

Informal Workshop Notes

Strategy and Policy Committee Workshop

Held: 9.30am, Thursday 28 September 2023, Council Chambers, Ground Floor, Regional House, 1 Elizabeth Street, Tauranga

Chairperson: Cr Paula Thompson

Deputy Chairperson: Cr Kat Macmillan

Present: Cr Stuart Crosby
Cr Matemoana McDonald
Cr Jane Nees
Cr Lyall Thurston
Cr Te Taru White
Cr Kevin Winters
Cr Ken Shirley
Cr Ron Scott

In Attendance: Staff: Fiona McTavish – Chief Executive; Namouta Poutasi – General Manager, Strategy and Science; Chris Ingle – General Manager, Integrated Catchments; Reuben Fraser. General Manager, Regulatory Services; Julie Bevan – Policy and Planning Manager; Nicki Green – Principal Advisor, Policy and Planning; James Low – Team Leader Policy (Freshwater); Glenys Kroon – Senior Policy Analyst (Water Policy); Michelle Lee – Planner (Water Policy) (via Zoom); Stephen Lamb – Environmental Strategy Manager; Mark Hamilton – Senior Policy Analyst; Karen Parcell – Team Leader Kaiwhakatinana; Santiago Bermeo – Senior Planner; Lisa Power – Senior Planner (via Zoom); Sophal Chhun – Economist; Steve Groom – Governance Manager; Jenny Teeuwen – Committee Advisor

External: Carl Lucca – Tauranga City Council

Apologies: Chairman Doug Leeder; Cr Malcolm Campbell, Cr Toi Kai Rākau Iti, and Cr Andrew von Dadelszen for absence.

1. Introduction

Chairperson, Cr Paula Thompson, welcomed those present and noted that the workshop was open to the public, but would not be livestreamed or recorded.

2. Workshop Papers

2.1 Freshwater Policy Programme: Direction for Regional Natural Resources Plan drafting

Presented by: Nicki Green – Principal Advisor, Policy and Planning
James Low – Team Leader Policy (Freshwater)
Glenys Kroon – Senior Policy Analyst (Water Policy)

Presentation: *Freshwater Policy Programme - 28 September 2023: Objective ID A4494868* [⇒](#)

Key Points – Staff

- Focus of today’s workshop was to seek in-principle direction on significant policy recommendations for inclusion in the draft Regional Natural Resources Plan (regional plan) change for the following chapter topics:
 - Activities in wetlands and beds of lakes and rivers;
 - Take, use, damming and diversion of water; and
 - Discharges to land and water.
- Outlined the scope and the draft policy changes for each chapter.
- Next steps:
 - Regional plan change drafting and Resource Management Act 1991 (RMA) section 32 evaluation reports would be developed and refined.
 - Draft Regional Policy Statement (RPS) and regional plan change implications and text to be considered at public excluded workshops in October and November 2023.
 - A decision will be sought from Regional Council in December 2023 for targeted release of the draft RPS and regional plan change for feedback from January to March 2024.

In Response to Questions

Wetlands and Beds of Lakes and Rivers

- Wetlands would be monitored on an individual basis.
- High resolution aerial imagery was currently being used to define the extent of many current wetlands.
- Bay of Plenty Regional Council’s (Regional Council) regional plan provided a definition for an ephemeral flow path.
- Clearing weeds from drains was a permitted activity.
- Gravel extraction was a permitted activity to a particular level and was covered by Rule 1 of the Regional River Gravel Management Plan.
- A definition for the boundary line of the wetted areas on lake beds had yet to be drafted.
- A number of operative rules that were bespoke to regional and district councils, Waka Kotahi and other agencies, had been examined more closely to determine whether they should remain bespoke or be more general.
- The definition for a natural inland wetland was stated in the National Policy Statement for Freshwater Management (NPS-FM). Staff would look at examples of where land continued to flood but were not defined as wetland to see if any other provisions might apply.
- National Environment Standard for Plantation Forestry (NES-PF) was currently being reviewed. The chapter for wetlands would look for alignment between the two national policy statements.

Discharges to Land and Water

- Discharges to the coastal marine area would be addressed under the Regional Coastal Environment Plan, but there would need to be alignment and staff were looking at how to address the policy appropriately.
- Currently considering the concept of a comprehensive discharge consent for drainage schemes discharges into water bodies that were not meeting their targets; however, the key focus was on the land management chapter and the land use practices that were generating the contaminants.
- Regional Council now had better data on discharge peaks and where contamination issues were greatest within the land drainage scheme areas.
- Staff were exploring more stringent options in some Freshwater Management Units (FMUs) for the discharges of fertilizer to land rule as nitrogen losses to water needed to reduce. It was expected that some requirements may need to be applied as a baseline requirement for Freshwater Farm Plans.
- The current approach was to enable On-site Effluent Treatment (OSET) for papakainga development subject to some limitations/conditions. Staff were focussing on simplifying OSET provisions (including enabling papakainga development).
- Support for Papakainga in the policy referred to enabling policy.

Take, Use, Damming and Diversion of Water

- How takes will be prioritised and managed at times of minimum flow will be included in the policy.
- Work on how to implement restriction of takes at minimum flow is being undertaken - likely to be mostly education based initially.
- All new consents required telemetry for water takes. Resource consents expiring in 2026 and being renewed must meet the new telemetry requirements.
- It was Regional Council's role to control water takes including Territorial Local Authorities' (TLAs) takes and the TLAs role to manage who gets the water.
- Use of rain water to alleviate the use of ground/surface water takes might assist small water uses, but not likely to be useful for significant takes.
- Looking at policy to encourage water user groups as an option to achieve efficiency and manage takes when restrictions are in place - more flexible/better shares of water.

11.00am - the workshop **adjourned**.

11.00am - Cr Scott **withdrew** from the workshop.

11.25am - the workshop **reconvened**.

- Clawback of over allocation would be considered if necessary.
- The NPS directed that councils use the best information they had to hand. There was confidence that Regional Council had used the best information available and that the data was reasonably defensible.
- No specific feedback had been received from tangata whenua regarding transfers recently; however, feedback from tangata whenua through the Plan Change 9 (PC9) process was acknowledged. It was proposed that transfers be restricted to exclude unused water - water that had not been used in the last five years. All transfers must be within the same catchment.
- Common expiry and review dates for consents enabled a holistic approach to addressing over allocation.

- Acknowledged that current consent volumes could be reduced by the review process but the detail of how this might work had not yet been addressed. Built-in incentives for early review of consents had not been considered at this point.
- Off stream dams generally meant storage ponds. The same permitted activities provisions were being considered for detention bunds as off stream dams, noting that it would take into account that detention bunds were designed to drain while storage ponds were designed to retain water.
- Engineering requirements for small farm storage ponds had been removed from RMA requirements and now fell under the Building Act 2004.

Guidance Provided

- Agreed in principle with draft policy change proposals and directed staff to continue to draft the Regional Natural Resources Plan (RNRP) in accordance with the recommended policy outlined in Attachment 1, to be endorsed at the next Strategy and Policy Committee meeting on 31 October 2023.

2.2 Mount Maunganui Airshed Work Programme

Presented by: Mark Hamilton – Senior Policy Analyst
Karen Parcell - Team Leader Kaiwhakatinana
Carl Lucca – Tauranga City Council

In Response to Questions

- Engagement/consultation for s293 of the RMA for unsealed yards provisions will be undertaken with owners and operators of yards that were directly affected by the provisions. Consultation for one additional policy would be much broader and would include the general public, Tauranga City Council (TCC), air discharge consents holders and parties to Plan Change 13 – Air Quality (PC13) appeal, including Ngāi te Rangi and Toi Te Ora.
- There could be 200 affected dwellings throughout the Mount Maunganui Airshed (MMA) and not just near the airport.
- There was no proposal to look at land use rights being extinguished.
- The proposal to implement standards for fine particulate matter (PM_{2.5}) would be considered as part of the wider Air Quality programme.
- No detailed information had been provided by the Environment Court regarding its recommendation that the effectiveness of current industry and community interest forums at addressing issues arising from the management of PM₁₀ in the MMA be reviewed. Clear guidance on this issue could be requested from the Court.

Guidance Provided

- There was agreement in-principle for the draft work programme, noting that approval would be sought from Regional Council for key associated decisions.

2.3 A Biodiversity Credit System for Aotearoa New Zealand: Draft Submission

Presented by: Santiago Bermeo – Senior Planner
Chris Ingle – General Manager, Integrated Catchments

Key Points – Staff

- Provided overview of the draft submission.
- Te Uru Kahika – Regional and Unitary Councils Aotearoa (TUK) would also be making a sector-wide submission. Regional Council would share its draft submission with TUK and other regional councils.

In Response to Questions

- The biodiversity credit system discussion document was at a conceptual level and did not provide any design detail.
- The proposed principles of the biodiversity credit system would ensure integrity.

Guidance Provided

- No specific feedback was provided.
- The draft submission was supported.

12.18pm - the workshop closed.