change 8 (NPS-HPL) needs to occur within the existing budgets of the 2022/2023 and 2023/2024 years.</li> <li>• The cost for this process under the Long-Term Plan 2018-2028 budget involves staff time, consultancy and legal fees. Future costs (such as hearings and Schedule 1 process) will be accommodated within the Long-Term Plan 2021-2031 budget.</li> <li>• Project timeframes are May 2023 – June 2026.</li> <li>• Proposed Change 8 must follow the RMA Schedule 1 submissions, hearings and Environment Court appeals process.</li> </ul>
<b>How will Māori Statutory obligations be provided for:</b> <b>(Treaty of Waitangi/iwi/hapū)</b>	<ul style="list-style-type: none"> <li>• The NPS-HPL clause 3.3 specifically requires local authorities must actively involve tangata whenua to the extent they wish to be involved. Active involvement must include consultation with tangata whenua which is early, meaningful and in accordance with tikanga Māori and undertaken at the appropriate levels of whānau, hapū and iwi decision making structures.</li> <li>• Within a month of gaining Strategy and Policy Committee approval correspondence will be sent to the region's Māori contacts (i.e. Iwi Authorities, hapū, Māori land trusts), providing information and inviting them to advise whether they're interested in meeting to discuss Proposed Change 8 (NPS-HPL). Staff will arrange to meet with anyone interested in Proposed Change 8 (NPS-HPL) and seek feedback on any changes proposed.</li> <li>• Letters/emails to be sent in May 2023. Arrange and undertake hui with interested iwi/hapū/ Māori land trusts who respond to emails/letters.</li> <li>• Commence draft Section 32 report and include issues raised during consultation with tangata whenua and document how these are proposed to be addressed by Proposed Change 8 or via other mechanisms.</li> <li>• Remain open and ready to engage with tangata whenua throughout the process, be genuinely open to considering information and provide sufficient information and time to enable tangata whenua to be engaged in the process and respond.</li> </ul>
<b>BOPRC Councillor involvement:</b>	<ul style="list-style-type: none"> <li>• Councillor involvement will be via Strategy and Policy Committee workshops and project reporting at key stages in the proposed change process. An initial workshop was held on Tuesday 28 March 2023 to set out the key requirements and implications of the NPS-HPL. The project plan and this communication and engagement plan are to be reported to the 16 May Strategy and Policy Committee meeting. Full Council will be required to make decisions at key parts of the process which fall outside the delegations of the Strategy and Policy Committee. These parts of the process are adopting</li> </ul>

BOPRC ID: A4338363

	Proposed Change 8 to be publicly notified, adopting the hearing panel's recommendations and making the change operative.
<b>Challenges/contentious issues:</b>	<ul style="list-style-type: none"> <li>• There is limited potential for project scope creep given the nature of RPS changes required to implement the NPS-HPL. The operative RPS rural growth management provisions already align well with the general NPS-HPL framework.</li> <li>• Unrealistic stakeholder expectations. Some landowners may seek to have HPL areas on their properties excluded. While exclusions exist for the subdivision and development of specified Māori land, these areas are still required to be mapped in the RPS if they comprise LUC's 1, 2 or 3. This could be viewed negatively as loss of land use options, similar to the reactions to the draft NPS for Indigenous Biodiversity. Although the final NPS-IB has not yet been gazetted it similarly signalled the requirement that Significant Natural Areas (SNAs) be mapped in district plans and protected from subdivision, use and development.</li> <li>• Based on the experience of other TAs in the region, contacting and consulting with all potentially affected Māori landowners will prove challenging. Rotorua Lakes Council had a number of challenges trying to contact and consult with trustees of various Māori land blocks which had SNAs identified on them.</li> <li>• Expectations about the ability of Proposed Change 8 (NPS-HPL) to address development concerns/aspirations may be beyond the scope of changes proposed. The current RPS rural growth management provisions generally align with the intent of the NPS-HPL provisions and limited changes are considered necessary.</li> <li>• RM reform may signal other related changes that could place uncertainty on the life of the RPS policies.</li> </ul>

## 2. Engage (Levels of engagement)

	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>
<b>Goal</b>	To provide tangata whenua, territorial authorities, affected landowners and stakeholders with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain input or feedback from tangata whenua, territorial authorities, affected landowners and stakeholders about our analysis, alternatives, and /or proposed decisions.	To work directly with tangata whenua, territorial authorities, affected landowners and stakeholders throughout the process to ensure that their issues and concerns are consistently understood and fully considered in Council's decision making.
<b>Expectation created:</b>	We will keep you informed. We will advise you of the decisions we make.	We will keep you informed, listen to and acknowledge concerns. We will provide reasons for the decisions we make.	We will work with you to ensure your concerns and issues are directly reflected in the alternatives developed. We will provide feedback about how your input influences the decisions we make.

The table below shows how we intend to engage:

BOPRC ID: A4338363

Stakeholder	IAP2 level of engagement
<p>Western Bay of Plenty District Council, Tauranga City Council, Rotorua Lakes Council, Whakatāne District Council, Kawerau District Council, Ōpōtiki District Council, Taupō District Council and the Department of Internal Affairs (i.e. local authority for outer islands).</p> <p>Iwi and hapū and Māori land trusts</p> <p>Affected landowners</p> <p>Infrastructure Providers (Territorial Authorities, Waka Kotahi (NZTA), Lines Company (Powerco). Fibre Installation (Chorus)).</p>	<p>INVOLVE</p> <p>To work directly with tangata whenua, territorial authorities, affected landowners throughout the process to ensure that their issues and concerns are consistently understood and fully considered in Council's decision making.</p>
Internal Stakeholders – staff and elected members	<p>CONSULT</p> <p>To obtain input or feedback from internal stakeholders and Councillors on analysis, alternatives, and /or proposed HPL mapping.</p>
<p>Internal Stakeholders – staff and elected members</p> <p>Other External Stakeholders</p> <p>Federated Farmers and Horticulture NZ</p> <p>Ministry of Housing and Urban Development</p> <p>Kainga Ora</p> <p>Development Community (Property Developers Forum in the western Bay and the equivalent in Rotorua and Whakatāne areas)</p> <p>Infrastructure providers (Territorial Authorities, Waka Kotahi (NZTA), Lines Company (Powerco). Fibre Installation (Chorus)).</p> <p>Smart Growth Forums (Joint and Combined Tangata Whenua)</p> <p>Regional community</p>	<p>INFORM/CONSULT</p> <p>To provide key stakeholders and the community with balanced and objective information to assist them in understanding the implications of mapping highly productive land.</p> <p>To obtain input or feedback from key stakeholders about our analysis, alternatives, and /or proposed mapping of highly productive land.</p>

### 3. Action Plan

Stage 1 Actions: Draft Proposed Change 8 (NPS-HPL) Project Plan, Communication and Engagement Plan ready for Strategy and Policy Committee approval				
	Item	Comment	Due	Status X Closed O Open
1	Draft Proposed Change 8 (NPS-HPL) Project Plan, Communication and Engagement Plan ready for Strategy and Policy Committee approval	Develop draft Project Plan and Communication and Engagement Plan for Proposed Change 8 (NPS-HPL) to the RPS. Seek input from key internal staff (e.g. Te Amorangi, Legal, Catchment Management and Communications).	April 2023	X

BOPRC ID: A4338363

2	Project Sponsor and Business Owner buy in to Comms and Engagement Plan and Project Plan.	Obtain Project Sponsor (Namouta) and Business Owner (Julie Bevan) approval for Project Plan and Communications and Engagement Plan.		O
3	Obtain Strategy and Policy Committee approval for Project Plan, and Comms and Engagement Plan.	Seek formal Strategy & Policy Committee endorsement of Project Plan and Communication and Engagement Plan	16 May 2023	O

<b>Stage 2 Actions: Prepare Draft Proposed Change 8 (NPS-HPL) highly productive land maps and commence consultation with key stakeholders, TAs and tangata whenua consultation</b>  Tangata whenua, local authorities and stakeholder consultation. Commence development of Section 32 analysis adding alternatives proposed by stakeholders during consultation to options analysis.				
	Item	Comment	Due	Status X Closed O Open
1	Develop Proposed Change 8 (NPS-HPL) page on Council's website	Will be latest addition to RPS Policies page	May 2023	O
2	Develop Section 32 analysis report for Proposed Change 8 (NPS-HPL)	Base section 32 report to be refined and developed throughout the process of preparing Proposed Change 8.	Ongoing until Council approval sought to notify change	O
3	Targeted consultation on RPS highly productive land maps with territorial authorities, tangata whenua (through Māori contacts database) and other key stakeholders including Federated Farmers, Horticulture NZ, infrastructure providers (e.g. Transpower, Waka Kotahi), developers (e.g. Kainga Ora, Element IMF)	<p>Provide early working draft of Proposed Change 8 highly productive land maps and other changes recommended to the RPS rural growth management policy framework.</p> <p>Allow adequate time and opportunity for tangata whenua, local authorities and stakeholders to consider, request further information or specific hui and provide feedback.</p> <p>Have particular regard to any feedback received and, where appropriate, consider whether further changes are warranted and in-line with project scope and NPS-HPL requirements. Update consultation record and section 32 analysis after each meeting.</p> <p><b>Note:</b> staff will remain open to continuing consultation up until Council approval is sought to notify Proposed Change 8 to commence submissions in mid-2024. After the change is notified consultation will be restricted and feedback limited to formal submissions through</p>	TBC	O

BOPRC ID: A4338363

## Item 9.3, Attachment 2

		the Schedule 1 process submissions and hearings process.		
4	Email and/or send letters to all persons listed in the region's Māori contacts (i.e. Iwi Authorities, kaitiaki, hapū, Māori land trusts) and provide information on and invite them to advise whether they're interested in meeting to discuss Proposed Change 8 (NPS-HPL).	Staff will arrange to meet with anyone who responds and expresses an interest in being consulted. Seek feedback on the first draft RPS highly productive land maps. This step will be repeated 3 times in 2023 during the months of May, August and November.  Request time on territorial authorities tangata whenua forums (e.g. Rangapu, Te Hiku o te Waka o te Arawa) hui agendas to report on the implications of the NPS-HPL on Māori land. Use tangata whenua forums as a sounded board, to raise awareness about, and as an avenue for further engagement with tangata whenua on the NPS-HPL and Proposed Change 8.	TBC	O
5	Schedule and undertake consultation with local authorities staff and combine discussion with review of District Application Consents protocol. Note the organising of these hui is already in train. Utilise Regional Planners Forum meetings to discuss related project management matters.	Separate meetings can be scheduled and held with TAs staff and/or elected officials as and when required and depending on their level of interest.  Update Consultation Record following any presentations and/or consultation hui with TA staff or their elected officials.	TBC	O
5	Update Section 32 analysis report and consultation record for Proposed Change 8 (NPS-HPL) following each engagement/ consultation hui held.	Update Section 32 analysis report and consultation record for Proposed Change 8 (NPS-HPL) following each engagement/ consultation hui held to recognise alternatives put forward during consulted and ensure there is an accurate transparent record of those persons who responded to requests for interested persons/stakeholders and those who were consulted.		O

Stage 3 Actions: Strategy and Policy Committee approve Proposed Change 8 (NPS-HPL) policy framework				
	Item	Comment	Due	Status X Closed O Open P Pending
1	Prepare for and complete S&P Committee workshop on 31 October 2023. Offer to undertake a deeper dive at the 13 December 2023 workshop to be determined based on	Prepare and facilitate workshop with Strategy and Policy Committee. Workshop to cover:  1. Background to change;  2. Draft RPS highly productive land maps;	31 October 2023	P

BOPRC ID: A4338363

## Item 9.3, Attachment 2

	Councillors level of interest and the extent of interest of tangata whenua, TAs, affected landowners and stakeholders to date.	<p>3. Other changes proposed to the RPS rural growth management provisions;</p> <p>4. Summary of consultation undertaken and feedback received to date;</p> <p>5. Any further planned comms and engagement; and</p> <p>6. Timeframes.</p> <p>Offer to undertake a deeper dive at the S&amp;P Workshop scheduled for 13 December 2023 workshop.</p> <p>Foreshadow intent to seek Council approval to notify in either the first quarter or mid 2024 depending on how consultation with TAs and tangata whenua has progressed.</p>		
2	Deeper dive workshop with Strategy and Policy Committee	If as part of the 31 October 2023 Strategy and Policy Committee workshop Councillors request a deeper dive workshop.	13 December 2023	P

Stage 4: RMA Schedule 1 Process Actions				
	Item	Comment	Due	Status P Pending X Closed O Open P Pending
1	Council approval to publicly notify Proposed Change 8 (NPS-HPL). Documentation required: <ul style="list-style-type: none"> <li>Report to Council</li> <li>Proposed Change 8 Version 3.0</li> <li>Section 32AA evaluation report</li> </ul>	Stage 4 timeframes relating to RMA Schedule 1 process are intentionally broad as forecasting specific timeframes at this time is difficult. The project plan and communications and engagement plan are living documents and will be regularly reviewed and updated to reflect key directions, particularly from Council's Strategy and Policy Committee which affect key project stages, actions and timeframes.	First quarter - mid 2024	P
2	Publicly notify Proposed Change 8 (NPS-HPL) for submissions. Minimum 20 working days for submissions must be specified in the public notice.  See Plan Process Manual (A166467) for notification process requirements and timeframes.	Update PC8 webpage with timeframes, useful links (for making submissions) and any other pertinent information for stakeholders and tangata whenua.	June – August 2024	P
3	Submissions period.	Possibly propose doubling the minimum 20 working day submission period	August – September 2024	P

BOPRC ID: A4338363

## Item 9.3, Attachment 2

4	Prepare summary of submissions (decisions requested by submitters)	Update PC8 page on Council's website. Include link to all submissions received and update on timeframes.	October 2024	P
5	Publicly notify summary of submissions to enable certain persons (as defined by RMA) to make future submissions – either in support or opposition	Update PC8 page on Council's website. Include information (links) to assist lay persons with making further submission noting restrictions on who is able to make a further submission under the RMA 1991.	November 2024	P
6	Further submissions period	Standard further submissions period of 10 working days will likely be recommended.	November/ December 2024	P
7	Seek direction from the Strategy and Policy Committee to appoint Hearing Panel members	Without knowing the composition of submissions, at this early stage will recommend a panel with two independent Commissioners one with tikanga Māori expertise and another with rural growth managements experience. Also at least one councillor appointed. Its possible two councillors could be appointed based on experience with Proposed Change 6 (NPS-UD) to the RPS.	1 <sup>st</sup> meeting of 2025	P
8	Staff prepare s42a recommendations in response to submissions received. Meetings may occur with submitters to clarify relief sought or explore potential options to address concerns raised.		January – March 2025	P
9	Hearings scheduled, coordinated and held, Hearings Panel deliberates, undertakes site visits (if necessary and makes recommendations to Regional Council.	Conduct public hearings under clause 8B of Schedule 1 to the RMA.  This step also includes <ul style="list-style-type: none"> <li>Sections 42A and 32AA reports; and</li> <li>Overview report on submissions</li> </ul>	Mid 2025	P
10	Council to consider whether to adopt Hearing Panel recommendations as Council's decisions.	If Council adopts the Hearing Panel's recommendations they will then become Council's decisions which must be publicly notified.	Mid 2025	P
11	Publicly notify Council's decisions on submissions.	Submitters have 30 working days to lodge an appeal against Council's decisions.  If appeals are received, they are resolved through mediation or an Environment Court hearing.	Mid 2025	P

BOPRC ID: A4338363



<b>Report To:</b>	Strategy and Policy Committee
<b>Meeting Date:</b>	16 May 2023
<b>Report Writer:</b>	Nicola Green, Principal Advisor, Policy & Planning; Julie Bevan, Policy & Planning Manager and Stephen Lamb, Environmental Strategy Manager
<b>Report Authoriser:</b>	Namouta Poutasi, General Manager, Strategy & Science
<b>Purpose:</b>	To update Councillors on public engagement progress and also pending national regulations relating to freshwater.

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## Essential Freshwater Policy Programme Update

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### Executive Summary

The Essential Freshwater Policy Programme (EFPP) is Council's work programme to implement the requirements of the National Policy Statement for Freshwater Management 2020 (NPSFM), primarily via changes to the Regional Policy Statement (RPS) and Regional Natural Resources Plan (RNRP).

This report seeks a decision on a methodology to provide access points into the regional planning framework to ensure the RNRP can accommodate tangata whenua information and data that becomes accessible in the future. The recommendation is to incorporate a series of incremental changes into the plan design process towards implementation of the NPSFM (as previously presented to Councillors).

This report also provides an update on the following:

- Community engagement, which started in April and is progressing according to plan.
- Pending national regulation relating to freshwater (for Freshwater Farm Plans and also for protection of sources of human drinking water) that will be gazetted by August 2023. Council will need to ensure that RNRP plan changes in 2024 are consistent with these, or add more stringent requirements.



## Recommendations

That the Strategy and Policy Committee:

- 1 **Receives the report, Essential Freshwater Policy Programme Update.**
- 2 **Agrees that the plan development process will include a methodology based on incremental change to ensure the regional plan can accommodate tangata whenua information and data that becomes accessible in the future.**

### 1. Introduction

The Essential Freshwater Policy Programme (EFPP) is Council’s work programme to implement the requirements of the National Policy Statement for Freshwater Management 2020 (NPSFM), primarily via changes to the Regional Policy Statement (RPS) and Regional Natural Resources Plan (RNRP).

This report outlines a policy proposal to provide access points into the regional planning framework to ensure the RNRP can accommodate tangata whenua information and data that becomes accessible after 2024. Decision is sought on this.

This report also provides an update on public engagement, which launched in April, and on pending changes to national regulations relating to freshwater management.

#### 1.1 Legislative Framework

The EFPP specifically implements the NPSFM, and also the requirement under the Resource Management Act 1991 (RMA) to review provisions in regional plans every 10 years. The RMA has specific Freshwater Planning Process provisions, and also section 80A(4) requires Council to notify RPS and RNRP changes that fully implement the NPSFM by 31 December 2024. The RMA and Local Government Act 2002 set out consultation requirements, and the NPSFM also provides direction to involve tangata whenua and the community. Regional plan rules must align with relevant national regulations, some of which are pending in the next 3 months.

#### 1.2 Alignment with Strategic Framework

<b>A Healthy Environment</b>	We manage our natural resources effectively through regulation, education and action.
	We develop and implement regional plans and policy to protect our natural environment.
<b>Freshwater for Life</b>	Good decision making is supported through improving knowledge of our water resources.
	We listen to our communities and consider their values and priorities in our regional plans.
	We collaborate with others to maintain and improve our water resource for future generations.
	We recognise and provide for Te Mana o Te Wai (intrinsic value of water).

<b>The Way We Work</b>	We honour our obligations to Māori.
	We use robust information, science and technology.

1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected

<input checked="" type="checkbox"/> Environmental	<input checked="" type="checkbox"/> Cultural	<input checked="" type="checkbox"/> Social	<input checked="" type="checkbox"/> Economic
High - Positive	Medium - Positive		

2. Community engagement

Awareness raising prior to public engagement on draft freshwater management issues and options started in February 2023. On-line engagement and community engagement events launched in April 2023. At the time of writing this report, four FMU drop-in sessions have been held. Attendance has ranged between 3-25 people. All events are promoted on the Bay of Plenty Regional Council web-site, and a publicity programme using Freshwater Flash, social media, local newspapers and radio advertising is progressing. Primary sector organisations are promoting the events and anticipate that more of their members will come to later events.

At this stage, a region-wide overview document and 13 FMU stories have been released as the key engagement collateral. During May and June, some more detailed issues and options reports, some draft plan change text, and technical reports will be made available on-line for those parties that want to dive deeper to understand and comment in more detail.

After the engagement period closes in September, a report summarising key feedback will be presented to this Committee.

3. Pending national regulations relating to freshwater

Table 1 outlines upcoming national regulatory changes specifically relating to freshwater management and affecting this work programme. All of these changes are likely to occur while our public engagement on draft policy options is underway, and this will require extra communications and policy response work, which cannot be fully planned until the final text of the amendments is released.

Table 1: Pending national changes relating to freshwater

Instrument/change	Release Dates
Freshwater Farm Plan (FWFP) regulations	Likely gazettal May 2023.
Amendments to the National Environmental Standards for Sources of Human Drinking Water 2007 (NES-DW)	Likely gazettal between May-August 2023 (originally stated as mid-late 2022).
Amendments to the National Environmental Standards for Plantation Forestry 2017	Likely gazettal uncertain.

### 3.1 Freshwater Farm Plan Regulations

As we understand it, the Freshwater Farm Plan (FWFP) regulations will be gazetted in May and will start coming into effect in some regions (including Waikato and Southland) immediately, and later in other regions. FWFP will need to be prepared for all farms over 20 ha and horticulture over 5 ha by the end of 2025.

Decisions on how the sequencing is to occur will need to be made shortly as these will be locked in by Order in Council, likely sometime in August of this year. Staff continue to request that Bay of Plenty Regional Council should be one of the later Councils to initiate (as per previous advice). However, we are aware this is the preference of many/most Councils, and there is an expectation that the regional sector will work together to spread the implementation evenly across the two and a half years.

Council will need to advise farmers and growers about when they need to begin developing a FWFP. Te Uru Kahika (the Regional Sector) is working together to prepare templates, resources and promotional materials for all regional councils to use.

The final text of the regulations was not available to review at the time of writing this report. A key consideration for the EFPP is whether and how to include more stringent or specific provisions in the freshwater related plan changes in order to achieve water quality objectives. Staff are progressing thinking and assessment on this but need to see the regulations to advance properly.

Implementation plans for the FWFP regulations will be reported to the Monitoring and Operations Committee. If further information about Freshwater Farm Plan regulations is received prior to the Strategy and Policy Committee meeting, a verbal update will be provided.

### 3.2 Protection of Sources of Human Drinking Water

Amendments to strengthen the National Environmental Standard for Sources of Human Drinking Water (NES-DW) are anticipated by August this year.

Regional councils will be required to map source water risk management areas (SWRMA) for all takes providing water to more than 500 people (amended from earlier proposals relating to water supplies for 2 or more parties), using a default or bespoke approach, establishing the following three categories of land areas in terms of proximity to a source water take, and of risk to water quality:

- SWRMA 1 is the immediate area around the source water take (intake).
- SWRMA 2 is a larger area where activities need to be managed to mitigate more medium-term risks of contamination to source water. The size of this area will vary because it is based on the time it takes for water to flow to the intake.
- SWRMA 3 is the entire catchment area or capture zone for source water at the intake. Persistent contaminants and long-term risks are the management focus in this area.

There will be activity controls and minimum requirements for specific high-risk activities in SWRMA 1 and 2, which regional councils must implement via consenting and compliance. No additional restrictions are proposed in SWRMA 3, as current requirements under the RMA are considered adequate.

Administrative costs that will be faced by regional councils include:

- Mapping SWRMAs for all registered water supplies in their region, including engagement with water suppliers and other parties to help validate the delineation of SWRMAs and updating regional plans.
- Updating operational procedures to ensure the NES-DW is being applied to applicable consenting decisions and considered as part of compliance, monitoring and enforcement activities.
- Informing and educating resource users of the requirements of the NES-DW and any previously permitted activities now requiring a consent (noting a transition period will be provided for).

It is possible these regulations may also create a need to set additional policies and rules in the RNRP to protect water quality of these drinking water sources.

#### 4. **Planning methodology to support Kaupapa Māori into the future**

Staff have presented the idea of providing access points into the regional planning framework to ensure a future ready RNRP that can accommodate tangata whenua information and data. This has been called the “portals” approach. Under the NPSFM and Te Mana o Te Wai there is an implicit assumption that specific cultural values and attributes (such as those that identify mahinga kai) would be generated from within tangata whenua knowledge systems and would be accessible through engagement with iwi/hapū. To date the response to this challenge has been mixed.

The attached paper explores the idea at a broad scale. Further consideration of this concept by staff has identified a recommended approach of incorporating “incremental movement” portals into the plan design process. The term “incremental movement” is used in relation to the status quo planning approach. Each of these movements contributes to addressing the issue and can be implemented individually or together to deliver a greater result.

Incremental Movement portals are:

1. Enhanced Iwi Management Plans (support for tangata whenua cultural values documentation to a greater level of specificity)
2. Enhanced consultation (creation of policy that requires greater attention to cultural values)
3. Enhancement to discretionary consenting (for example to enhance matters of control and discretion and to provide greater emphasis on considering “cultural values” in consents)
4. Commitment to plan changes (to enable the direct incorporation of cultural material into the RNRP. The timeframe for how this might be implemented has not been determined).

The above will all be tested through the plan design process and will be subject to Council’s decision-making processes. There is an explicit reliance on Long Term Plan (LTP) funding to support items 1 and 4 above and this will need to be considered under the LTP development process.

The attached paper also contains a number of options for moderate and large movement<sup>1</sup> away from the status quo. These may be considered where specific issues are identified. For example, the lack of cultural value information may be a matter in support of a conservative limit that is needed in response to another resource management issue. However, detailed costs/benefits and Committee decisions would be required to support their introduction into the policy framework.

## 5. Considerations

### 5.1 Risks and Mitigations

There are several risks and issues for the EFPP as a whole, which were reported to Strategy and Policy Committee in May and September 2022. In relation to the pending national regulations, there are communications and implementation risks, and costs for Council, which can be addressed in the Risk and Assurance Committee. In relation to the EFPP, the key issue is that gazettal of these regulations has been delayed, and now leaves Council with a very constrained timeframe to develop and integrate draft RNRP provisions in order to meet freshwater objectives for Freshwater Management Units (FMUs). The release of the regulations in the middle of our public engagement period also creates additional communication challenges. It's potentially a very confusing time for farmers and growers affected by multiple changes at once.

### 5.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

### 5.3 Implications for Māori

Current Kaupapa Māori work for the EFPP is focussed on delivering three Hui-a-Rohe, supporting a range of tangata whenua-led projects, and making connections to organisations and groups. Policy discussions around how to deliver the NPSFM in relation to tangata whenua interests are also progressing.

Council staff continue to invite and support iwi and hapū involvement to the extent they want to be involved or have capacity to be involved. The challenges of tangata whenua engagement will continue through 2023 and staff are maintaining a good faith approach to implementing the aspirations of the NPSFM.

### 5.4 Community Engagement



#### **CONSULT** **Whakauia**

To obtain input or feedback from affected communities about our analysis, alternatives, and /or proposed decisions.

See section 2 above.

<sup>1</sup> Medium – for example, review of consents to incorporate cultural information, large – for example, use of conservative limits in the absence of cultural values.

## 5.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget.

## 6. Next Steps

1. Continue public communications and hold public engagement events and keep engagement records.
2. Summarise engagement feedback.
3. Continue to develop draft policy options, assessments and plan change text, including the portals approach to responding to Kaupapa Māori information that may become available after the proposed RNRP plan change is notified.
4. By mid-year, make draft policy issues and options papers, and some draft plan change text available to the public.

## Attachments

Attachment 1 - Framework for a Future Focussed Plan - Portals [↓](#)

## Kaupapa Māori Workstream Framework for a Future Focussed Plan

### 1 Purpose

The purpose of this paper is to provide a view of how the regional plan can respond to the issue of there not being substantial specific cultural material (such as, cultural flows, mahinga kai sites, characteristics and needs) for inclusion within the regional plan drafting process.

### 2 Introduction and Context

Consideration needs to be given to how cultural material that is generated by iwi/hapū over time can be accommodated and used within the RNRP framework. Under the NPSFM 2020 and Te Mana o Te Wai there is an implicit assumption that specific cultural values and attributes (such as those that identify mahinga kai) would be generated from within tangata whenua knowledge systems and would be accessible through engagement with iwi/hapū. As a result of the engagement process to date and for a variety of reasons, we have limited specific information but enough broad information to enable policy development.

If cultural material is not available at this point in time – but the assumption is that it will become available in the future – there is a need to identify how the planning framework will respond over time to meet the intent of what the NPSFM is seeking to achieve around the place of Māori freshwater values in freshwater decision-making.

The NPSFM is about a *process*, a *point in time* and then *the future*. The *point in time* is when a proposed plan addressing freshwater in the region is notified – based on the *process* to that date. The content of the plan will be the sum of the information and engagement that has been achieved to that point.

For the Bay of Plenty, *the future* processes that implement the plan are as important or more important as the journey to date. These processes will increase in importance as partnership relationships build and cultural information becomes more accessible and can be more specifically applied in the planning process. In some cases though, regardless of the amount of information made available to Council, local engagement and assessment by tangata whenua will still be needed. The plan is therefore being designed to provide portals or gateways for tangata whenua to contribute Mātauranga to processes and decision-making. The term “portal” is used in the sense of being “an entrance, entry point, or means of entry”.

These portals are not an afterthought or secondary mechanism, they are being deliberately placed to allow and require the Māori Freshwater values to be considered in resource management processes and decisions. These portals will initiate conversations and engagement, and will presume the presence of cultural values and attributes that will influence consenting outcomes.

#### 2.1 Active Support

The presence of these portals is however a passive mechanism that needs active support for iwi/hapū to enhance the accessibility of Mātauranga. Council is committed to continuing this support in ways that work for the range of situations across the Bay of Plenty iwi/hapū landscape. The Long Term Plan process will be used to identify funding support for this activity. Council's next Long Term Plan is set to be adopted for the period July 2024 to June 2027.

An example of support already provided is for the development and review of iwi hapū management plans (IHMPs). The material these documents contain provides an understanding of the cultural landscape and they can therefore be used to influence resource consenting decisions. Moves towards RMA related content can be seen in 2<sup>nd</sup> generation IHMPs. However, as

recognised in the Kaitiakitanga Chapter review, IHMPs are and will continue to be a critical source of information on cultural values. Ongoing funding support will allow these documents to continue to evolve and develop and to provide an increasing depth of information to influence RMA processes and to implement the NPSFM.

The exact nature of the support to be included in the next Long Term Plan will be developed through 2023. The question of where support might best be offered is a question where engagement with tangata whenua will also be of assistance in answering.

### 3 Portal Options

To allow processes and decision-making to include Mātauranga that is brought forward in the future there need to be mechanisms either built into the plan or agreed processes to include Mātauranga in the plan. The following options have been identified and are assessed in Table 1:

- Multiple plan changes to include material as it comes to light, directly incorporating it into planning provisions.
- Predominant use of discretionary consent status with specific references to the material available at the time of consent processing. The consideration of whatever is current material would be a matter of discretion.
- A management plan approach - akin to the system management plans used in the geothermal domain<sup>1</sup> but catchment/sub-catchment based? Consenting outcomes would reflect the values contained within the referenced management plan
- Use of Iwi Hapū Management Plans to facilitate process of identifying specific cultural values and linked through TW Chapter process provisions
- Use of enhanced consultation requirements within consent processes to identify cultural values/adverse effects (include within TW Chapter process provisions).
- Policies requiring review conditions on resource consents that relate specifically to Mātauranga that becomes available during the term of the consent or if there was a concern that absent Mātauranga could have a significant influence on how a consent was granted.
- Applied Methodologies could be documented in the plan, specifying how Mātauranga will be used when it becomes available in the future.
- Short duration consents to allow information to be applied in the near future when it becomes available.
- Adopt conservative limits, if there is general evidence that more flow in the river/less discharge would generally provide for a greater extent for Māori freshwater values.

Table 1: Potential Portals

Method of enabling Mātauranga to be accessed by the Regional Natural Resources Plan	Comments Costs/Benefits
<b>Plan Changes</b> Multiple plan changes to include material as it is defined so that the material is directly incorporated into planning provisions.	<ul style="list-style-type: none"> <li>• Individually these can be lengthy and costly process</li> <li>• Could be structured as regular plan changes "every 2 years", "every 5 years" to reduce required effort/cost</li> <li>• Could be FMU based</li> <li>• Uncertainty over future legislative process (RMA Reform)</li> </ul>
<b>Enhancement to discretionary consenting</b> Increased use of discretionary consent status with specific references to future	<ul style="list-style-type: none"> <li>• Specified matters of control for controlled activities</li> </ul>



material. The consideration of whatever is current material would be a matter of discretion.	<ul style="list-style-type: none"> <li>Specified matters of discretion for discretionary activities</li> <li>Matter of control and discretion could be on the basis of specific guidance and/or on a more general nature: "The effect of the activity on the relationship of tangata whenua and their culture and traditions...". See section 5.4</li> <li>Applicants potentially assisted by more specific guidance</li> </ul>
<b>Catchment/Management Plans</b> A management plan method incorporated into the RNRP - based around catchments/sub-catchments.  Consenting processes could reflect the values contained within the referenced management plan.	<ul style="list-style-type: none"> <li>Akin to the system management plans used in the geothermal domain</li> <li>Public process but not one subject to formal Schedule 1 process</li> <li>Consenting against limits derived from catchment plan process</li> <li>Methodology could be determined within RNRP to increase certainty</li> <li>An established element of the NPSFM – see clause 3.6 and 3.15.</li> </ul>
<b>Iwi Hapū Management Plans</b> Use of Iwi Hapū Management Plans to facilitate process of identifying specific cultural values/attributes	<ul style="list-style-type: none"> <li>TW Chapter process provisions highlights the importance of IHMPs and their application to plan implementation</li> <li>Promotion of specification of material within IHMPs to influence Council decisions</li> <li>Section 66(2A(a)) "take into account"</li> <li>LTP funding support</li> </ul>
<b>Enhanced consultation</b> Use of enhanced consultation requirements within consent processes to identify cultural values/adverse effects	<ul style="list-style-type: none"> <li>TW Chapter process provisions</li> <li>Increased rates of notification of iwi/hapū</li> <li>To reinforce that only tangata whenua can identify their cultural values</li> <li>Enhanced requirement to consult/engage</li> </ul>
<b>Review of consents</b> Direction to enable the review of consent conditions when cultural values/attributes are defined in the future and/or policies requiring the inclusion of related review conditions on resource consents.	<ul style="list-style-type: none"> <li>Use of directive policy</li> <li>Specific consent conditions to reinforce policy approach</li> <li>A rule in the RNRP or specific consent conditions to reinforce policy approach – section 128 (1)(a) and (bb)</li> <li>Partitioning of resource use into categories to enable future change</li> </ul>
<b>Applied Methodologies</b> Plan content that specifies the approach for how Mātauranga will be applied in each situation	<ul style="list-style-type: none"> <li>Mātauranga can be included as a key element of methodologies that are designed for other purposes (for example, determining a limit where a numerical limit is not currently available)</li> <li>Degree of certainty provided via methodology – see use of criteria (h) in section 5.3</li> <li>Not a methodology about the Mātauranga itself</li> </ul>
<b>Short Duration Consents</b> Consents with limited timeframes so that there is regular review against cultural information	<ul style="list-style-type: none"> <li>Provides an avenue for cultural information to be applied periodically as an input into the consenting environment</li> <li>Certainty of renewal reduced with a consequent risk to investment.</li> <li>Challenging to justify imposition on the basis of an absence of evidence to the contrary</li> </ul>

<p><b>Conservative limits</b></p> <p>Adopting conservative limits in FMUs where Mātauranga has not yet been incorporated.</p>	<ul style="list-style-type: none"> <li>• Was an approach considered in PC9 but did not necessarily provide the interim comfort to tāngata whenua</li> <li>• May unnecessarily limit access and use of water, including for development of Māori land.</li> <li>• Potentially reduces need for claw back in future once Mātauranga can be incorporated.</li> </ul>
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Consideration will need to be given to which option or range of options provides an appropriate outcome for future recognition of Mātauranga Māori. This will occur as the policy and rule frameworks for the relevant domains are developed and will be supported by overarching policy in the Tangata Whenua chapter.

### 3.1 Certainty versus Dynamic

In looking at options, different approaches for how Mātauranga is brought into processes and decision-making can of course have different trade-offs between certainty and flexibility. A key aspect of determining the policy framework is around where the uncertainty lies. There is for example a difference between the process for how a consent is obtained (which can be uncertain) and the extent to which a condition within a consent can allow for future change within the term of the consent. In between these two examples is the review of consents within the confines of section 128.

Certainty can be increased through the use of public processes with rights to challenge decisions. In this regard a regional plan could have any of the following approaches as long as it was considered and adopted through a public process:

- Limits specified (numerically)
- A prescribed methodology for setting limits
- A general statement about considering limits through a (discretionary) consenting process

Appendix One contains a range of regional plan examples from other regions that sit within the “certainty” spectrum.

In part the approach may depend on what is currently known about the resource and the depth of information available. For example, under a precautionary approach there may need to be more flexibility in catchments which are unknown.

The general approach being taken is that the regional plan will be open to accepting new information into the process (uncertain) but consents will be issued with known parameters (certain).

## 4 Policy Cross-over

In support of the “portal” approach and to reinforce how the NPSFM will continue to be implemented over time, consideration has been given to whether this should be included in objectives and policies of the regional plan. If the regional plan is written to include the recommended mechanisms, then there is no specific need to state the approach. It would be inherently present in the regional plan.

However, the contrary view is that the objectives and policies also provide a statement to plan readers and users of the intent behind why the plan was constructed in a particular way, and these kinds of provisions have been sought by tāngata whenua as part of previous appeal processes. The view is that this may be important as the plan is considered and challenged. The portal

approach is also fundamentally about plan implementation so ongoing guidance is appropriate. On this basis it is recommended that a subset of the policy framework is added to the TW Chapter<sup>1</sup>.

The following is draft content for this purpose. It adds to and amends the current drafting within the Tangata Whenua Chapter.

Addition to TW Chapter Context:

For freshwater, important cultural and mahinga kai values have not been able to be sufficiently identified and reflected in the Plan's environmental limits and outcomes across all FMUs. This limits the ability to protect these values through specific plan content and this has led to the development of a future focussed approach that will allow this need to be addressed over time.

Policies:

**TW-NEW**

As Mātauranga Māori is identified and provided by tāngata whenua, ensure that it is recognised in and influences resource management processes and decisions.

**Current Draft**

*TW-P3 Iwi and Hapū Resource Management Plans*

Recognise and provide for iwi and hapu resource management plans in resource management processes and decisions by requiring resource consent applicants and decision makers for certain activities to demonstrate how they have considered and responded to them.

**To be replaced by:**

*TW-P3 Recognition of Mātauranga and tangata whenua relationships*

Require resource consent applicants and decision makers for certain activities to demonstrate how they have:

1. Recognised and provided for iwi and hapu resource management plans
2. Considered and responded to Mātauranga Māori and cultural attributes.

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<sup>1</sup> This recommendation is subject to decisions on the whole plan framework that may see elements move as the Integrated Management and domain elements are brought together.

## 5 Appendix One: Regional Plan Extracts

In the following examples, underlined text identifies the mechanisms that provide a greater or lesser degree of certainty as to how the planning provision will be implemented.

### 5.1 Greater Wellington Whaitua methodology

*Minimum flows, minimum water levels and core allocation referred to in the Plan are interim to the extent that they will be reviewed by **whaitua** committees and may be amended by plan changes or variations following recommendations of **whaitua** committees.*

### 5.2 Environment Southland – allocation methodology

#### Issue: Water Quantity

Water has a range of values, both instream and for abstraction and use. Historically, Southland has had an abundance of water, with modest limits on use being appropriate. However, more recently there has been increasing demand for the use of water for a variety of activities, and an improved understanding of the linkage between water quantity and quality. The primary allocation thresholds in this Plan are therefore intended to be precautionary, with fixed allocation limits to be developed and implemented within the FMU sections of this Plan over time

#### Policy 21 – Allocation of water

Manage the allocation of surface water and groundwater by:

1. determining the primary allocation for confined aquifers not identified in Appendix L.5, following the methodology established in Appendix L.6;

#### All Other Confined Aquifers

Allocation volumes, minimum water level cut-offs and seasonal recovery triggers for confined aquifers not listed in Table L.5 to Table L.8 will be established following the methodology outlined in Appendix L.6.

#### Appendix L.6 Establishing allocation volumes for confined aquifers

- In addition to confined aquifers specifically identified in Appendix L.5, aquifer systems elsewhere in the Southland Region may be classified by the Southland Regional Council as confined where aquifer test data collected in accordance with requirements outlined in Appendix L.1 exhibit no significant departure from 'ideal' confined aquifer conditions.
- For aquifers which are characterised by the Southland Regional Council as semi-confined (i.e. exhibiting a significant departure from 'ideal' confined aquifer conditions), allocation will be managed as part of that established for adjacent, hydraulically connected groundwater resources;
- Allocation volumes for confined aquifers not identified in Appendix L.6 will be determined on the basis of groundwater throughflow following Rule 54(e). Where alternative methods (such as numerical modelling) are not available, primary allocation for confined aquifers will be based on the following relation: Annual allocation =  $0.75(T \times i \times W)$  Where T = representative aquifer transmissivity i = hydraulic gradient W = aquifer width perpendicular to groundwater flow
- Minimum groundwater level cut-offs (and/or seasonal recovery triggers) for confined aquifers will be established to: → maintain long-term aquifer storage volumes (taking into account observed temporal groundwater level variations, recharge and

seasonal recovery characteristics); → establish and maintain a consistent reliability of supply for all groundwater users within the primary allocation volume. Trigger levels for supplementary groundwater allocation will be established at a level which maintains reliability of supply for the primary groundwater allocation.

Appendix L.7 Establishing allocation volumes for takes outside of groundwater management zones  
The primary allocation for groundwater takes outside groundwater management zones listed in Appendix L.5 will be established as equal to 35 percent of the rainfall recharge occurring over the relevant land area where the water is to be taken.

### 5.3 Environment Waikato – water body classification methodology

#### 3.2.3 Policies

##### Policy 1: Management of Water Bodies

Manage all water bodies to enable a range of water use activities, whilst ensuring that a net improvement in water quality across the Region is achieved over time through:

- a) Classifying and mapping water bodies based on the characteristics for which they are valued and implementing the classification through a mixture of regulatory and non-regulatory methods.
- b) Maintaining overall water quality in areas where it is high, and in other water bodies, avoiding, remedying or mitigating cumulative degradation of water quality from the effects of resource use activities.
- c) Enhancing the quality of degraded waterbodies.
- d) Providing for the mitigation and remediation of adverse effects in accordance with Section 1.3.3 of the Waikato Regional Policy Statement.
- e) Recognising the positive benefits to people and communities arising from use or development of water resources and by taking account of existing uses of water and the associated lawfully established infrastructure

##### Method

#### 3.2.4.1 Water Management Classes

Waikato Regional Council will implement water management classes:

- a) by using water quality standards for each class as a basis for compliance with relevant permitted activity rules
- b) by having regard to the policy of each class when assessing activities requiring resource consents that affect water bodies
- c) by using the Standards to provide guidance for consent applicants as one possible means of achieving the purpose of the class as described in the policies in Section 3.2.3
- d) by applying the strictest standard for permitted activities where more than one water management class applies to a water body
- e) by having regard to all of the relevant water management class policies that apply to a water body when making decisions on resource consent applications and where two policies address the same issue particular regard will be had to the more stringent policy in regard to this issue

f) as a desired environmental outcome for non-regulatory methods in the Plan that relate to water bodies

g) to provide Territorial Authorities with guidance for managing the effects of land use activities on water bodies

h) by allowing new information on the standards and considerations, or the area covered by any class, to be included in assessments of resource consents.

Explanation and Principal Reasons for Adopting Methods 3.2.4.1 to 3.2.4.8

Method 3.2.4.1 sets out how the water management classes established in the policies will be implemented. The method draws the distinction between the use of numerical standards derived in subsequent methods and applied to relevant permitted activities, non-regulatory methods or plan effectiveness monitoring and the narrative purpose statements provided in the policies which are intended to provide assessment criteria for consent applications. For resource consents the standards provide guidance and certainty as to one possible means of achieving compliance with the purpose of the water class

## 5.4 Environment Waikato – consent criteria

### Water Module

Policy 11: Consent Application Assessment Criteria – Surface Water

When assessing resource consent applications for surface water takes and/or any associated water use, the effects of these activities shall be assessed individually and cumulatively with all other existing or authorised (or currently applied for) water take and use activities. In doing so the Council shall have particular regard to the following matters:

a) Whether the proposed take would adversely affect the restoration and protection of the health and wellbeing of the Waikato River

b) The effect of the activity on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga

p) Impacts on, and integration with, other existing authorised uses of the relevant water body (including customary uses)

g) Whether Tangata Whenua uses and values, including the mauri of water, are maintained or enhanced

Similar for *Policy 12: Consent Application Assessment Criteria – Groundwater*

### 3.3.4.16 Controlled Activity Rule - Taking of Surface Water

Waikato Regional Council reserves control over the following matters:

i) Measures to restore and protect the health and wellbeing of the water body for present and future generations

x) The effect of the activity on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.

xi) Measures to maintain and enhance tangata whenua uses and values of water, the ability to exercise kaitiakitanga, and measures to protect and enhance the mauri of water bodies.

## 5.5 Environment Waikato – Method to determine allocable flows

### 3.3.4.6 Development of Minimum and Allocable Flows for Surface Water Bodies and Sustainable Yields for Aquifers

(Method to implement Section 3.3.3 Policies 1, 2, 3 and 4)

In determining allocable flows, minimum flows and sustainable yields, the Waikato Regional Council will:

- a) Work with its iwi co-management partners and make use of a variety of recognised assessment methods as appropriate to the particular conditions, including maatauranga Maaori. In determining which combination of technical methods is most appropriate, guidance will be taken from any Integrated River Management Plan, any relevant planning document recognised by an iwi authority and lodged with the Council to the extent that its content has a bearing on water allocation, and the Ministry for the Environment – Environmental Flow Guidelines for Instream Values May 1998, or any subsequent update
- b) Consult with key affected parties including tangata whenua representatives, existing consent holders, domestic or municipal suppliers, Fish and Game New Zealand, Department of Conservation, industry organisations and local area water user groups.

All new entries into Tables 3-5 and 3-6 will be included by way of a Plan Change under the First Schedule of the RMA