



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 on:

Tuesday 31 October 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
19 October 2023

Strategy and Policy Committee

Membership

Chairperson	Cr Paula Thompson
Deputy Chairperson	Cr Kat Macmillan
Members	All Councillors
Quorum	Seven members, consisting of half the number of members
Meeting frequency	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 for a period of three years (or as otherwise agreed to by Council).

All care is taken to maintain your privacy; however, as a visitor in the public gallery or as a participant at the meeting, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

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 - 8 August 2023	8
8.	Reports	
8.1	Essential Freshwater- Community Engagement Summary	19
	Attachment 1 - Summary of Hui ā Rohe activities and feedback	28
	Attachment 2 - Summary of community attendance at freshwater events and interests represented	30
	Attachment 3 - Demographics of respondents through hardcopy and online feedback for Essential Freshwater (April-Sept 2023)	32
	Attachment 4 - Key themes in community feedback (Essential Freshwater)	34
8.2	Operating Environment	42
	Attachment 1 - Proposed NPS-NHD 2023 Draft Submission	50
8.3	Draft submission to Environment Select Committee inquiry into climate adaptation	52
	Attachment 1 - Draft submission on climate adaptation inquiry	56

9. 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
9.1	Public Excluded Strategy and Policy Committee Minutes - 8 August 2023	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.

Minutes to be Confirmed

9.1 Public Excluded Strategy and Policy Committee Minutes - 8 August 2023

10. Public Excluded Business to be Transferred into the Open

11. Readmit the Public

12. Consideration of Items not on the Agenda

Strategy and Policy Committee

Open Minutes

Commencing:	Tuesday 8 August 2023, 9.30 am
Venue:	Council Chambers, Ground Floor, Regional House, 1 Elizabeth Street, Tauranga
Chairperson:	Cr Paula Thompson
Deputy Chairperson:	Cr Kat Macmillan
Members:	Cr Stuart Crosby Chairman Doug Leeder Cr Jane Nees Cr Matemoana McDonald Cr Toi Kai Rākau Iti Cr Te Taru White Cr Kevin Winters Cr Lyall Thurston Cr Andrew von Dadelszen Cr Ron Scott Cr Ken Shirley Cr Malcolm Campbell

In Attendance:	<u>Staff:</u> Namouta Poutasi – General Manager, Strategy and Science; Chris Ingle – General Manager, Integrated Catchments, Kataraina O'Brien – General Manager, Strategic Engagement (via Zoom); Julie Bevan – Policy and Planning Manager; Penny Doorman – Programme Leader Geothermal; Freya Camburn – Senior Policy Analyst; Antoine Coffin – Manager, Spatial Planning; Elsa Weir – Planner; Nassah Rolleston-Steed – Principal Advisor, Policy and Planning; Samantha Pottage – Planner; Greg Corbett – Biosecurity Manager; Lisa Power – Senior Planner; Te Wakapuna Te Kurapa – Biosecurity Officer; Nicki Green – Principal Advisor, Policy and Planning; Stephen Lamb – Environmental Strategy Manager; Jo Watts – Senior Planner (Water Policy); Shay Dean – Environmental Scientist; Margaret Courtney – Senior Advisor (via Zoom); Kerry Brown – Kaitohutohu Taiao Matua (Senior Advisor) (via Zoom); Riki-Lee Ainsworth – Māori Policy Advisor (via Zoom); Cheryl Robb – Coordinator, Spatial Planning (via Zoom); Jenny Teeuwen – Committee Advisor
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1. Chair's Opening Statement

Chairperson Cr Paula Thompson opened the meeting and reminded those present that the public section of the meeting was being livestreamed and recorded and that the

recording would be available on the Bay of Plenty Regional Council Toi Moana (Regional Council) YouTube channel following the meeting.

Recording link: [Strategy and Policy Meeting - 8 August 2023 - YouTube](#)

Cr Thompson also acknowledged the passing of long-standing former Tauranga City Council councillor, Mr Bill Faulkner.

2. Declaration of Conflicts of Interest

The following conflicts of interest were declared:

- Councillors Nees, White and Thurston for Item 8.3 - Submission to Rotorua Lakes Council Cemetery Reserve Classification Proposal, as members of the Rotorua Future Development Strategy Joint Committee.
- Chairperson Cr Thompson, and Cr Nees for Item 8.4 - NPS-UD Change 6 to the Regional Policy Statement Update, as members of the Hearings Panel for NPS-UD Change 6. Deputy Chair, Cr Macmillan would assume the Chair for this item.

3. Minutes

Minutes to be Confirmed

3.1 Strategy and Policy Committee Minutes - 16 May 2023

Resolved

That the Strategy and Policy Committee:

1. **Confirms the Strategy and Policy Committee Minutes - 16 May 2023 as a true and correct record.**

**Thompson/White
CARRIED**

Matters Arising

- There were no organisations similar to Socialink operating across the region; however, there were organisations that provided similar functions but were related to specific areas or had a specific focus e.g. family, education or health and disability focus.
- A number of Māori Trusts provided health services with a holistic approach. Socialink had been approached by Rotorua Trust regarding extending their services.

4. Reports

4.1 Operating Environment

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

Tabled Document 1: Cr Stuart Crosby's final speech as LGNZ President to the LGNZ AGM - July 2023: Objective ID A4446356

In response to Questions

- No further information had been received regarding Overseer. Staff were currently requesting support from the Ministry for the Environment (MfE) who was committed to working with affected councils.
- Regional Council had not yet been advised when the freshwater farm plans would be “switched on” for the region but all regions would be switched on before the end of 2025. Progress reporting for freshwater farm plans would be via Regional Council’s Monitoring and Operations Committee.
- Any effect on the Strategy and Policy Committee Work Programme following the general election in October 2023, would be reported to the 31 October meeting of this Committee.

9.42am - Cr Macdonald **entered** the meeting.

Local Government New Zealand (LGNZ) 2023 Conference highlights

- Councillors Nees, Iti, Crosby, Scott, White and Macmillan had attended the LGNZ Conference In Christchurch in July 2023 and provided a brief overview of their experience.
- A highlight for all attending was the speech at the AGM provided by Cr Crosby as outgoing LGNZ President. Cr Crosby had received a standing ovation.

Key Points - Members

- Acknowledged and congratulated Cr Crosby on his term as President of LGNZ.

Resolved

That the Strategy and Policy Committee:

- 1. Receives the report, Operating Environment; and**
- 2. Receives the Tabled Document, Cr Stuart Crosby’s final speech as LGNZ President to the LGNZ AGM - July 2023.**

**Thompson/Winters
CARRIED**

4.2 Draft Rotorua Geothermal System Management Plan

Presented by: Penny Doorman – Programme Leader - Geothermal
Freya Camburn – Senior Policy Analyst

In Response to Questions

- It had been proposed that submissions would be open for a two month period, September/October 2023, with hearing of submissions taking place in early November 2023. It was suggested that the submissions period be extended. The closing date for submissions would be extended to the end of November/early December 2023, with Regional Council’s adoption of the updated SMP now in February 2024.
- Suggested edits of the Draft included:

- Under the “Integrated partnership and management”, include a question specifically around support for joint decision making and transfer of powers.
- Climate change had only been mentioned once under the “Allocation” section. Under “Knowledge based decision making” include “monitoring and forecasting the impact of climate change”.
- Provide a clearer explanation for Section Two’s heading and what it meant.

Key Points - Members

- A co-governance Hearings Panel was suggested.
- It was proposed that Councillors Thurston, Winters and White be nominated for the Hearings Panel, and that the Hearings Panel also include tangata whenua representatives from/or identified by te Ahi Kaa Roopu.
- Policy needed to be developed around joint decision making and transfer of powers.
- Staff were congratulated for all their work in producing a high quality draft system management plan.
- Staff were also acknowledged for their work with tangata whenua throughout the process.

Resolved

That the Strategy and Policy Committee:

- 1. Receives the report, Draft Rotorua Geothermal System Management Plan;**
- 2. Approves the release of the Draft Rotorua Geothermal System Management Plan for public engagement;**
- 3. Delegates to the General Manager Strategy and Science to approve any final minor changes to the Draft Rotorua Geothermal System Management Plan, prior to its release;**
- 4. Agrees in principle to the engagement and submission process outlined in this report;**
- 5. Establishes a Hearings Panel to hear and consider submissions from the community on the Draft Rotorua Geothermal System Management Plan, with six members:**
 - **three Bay of Plenty Regional Council Councillors, being Crs Lyall Thurston, Kevin Winters and Te Taru White; and**
 - **three tangata whenua representatives from/or identified by te Ahi Kaa Roopu, yet to be appointed; and**
- 6. Delegates the appointment or change of Hearings Panel members to the General Manager Strategy and Science.**

**Thurston/Winters
CARRIED**

4.3 Submission to the Rotorua Lakes Council Cemetery Reserve change of purpose proposal

Presented by: Julie Bevan - Policy and Planning Manager
Elsa Weir - Planner

As members of the Rotorua Future Development Strategy Joint Committee, Councillors Nees, White and Thurston had declared a **conflict of interest** for this item and **abstained** from the **discussion and vote**.

In response to Questions

- As the proposed change was being made through the Reserves Act 1997, the submission would be treated as a submission and would not be directive.
- Regional Council would not be speaking to their submission at the hearings.
- It was suggested that issues with heavy traffic be added to the submission.

Resolved

That the Strategy and Policy Committee:

1. **Receives the report, Submission to the Rotorua Lakes Council Cemetery Reserve change of purpose proposal; and**
2. **Approves the submission.**
3. **Notes that as members of the Rotorua Future Development Strategy Joint Committee Councillors Nees, White and Thurston did not participate in the conversation and did not vote.**

**Winters/Leeder
CARRIED**

10.58am - the meeting **adjourned**.

11.20am - the meeting **reconvened**.

11.20am - As a member of the NPS-UD Plan Change 6 Hearings Panel, Chairperson, Cr Thompson, had declared a conflict of interest for the following item and **vacated** the chair and **withdrew** from the meeting. Deputy Chairperson, Cr Macmillan, **assumed** the chair.

4.4 NPS-UD Change 6 to the Regional Policy Statement Update

Presented by: Antoine Coffin – Manager, Spatial Planning
Nassah Rolleston-Steed – Principal Advisor, Policy and Planning
Samantha Pottage – Planner

In Response to Questions

- Key high level themes from submissions received included:
 - Out of sequence development and how this was captured in the policy;
 - Wording for the Treaty of Waitangi principles policy;
 - Reverse sensitivity effects associated with existing industrial activities and proximity to marae; and
 - Reverse sensitivity effects associated with non-compatible activities such as farming related activities and industry, and KiwiRail.

Resolved

That the Strategy and Policy Committee:

1. Receives the report, NPS-UD Change 6 to the Regional Policy Statement Update.

**von Dadelszen/White
CARRIED**

11.30am - The Chairperson **entered** the meeting and **assumed** the chair.

4.5 Managing gold clam if it is discovered in the Bay of Plenty

Presented by: Julie Bevan - Policy and Planning Manager
Greg Corbett – Biosecurity Manager
Lisa Power – Senior Planner

Presentation: Managing gold clam if it is discovered in the Bay of Plenty: Objective ID A4446185

Key Points

- Gold clam had been detected in the Waikato River system in early May 2023. Clams appeared to be well established from Lake Karapiro down to Hamilton City and continuing downstream. A further detection had been recently made at Lake Maraetai at Mangakino.
- Surveillance had already been undertaken in partnership with Te Arawa Lakes Trust and there had been no detection in the region's lakes yet.
- Gold clams were prolific breeders and to date, had never been eradicated where invaded.
- Whilst several methods had been used to try and minimise impacts e.g. suction dredging, use of chemicals for targeted control, and smothering, the clams had proven to be very difficult to control.
- Mainly spread through vessel movements.
- Four options to manage the gold clam were presented. Staff's recommended option was to include gold clam in the Bay of Plenty's Regional Pest Management Plan (RPMP) via an earlier partial plan review.

In response to Questions

- These were freshwater clams only and while very small, were edible, and there was some risk that they could be deliberately spread to create a food source.
- Waikato Regional Council (WRC) were currently working with the Ministry for Primary Industries (MPI) on surveillance to determine the extent/range of the clams. WRC had not yet indicated whether they intended to change their RPMP.
- Based on their size, it was thought that the clams had been in New Zealand for approximately two years. The clams were endemic to eastern Asia and were established in both North and South America and parts of Europe.
- The pathway for the clams into New Zealand was not known but it was possible that they were imported on a speed or wake-boarding boat.
- If the clams were identified in one of the region's water bodies at a very early stage, the aim would be to contain it to that water body and prevent it from spreading.
- The financial implications of having an exclusion programme in place would not be significant as it could be managed under RPMP Rule 7 that was already in place i.e. could deliberately search vessels or personal property for the clams.

- Other issues such as Kauri die-back and wilding pines could also be included in the partial review of the RPMP.

Key Points - Members

- Needed to be clear where resources were allocated and mindful of how this was treated in close co-operation with MPI.

Resolved

That the Strategy and Policy Committee:

1. **Receives the report, Managing gold clam if it is discovered in the Bay of Plenty;**
2. **Notes staff are continuing surveillance for gold clam in the Bay of Plenty and;**
3. **Directs staff to continue to liaise with the Ministry for Primary Industries (MPI) for support and discuss potential ways to manage gold clam.**

**Leeder/Macmillan
CARRIED**

4.6 National Policy Statement for Indigenous Biodiversity

Presented by: Chris Ingle - General Manager, Integrated Catchments
Lisa Power - Senior Planner
Shay Dean - Environmental Scientist

Presentation: National Policy Statement for Indigenous Biodiversity: Objective ID A4446186

Key Points

- The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into effect on Friday 4 August 2023.
- Outlined key aspects and the staged implementation timeline.
- There was immediate implementation for some decision-making e.g. resource consents for activities affecting indigenous biodiversity.
- A work programme to deliver NPS-IB requirements would now be developed and brought back to the Strategy and Policy Committee for approval.

In response to Questions

- The avoidance and effects management hierarchy outlined in the NPS would guide decision making around resource consents.
- The implementation guide for NPS-IB was still being developed and there was currently not a lot of guidance around what the NPS would mean for public conservation land. It appeared that there would be no additional management requirements for the Department of Conservation (DoC) to manage those areas.
- The strategy work would be delivered in partnership with Māori and Territorial Local Authorities (TLAs).
- Councils within the Bay of Plenty region had already mapped their significant natural areas (SNAs), and all, except Opotiki District Council, had SNAs listed in their District Plans. It was not expected that the criteria for NPS-IB would differ greatly from what was already in District Plans.

Regional Council could play a part to ensure standards were the same for all councils.

- It was not expected that there would be any significant additional financial burden at this stage in the process.

Resolved

That the Strategy and Policy Committee:

- 1. Receives the report, National Policy Statement for Indigenous Biodiversity.**

**Thompson/Macmillan
CARRIED**

4.7 Eastern Bay of Plenty Spatial Plan Project Update

Presented by: Antoine Coffin – Manager, Spatial Planning
Samantha Pottage – Planner

Key Points

- The Eastern Bay of Plenty Spatial Plan was the first for the eastern Bay of Plenty and included Regional Council and Kawerau, Whakatāne and Ōpōtiki District councils.
- Iwi who wanted to be involved in the process, were involved, but noted that this was work in progress.

In response to Questions

- The spatial plan would consider climate change as part of the technical work, and the areas effected by climate change would be shown on the spatial plan maps. Identification of areas at risk of natural hazards relating to climate change would inform the location of new urban development i.e. areas at risk would not be considered for greenfield development.
- A dedicated team were engaging with iwi about the process; what it was about; whether they wanted to be involved; and how they wanted to be involved.
- Acknowledged that it would be a challenge to get everyone on board. Best efforts would be made to talk with all affected, and at the right time.
- The Governance Board was expected to be large.

Key Points - Members

- Recognised that post settlement governance entities (PSGE) did not necessarily speak for all iwi/hapū in the settlement area.
- It was requested that the Māori constituency councillors be kept abreast of progress, and that their collective knowledge and networks were utilised as Regional Council stepped through the process.

Resolved

That the Strategy and Policy Committee:

- 1. Receives the report, Eastern Bay of Plenty Spatial Plan Project Update.**

**Thompson/White
CARRIED**

5. Public Excluded Section

Resolved

Resolution to exclude the public

- 1 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
6.1	Public Excluded Strategy and Policy Committee Minutes - 16 May 2023	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
6.2	Freshwater Policy Programme: Direction for Regional Policy Statement and Regional Natural Resources Plan drafting	Withholding the information is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.	48(1)(d).	On the Chief Executive's approval.

**Thompson/von Dadelszen
CARRIED**

6. Public Excluded Business Transferred into the Open

In the Public Excluded session, following discussion of Item 2.1 - Freshwater Policy Programme: Direction for Regional Policy Statement and Regional Natural Resources Plan drafting, the Strategy and Policy Committee resolved that the report and its attachments, Minute record, including PowerPoint presentation, and resolutions for this item, be transferred into the Open section of the meeting as Item 6.1.

6.1 Freshwater Policy Programme: Direction for Regional Policy Statement and Regional Natural Resources Plan drafting

Presented by: Nicki Green – Principal Advisor, Policy and Planning
Nassah Rolleston-Steed – Principal Advisor, Policy and Planning
Stephen Lamb – Environmental Strategy Manager
Jo Watts – Senior Planner (Water Policy)

Agenda Report and Attachments: Freshwater Policy Programme: Direction for Regional Policy Statement and regional Natural resources Plan drafting: Objective ID A4454033

Presentation: Freshwater Policy Programme: Objective ID A4447150

Key Points

- More in-principle direction was being sought for the Regional Policy Statement (RPS) – Land and freshwater, and the Regional Natural Resources Plan (RNRP) – Integrated management and Tangata whenua chapters, to enable policy drafting to continue with confidence.
- Provided overview of the Regional Policy Statement, its structure and what it did.
- Provided overview for the draft Land and Freshwater framework, including long term visions for Freshwater Management Units (FMUs), the protection of values, implementing the National Objective Framework (NOF), water quality, water quantity, land use and development, soil erosion/soil health, and integrated management – district and region.

12.44pm - The Chairperson, Cr Thompson, **vacated** the chair and **withdrew** from the meeting and the Deputy Chair, Cr Macmillan, **assumed** the chair.

12.47pm - The Chairperson **entered** the meeting and **assumed** the chair.

- Outlined review findings and recommendations for the RNRP – Tangata Whenua chapter.
- Outlined what the RNRP Integrated Management chapter covered and the approach taken.
- Outlined next steps.

In Response to Questions

- Most of the content for the freshwater related plan change would be housed in the Land and freshwater chapter; however some freshwater related matters would sit in overview chapters to achieve integration across the RPS i.e. Tangata Whenua specific objectives and policies and Integrated management objectives and policies. How the cascade worked would be articulated in Part One of the both the RPS and the NPS-FM, under “How does the RPS/NPS-FM work”.
- The proposed timeframes for achieving each long term vision for freshwater – medium 2045, and long 2065 – were indicative only and their appropriateness would be part of the feedback requested through public engagement.
- There were very few draft outstanding water bodies identified in the region, and did not include the Kaituna River.
- Staff were currently looking at Māori land that may be inhibited from development by limitations on access to water, and also exploring options for when/if limits needed to be met. These issues were expected to be addressed based on FMUs and might happen over a length of time.
- Staff would continue to look ahead in terms of monitoring Resource Management reforms.
- Allocations status data and the approach to how limits were set had improved; however, there were still some gaps.
- Adverse effects would need to be managed to avoid the loss of the extent of rivers and wetlands. The effects management hierarchy would ensure that adverse effects were managed appropriately.

- The key themes outlined in the draft recommended policy direction for RPS freshwater related changes were high level. The RNRP would contain more specific detail about how these were implemented in rules.

1.12pm - The Chairperson, Cr Thompson **vacated** the chair and **withdrew** from the meeting and the Deputy Chair, Cr Macmillan **assumed** the chair.

1.13pm - Cr Nees **withdrew** from the meeting.

- The intent of the NPS was that the wellbeing of freshwater ecosystems were maintained or improved. Metrics were mostly water quality and quantity based, not habitat based.
- Care would be taken around Lake Rotorua provisions as they had already gone through a specific process as part of Plan Change 10.
- Staff would continue to work towards December 2024 deadline.
- Only the Land and Freshwater chapters of the RPS were being amended. The remainder of the RPS was not subject to review.

Resolved

That the Strategy and Policy Committee:

1. **Receives the report, Freshwater Policy Programme: Direction for Regional Policy Statement and Regional Natural Resources Plan drafting;**
2. **Acknowledges prior decisions made in 2017 and 2021 about streamlining regional plan content and draft National Planning Standards (NPStds) compliant structures for the RPS and RNRP;**
3. **Agrees in principle to progress release of an NPStds compliant operative RPS ahead of notification of the RPS freshwater related changes;**
4. **Agrees with the in-principle policy direction set out in Attachment 3, section 4 and sections 5.1.3 and 5.1.4;**
5. **Confirms that the report and its attachments, Minute record, including PowerPoint presentation, and resolutions for this item, be transferred into the public section of the meeting.**

**White/Scott
CARRIED**

1.36 pm – the meeting closed.

CONFIRMED

Cr Paula Thompson
Chairperson, Strategy and Policy Committee



Report To:	Strategy and Policy Committee
Meeting Date:	31 October 2023
Report Writer:	Stephanie Macdonald, Community Engagement Team Leader; Kate Barnes, Communications Partner; Margaret Courtney, Senior Advisor; Jess Shailer, Environmental Scientist and Michelle Lee, Planner (Water Policy)
Report Authoriser:	Kataraina O'Brien, General Manager, Strategic Engagement Namouta Poutasi, General Manager, Strategy and Science
Purpose:	To provide a summary of key findings from the Freshwater Policy Programme April-September 2023 community engagement period.

Essential Freshwater- Community Engagement Summary

Executive Summary

The National Policy Statement for Freshwater Management 2020 (NPSFM) requires that council engage with tangata whenua and the community to set long term visions for freshwater and environmental outcomes. This paper summarises the community engagement between April and September 2023, on draft policy options for region wide changes and Freshwater Management Unit (FMU) scale options. Feedback was received from more than 390 contributing individuals.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Essential Freshwater- Community Engagement Summary; and**
- 2 Notes an outline of planned engagement for 2024 will be presented to this committee at its December 2023 meeting.**

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 paper provides an overview of the communications and engagement activities delivered during the April - September 2023 community engagement period. It outlines broadly the mediums and results of the communication campaign, engagement with tangata whenua, and community engagement activities and participation. The report also provides an outline of key themes from community feedback. This will be used to inform the development and assessment of policy options and recommendations.

1.1 Legislative Framework

This Freshwater Policy Programme 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 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.

1.2 Alignment with Strategic Framework

A Healthy Environment	<p>We manage our natural resources effectively through regulation, education and action.</p> <p>We develop and implement regional plans and policy to protect our natural environment.</p> <p>We work cohesively with volunteers and others, to sustainably manage and improve our natural resources.</p>
Freshwater for Life	<p>We listen to our communities and consider their values and priorities in our regional plans.</p> <p>We collaborate with others to maintain and improve our water resource for future generations.</p> <p>We deliver solutions to local problems to improve water quality and manage quantity.</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>
Safe and Resilient Communities	
A Vibrant Region	
The Way We Work	<p>We honour our obligations to Māori.</p> <p>We deliver value to our ratepayers and our customers.</p> <p>We continually seek opportunities to innovate and improve.</p> <p>We use robust information, science and technology.</p>

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	<input checked="" type="checkbox"/> Economic

While the NPS-FM has a strong environmental focus to maintain or improve the health of water bodies, there are implications for all four well beings.

2. **Community engagement April to September 2023**

2.1.1 **Communications**

A communications campaign ran from early 2023, and throughout the engagement period, to educate, and encourage as much participation as possible. An outline of the mediums used, and results follows.

Mediums used:

- Bay of Plenty Regional Council owned channels; Facebook, Instagram, website, e-newsletters (e.g. Freshwater Flash, Participate, Komiti Māori e-pānui), and Around our Rohe print adverts.
- Information booklets, infographics and summary sheets helped breakdown complex topics, and provided a base of information to enable the community to provide well informed feedback.
- Proactive and reactive news media liaison.
- Industry, committee and Rural and Environmental and Sector Organisation Forum networks (including interpersonal, social media, agenda reports, newsletters etc.) for audience-specific information and/or calls to action.
- Paid promotions across radio and print channels for priority messages and calls to action.
- Paid online promotions including in-app adverts (ie. Met Service), sponsored social media posts, and paid online pop-up adverts (ie. TVNZ, Threenow, Herald and Stuff) for priority messages and calls to action.
- Bus backs for priority messages and calls to action.
- Direct contact - post (direct mailout) and emails. Mailout sent to all rural addresses. Direct contact via email to community members who had previously expressed an interest in freshwater, consent holders, community boards, previous Freshwater Focus group members, subscribers to Participate and key stakeholder representatives.
- Flyers, posters, maps and physical assets that supported engagement at community events and hui.

An overview of the campaign results:

- Digital: The online ad was seen 6.2 million times, and it made 17,000 people visit the website and 403,000 people watch the whole video.
- Social media: Reached 292k people on Facebook and Instagram.
- Direct mailout: A flyer was delivered to 17,273 rural addresses.
- Print: 90 print ads ran across 11 publications. These ads were circulated into 1.3 million homes (publications included Weekend Sun, Bay of Plenty Times, Rotorua Weekender, Daily Post, Whakatāne Beacon, Ōpōtiki News, Kawerau Echo, Te Puke Times, Katikati Advertiser, Pāpāmoa Post, Lizard News).

- Radio: Over 2,800 radio ads aired across 15 stations (ZB, ZM, Coast, Flava, Sound, More, Rock and IWI Stations, The Country (ZB) and iHeart Radio).
- Bus backs: Routes/areas included Tauranga Citywide (Tauranga, Mount Maunganui, Te Puna), Tauranga to Katikati, Tauranga to Whakatane, and Rotorua.
- Newsletters: Essential Freshwater updates, and invitations to engage were shared across the Participate, Komiti Māori ePānui and Freshwater Flash eNewsletters (together reaching over 2,900 subscribers).

2.1.2 Māori engagement

The NPSFM gives direction to councils to involve iwi and hapū, and to better integrate Māori values into regional planning for freshwater. Engagement is guided by Te Hononga: The Regional Māori Engagement Plan for Implementing the NPSFM (2020).

Engagement approaches include:

- Hui-ā-rohe
- Community meetings
- Facilitating hui and workshops
- Presenting at hui and workshops
- Supporting Māori led wai-Māori kaupapa with resources including funding and water monitoring kits
- Supporting the development of Iwi and Hapū Management Plans
- Supporting the development of Mana Whakahono ā Rohe
- Supporting the development of Te Mana o Te Wai statements

Māori engagement draws on He Korowai Mātauranga: Mātauranga Māori Framework which aims to:

- Foster meaningful and productive relationships
- Find common goals, values and/or outcomes
- Recognise and respect the value of mātauranga Māori
- Ensure mātauranga Māori is utilised and managed in a way that reflects its intention.

2.1.3 Consultation and Engagement Approaches from Apr-Sep 2023

For the period from April to September 2023, the following occurred:

- 56 hui with various Māori groups across the rohe.
- Organised and facilitated hui-ā-rohe across Kōhī, Mauao and Ōkurei.

- Presented at Komiti Māori hui (x3), Strategy & Policy (x2) and Regional Council (x1) to provide updates and report on activities.
- Attended Councils co-governance forums to provide updates and report on activities.
- Funded and/or managed 9 freshwater projects across the region.
- Attended a MfE Te Mana o Te Wai conference which showcased MfE funded Te Mana o Te Wai projects, nine of which are in the Bay of Plenty.
- Facilitated capability and capacity uplift of via freshwater sampling and monitoring, and the provision of SHMAK tools.
- Supported Tauranga Moana iwi to secure MfE funding to implement their Te Mana o Te Wai project across four kōawa.
- Attended presentations of Te Mana o Te Wai Statements received from the Te Arawa Freshwater Working Group.
- Provided regular updates to online newsletters.

Further details are available in attachment one: *Summary of Hui-ā-Rohe activities and feedback.*

2.1.4 Community Engagement Activities

Community engagement in the period April to September 2023 was focused on sharing draft policy options for the 13 Freshwater Management Units and region wide changes. Multiple approaches were used to reach as wide an audience as possible.

Rural and Environmental Sector Organisation Forum

Draft engagement plans were shared with the *Rural and Environmental Sector Organisation Forum (RESOF)* prior to community engagement. They were asked to share information and community engagement opportunities with their membership and via their networks.

Local Authorities

Draft engagement plans were shared with the Territorial Local Authority Freshwater Forum (TLA Forum) prior to community engagement. They were also asked to share community engagement opportunities with their staff and elected members. Direct requests to share relevant local events with the public were also made to communications and engagement staff.

Community Drop-in events

- An estimated 530 people attended 35 drop-in event across 12 freshwater management units between April 26 and 30 September.
- The mean number of attendees at drop in events was 14 with the largest attendance estimated at 50 adults. Attendance at these events increased over the consultation period. Generally, participants were actively interested in direct discussion with council staff and stayed for at least an hour.

Invitations were sent to:

- Community members who expressed an interest at Jan-March events
- Targeted landowners
- Local authorities
- Care Groups
- Co-governance members
- All current resource consent holders for water takes or discharges
- Freshwater Futures Groups
- Participate website subscribers
- Community Board Chairs

Online workshops

- Five online workshops were held in August and September.
- More than 240 views were made by community.

Online engagement platform

A project page for [Essential Freshwater](#) on the participate platform went live on 26 April 2023. This project page included copies of the FMU stories, event details, regional changes, and multiple ways to provide online feedback.

In the engagement period April-September, this project received:

- 6533 views
- 4353 visits
- 2749 visitors
- 120 contributions
- 111 contributors
- 76 followers
- 103 documents downloaded
- 16 submissions to regional changes
- 52 registrations for online workshops received
- 37 FMU specific submissions

Feedback

- Freshwater Management Unit booklets were made available to the public via Council reception counters, as well as copies being provided at events and sent out via post (upon request).
- As of Monday 2 October 2023, 390 items of feedback were received.
- A summary of feedback received on region wide and Freshwater Management Unit specific topics is in attachment four (*Key themes in community feedback*).

3. Considerations

3.1 Risks and Mitigations

Risk: Feedback may not represent the full range of views held within the community or possible policy options as full detailed technical information, plan change text and s.32 evaluation were not yet developed.

Mitigation: Consider the feedback in this period as an initial litmus test of direction and continue to engage with Māori, stakeholders and the community at key stages of the project. Targeted stakeholder engagement is planned for early 2024 to seek feedback on early drafts of the policies.

Risk: Not all interested and affected parties may have engaged in this process and may raise significant concerns only once the plan is formally notified.

Mitigation: Significant effort has been made to communicate early and frequently through a wide range of media, interest, industry and advocacy groups about changes in Freshwater management. Staff will continue to use tools and tactics to help broaden the reach and track demographic reach and representation to measure progress.

Risk: The tight statutory timeframe is a risk to engaging meaningfully with Māori and community. It is envisaged that the draft RPS and RNRP will be approved mid December 2023 for targeted feedback during January 2024 – March 2024.

Mitigation: Staff will continue to take up every opportunity to promote and support Māori participation and involvement.

3.2 Climate Change

There was strong interest in climate resilience, particularly from the rural community. Common themes were access to water in droughts or maintaining drainage and flood protection in adverse events. Policy should promote and enable adaptability wherever possible and allow for recovery when and where needed.

3.3 Implications for Māori

Consultation with Māori will inform the decisions of Council and achieve outcomes for the Taiao that benefit present and future generations. Te Hononga (Regional Māori Engagement Plan for implementing the NPSFM 2020) enables a flexible approach incorporating several strategies to engage when Māori are ready to do so.

The tight statutory timeframe with notification in December 2024 continues to present challenges for Māori engagement across the region. Staff are contending with multitudes of competing priorities faced by Māori entities who have limited

resourcing. Post election policies are unknown and may further distract Māori participation in freshwater management.

There is opportunity for Māori to provide feedback on the draft RPS and RNRP during January 2024 – March 2024.

3.4 Community Engagement



CONSULT Whakauīuia

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

This report focuses on the community engagement activities and participation by the community in the period April-September 2023. As this plan change progresses towards notification, there will be further opportunities for more formalised consultation. An outline of the planned engagement activities for 2024 will be presented to council in December 2023.

Some comments received via consultation and engagement include:

- “Good to come to hapū. Discussions should happen on the marae”
- “I have found the early part of the consultation process was not well advertised, or perhaps I was not aware and so did not engage. However the later part of the consultation I found well advertised and I was then engaged”.
- “to better cater for a rural discussion Dairy NZ alongside others would be open to hosting rural specific events if Council were able to participate with staff and options on the table to discuss”
- “This is the second event I’ve attended, and I’m learning more each time. Seeing other people helps and listening to their Q&A.”

3.5 Financial Implications

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

4. Next Steps

Staff will analyse feedback to inform the development of policy options, recommendations, draft plan change text, and section 32 evaluations.

Detailed planning is underway for targeted stakeholder engagement for the draft plan in early 2024. This will include Māori, councils, members of RESOF, key stakeholder organisations, and participants from this phase of engagement.

A link to this agenda report will be made available online to be shared with participants from the April-September engagement who provided their contact details, with an indication of next steps in the planning process.

An outline of planned engagement activities for 2024 will come back to this committee in December.

Attachments

Attachment 1 - Summary of Hui ā Rohe activities and feedback [↓](#)

- Attachment 2 - Summary of community attendance at freshwater events and interests represented [↓](#)
- Attachment 3 - Demographics of respondents through hardcopy and online feedback for Essential Freshwater (April-Sept 2023) [↓](#)
- Attachment 4 - Key themes in community feedback (Essential Freshwater) [↓](#)

Item 8.1

Summary of Hui ā Rohe activities and feedback

- Hui ā-rohe proved an effective means to communicate with tangata whenua on the NPSFM 2020, including the critical opportunities that lie within Te Mana O Te Wai and the Mahinga Kai compulsory value
- The May hui also offered council the opportunity to highlight the progress we had made and the tangible opportunities for tangata whenua and kaitiaki to help inform regional freshwater decision making.
- Post hui ā-rohe, there was a marked increase in requests to engage including notable interest from Māori land trusts and incorporations.
- Two sessions in each location were advertised from 2pm to 4pm and 5.30pm to 7.30pm. The 2pm session was the most popular with only a few registrations for the second session in each location. As a result, we cancelled the second session for Kōhī. Those who signalled their attendance at the later session attended the first session.
- The attendees were at various levels of their 'wai Māori' journey and the questions throughout the hui reflected that. From general understanding to specific questions regarding their experience in caring for their wai Māori and taiao. There were also some robust conversations on allocation, freshwater management units and the current state of health for freshwater, water bodies and the surrounding environment.
- Council made a particular effort to clarify and delineate the NPSFM 2020, Te Mana O Te Wai and its associated work programmes from other hot topic items such as Three Waters, the question of water ownership and at that time, the resource management reforms. This was extremely valuable in refocussing discussions on the NPSFM 2020 whilst not being dismissive of the importance these kaupapa have to tangata whenua.
- Iwi presentations were made at each hui, which attendees enjoyed. It provided them with a better understanding of how other iwi have approach this kaupapa. These presentations were another valuable catalyst that generated additional interest form tangata whenua about how they could potentially participate.
- Following the May hui ā-rohe, staff analysed the discussion. The key themes were:
 - Continuing to build relationships with tangata whenua but on their terms.
 - Decision making needs to be inclusive across the spectrum of activities and planning, through to implementation.
 - Tangata Whenua capacity and capability building is vital. Support is required as iwi hapū and tangata whenua have limited resources.
 - Mahinga Kai compulsory value needs to be understood and articulated in a planning context.
 - Data sovereignty – concerns around how Mātauranga Māori is going to be received, stored and used?
 - Equity – there needs a balance of involvement in decision-making processes and activities.
 - Key frustrations:
 - Allocation and Access to Water
 - Tangata whenua have been denied water take consents due to catchments being over allocated.
 - However, they see current consent holders are able to increase their water take.
 - There were concerns about municipal takes given proposed housing developments.

- Tangata whenua questioned the allocation methodology.
- Consents and compliance
 - Concerns that iwi are not being notified of certain consents being granted.
 - Council allowing current consent holders extensions, but no new consents can be issued.
 - Lack of trust that there is any compliance monitoring of permitted activities.
 - Frustration of ongoing environmental degradation particularly where commercial interests come before te taiao. For example, contaminated waterways by industry and activities upstream having an impact downstream.
 - There should be a focus on those catchments that are most effected.

Outcome focussed kōrero included:

- Ngāti Rangiwewehi is a working example of Mātauranga, mauri and science models of monitoring (i.e. Rotorua Lake Council's municipal watertake consent).
- Kaitiaki monitoring and building a relationship with compliance.
- Kaitiaki projects - looking at the streams, surrounding environment and whole catchment, thereby understanding all the activities across the catchment and undertaking projects to help restoration.
- Addressing permitted activity water takes.
- Alternative methods of mitigating adverse effects - rain gardens, green infrastructure.
- Analysis of how much resource we started with, how much has been degraded, and how it can be recovered.
- Wānanga needed with whānau to help their understanding.
- Addressing cost - user pay models?

Summary of community attendance at freshwater events and interests represented

Attendance at publicly advertised FMU specific drop-in events and online workshops.

FMU	Feedback received as of 2 October specific to an FMU	No. Public FMU specific events	Adult attendees at FMU drop-in and online events
East Coast	14	2	23
Kaituna	26	4	45
Motiti	0	0	0
Ōhiwa	32	3	37
Rangitāiki	39	4	38
Rotorua Te Arawa Lakes	26	4	42
Tarawera	34	3	27
Tauranga Moana	69	4	78
Waihi Estuary	45	4	27
Waioeka-Otara	34	3	35
Waiōtahe	17	2	40
Waitahanui	15	3	18
Whakatāne	25	4	38
Total	376¹	40	448²

Attendance at Hui ā Rohe events held in May 2023

	Ōkurei Te Ao Marama, Ōhinemutu, Rotorua	Mauao Hungahungatoroa Marae, Matapihi, Tauranga	Kōhī Eastbay REAP, Whakatane	Total
Registered RSVPs	34	38	37	109
Attendees	25	26	26	77

¹ There were more than 390 contributors of feedback, including 17 that were not specific to an FMU. Contributors include individuals, organisations and industry bodies.

² This figures excludes attendees at Hui ā rohe (77), children (75) and asynchronous viewers of the online workshops (240). Total estimates of people reached are closer to 750.

Interests represented by event attendees and respondents

Attendees at in-person events were invited to register on arrival and indicate their area of interest. Online and hardcopy submitters were prompted to indicate their area of interest with suggested categories. This data was not gathered at Hui ā Rohe events.

Activity	Interests identified by participants							
	Trustees	Environmental Advocate	Orchardist	Resident/ Ratepayer	Landowner	Farmer	Tangata Whenua	Other
Registered attendees at 35 Drop in Events (472)	3	48	58	7	-	136	35	98
Registered online submitters* (37)	2	10	7	24	18	14	4	4
Hard copy Feedback booklets* (17)	1	3	5	6	7	7	1	0

*multiple selections made

Demographics of respondents for Essential Freshwater Engagement

Online and Hard copy respondents were invited to share their gender, year of birth and ethnicity to assist with helping understand the reach of this engagement process. This data was not recorded at drop-in events, online workshops or Hui ā Rohe. Due to the sample size any trends are unlikely to be statistically significant.

	Gender of respondent		
Activity	Male	Female	Prefer not to say
Online Feedback (37)	16	8	13
Hard copy booklets (17)	16	1	0
Total	32	9	13

	Ethnicity of respondent				
Activity	European	Māori	Other ethnicity	Pacific peoples	Prefer not to say
Online Feedback (37)	22	6	0	1	9
Hard copy booklets (17)	9	2	2	0	4
Total	31	8	2	1	13

	Age of respondent					
	18-24 years	25-45 years	46-65 years	66-85 years	85+ years	Prefer not to say
Online Feedback (37)	0	13	11	4	2	7
Hard copy booklets (17)	0	0	7	9	1	1
Total (54)	0	13	18	13	3	8

Key themes in community feedback

This is a high level summary of feedback received through community and stakeholder engagement on Changes in Freshwater management in the period April-September 2023.

1.1.1 Draft Long-term Vision Options

Everyone wants healthy rivers, but those affected know that there will be a cost, and stress that whatever changes we make, and our actions to implement them, need to be effective and efficient, to make sure that cost is justified, fairly spread, and that our sacrifices achieve the desired results.

There was general support for the draft visions, values and outcomes but a lot of people had further questions. Some people found the draft visions and policy options a bit vague and wanted to know more about the finer details and implications. Some wanted more information from a data perspective, such as more monitoring sites, and needing to know that proposed actions will be effective before investing.

Lakes, estuaries, wetlands, wildlife, swimming, drinking water, fishing and shellfish gathering were often mentioned. Some people were satisfied with current water quality and others weren't. Both protecting what's good and fixing what's bad came through as important. The value of trout was contentious – some people value it very highly as a resource while others view it as unimportant or even a pest.

There was also a lot of feedback on the values people felt had been under-represented in our draft – the human needs, social, cultural, and economic values of water – and how these would be impacted by potential changes. Human and animal welfare, particularly through access to clean drinking water, were often considered a top priority. Food production was a recurring theme, along with employment and economic wellbeing of local communities. There were questions around the interpretation of Te Mana o te Wai, and how we could give effect to the second and third obligations, as well as the first.

Some people felt iwi and hapū needed to be more involved, whereas others felt they were overrepresented, and this varied between FMUs. There were comments about fairness and discrimination. Several people felt that where Māori words were used there should be an English translation included so that everyone can understand. Some were concerned that spiritual concepts should not be mixed with policy, and some wanted to emphasise that non-Māori people are equally capable of caring deeply for the land and water. Overall feedback from people who identified as Māori was generally consistent with that from the rest of the community.

Some people want to see changes immediately, but those directly affected by the changes would prefer longer transition timeframes to budget, implement, and allow for lag times to see the effects. There was support for breaking down long term goals into 10-year steps. Some argued that there are already lots of rules coming from central government, and they need time to adjust, implement, see the effects of those before we add more. Everyone affected wanted certainty – to know what they needed to do, and if their business would still be viable.

1.1.2 Water Quality Management Options

General

Many participants were worried about things which weren't on our list of issues and options, but do affect freshwater, like illegal dumping and littering, plantation forestry slash, pest animals and invasive weeds.

Comments noted that forestry should follow the best practices, including providing riparian buffers and excluding steep areas. There is support for controlling contaminant inputs where possible. Many have urged it is crucial to understand how other factors, particularly contaminants from natural sources or feral animals, impact water quality, especially when setting water quality limits.

Some pointed out that the draft options focused on rural activities, and others have expressed concerns about wastewater, industrial discharges, and onsite effluent effects on water and questioned what restrictions would be in place. Stormwater was also often mentioned in urban communities and by fuel companies.

"Wetlands" came through in several suggestions as a solution option for improving water quality and freshwater health. Many sought wetland restoration to be enabled; one highlighted maintaining wetlands needed the water put back into wetlands in some circumstances.

On-farm activities

Farmers believed proposals restricting farm productivity would put some farms out of business or into a challenging financial position. In those cases, many felt there should be market-value compensations where productivity is compromised.

The slope restrictions met strong opposition from the farming communities. Key concerns are the anticipated significant effects in areas with rolling landscapes, effects including the practicality, economic implications, and subsequent weed burden. Suggestions included restricting stock grazing on steep land by animal weight and seasonal timing to be addressed through freshwater farm plans. Site-specific grazing management is preferred over blanket retirement. Other suggestions include managing riverbank erosion and rural tracks.

Managing weeds in potentially retired or riparian areas was a key concern for landowners. Considerations include the practicality, time, and money to keep weeds down in these areas. Many community members want support and incentives, such as rates relief for retired land. Community members also questioned council rules and practices around managing riverbank erosion, maintaining riparian vegetation and removing fallen trees from waterways.

Retiring estuary margins and lowlands where necessary was generally supported but farmers expected to be compensated. There were also concerns about how that would affect the surrounding properties, particularly their drainage and flood protection.

Excluding stock from riparian areas was generally supported. However, there are differing opinions on the suitable riparian width that may be practical or

effective. Landowners generally want to do the fencing once rather than a new rule, resulting in moving fences or tracks that already existed.

Most landowners who participated in the engagement appeared proactive; many have previously worked with the Council on sustainable land management initiatives and encouraged other farmers to do the same. They highlighted that on-farm actions should be tailored to the condition with gradual staged change to allow the right practices at the right places rather than one-size-fits-all. There was a desire for clarity in any changes to the dairy effluent management and no duplicated efforts for data collection and reporting. Some landowners expressed a sentiment of overwhelm with further restrictions. Many farmers do not want to see the farming sector targeted for freshwater management, rather than sharing the responsibilities as other land uses also have environmental consequences.

“Although farming businesses can appear to be strong financially (and some are), most are low margin businesses with considerable debt, and the equity in the business in the result of decades and/or generations of hard work, sacrifice, and commitment - I think this is part of the reason why proposed changes to farming practices evoke such strong reactions.” (Verbatim feedback)

1.1.3 Water Quantity Management Options

A number of corporate submitters highlighted the importance of industry (particularly kiwifruit) to the region's economy and employment, including some feedback regarding values and outcomes. Local Councils identified the importance of drinking water supplies and the impracticality of separating drinking/health requirements from other components. Farmer submitters noted the importance of stock drinking water.

Mixed, but generally supportive responses were received on the habitat protection approach to setting limits and the levels identified, with questions mainly regarding trout. Most frequently people supported the protection of native fish but questioned the inclusion of trout. Most respondents preferred the more granular approach of local limits based on fish habitat protection than more generic limits.

Fish and Game noted there were issues to be worked through with water quantity. They raised concern about the use of IFIM models and that fish habitat should not be the only consideration. They also noted 'fundamental problems' of using flow values that are already impacted by the taking of water. Fish and Game suggested an alternative approach of using naturalised flow data with a default minimum flow of 90% MALF in small rivers and 80% in larger rivers.

Limited feedback was identified as from tangata whenua. Tangata whenua were welcomed at as part of community consultation events, and in tangata whenua specific hui outlined in Section 2.1.2.

With only a small number of exceptions, water users indicated support for highly reliable allocation, at the expense of volume and with time to adapt to minimum flow restrictions. They raised the need for certainty regarding frost protection and stock drinking water.

Some sought clarification on the changes around water-take consents, permitted activities, and level of security, and questions were asked about the implications for existing water users. There was both opposition and support to a reduction in the volume of groundwater allowed as a Permitted Activity.

The establishment of water user groups and sharing opportunities was generally supported by both the industry groups and individuals. Water storage is generally supported, but questions were raised about the cost and efficacy in practice, and feedback recommended that funding is needed. In places where water was over allocated, and clawback might be required a variety of responses were received including:

- The need to identify priorities including for human and animal drinking water.
- Allowing time for change to occur.
- The need for monitoring including by Māori.
- Not taking water for out of catchment use including bottling and municipal supply.
- Improving the efficiency of and accounting for water allocated and used.

Concerns about water restrictions relating to for hydroelectric power generation were important in the Rangitāiki FMU. Mercury Energy highlighted the critical nature of water requirements associated with geothermal energy generation in the Tarawera FMU.

Noted that details about groundwater allocation status was not available when the feedback questions were written and for most of the community events. Therefore, feedback regarding groundwater was limited, although most supported a conservative approach. HorticultureNZ and the Kiwifruit industry suggested a more enabling approach, accompanied by an adaptive management regime. Fuel companies highlighted the importance of dewatering associated with fuel tank installation, suggesting a Permitted Activity rule.

1.1.4 FMU specific

In addition to region wide feedback, specific feedback to individual Freshwater Management Units is summarised here.

East Coast FMU

The draft East Coast FMU boundary is supported by some and disagreed by some. Those who opposed it believed it lacked Māori construct and the naming was misleading. Water quality needed to be managed for swimming spots, watercress in the river, and mussels at the spit, and to be prepared for extreme climate change events.

The East Coast FMU communities are seeking support for controlling erosion, forestry impact, pest plants, feral animals and biosecurity. There is also an infrastructure and information need. Hapū-based initiatives and implementations are vital for this FMU.

Regarding water quantity, some submitters mentioned issues and opportunities relating to rights and opportunities to manage water and development potential/economic opportunities. Rights and obligations of tangata whenua, costs and compliance monitoring were also raised in relation to water allocation. While the habitat protection level approach is generally supported, feedback sought flexibility is also needed to consider socio-economic activity and needs.

Kaituna FMU

Most feedback received generally agreed with the Kaituna FMU boundary; the majority of feedback preferred the Option B vision statement, with a couple of exceptions. There is a mixed view on current water quality. There are concerns about overfishing, climate change, further urbanisation impact on water quality and demand, and a desire for more water storage and filtering wetlands.

Mōtiti FMU

A discussion was held with a Mōtiti local group, and no public drop-in or online presentation was held for the Mōtiti FMU during this engagement period. Te Patuwai Tribal Authority have identified a key contact for staff to liaise with and have mātauranga they may share. At the time of writing, no feedback has been received specific to the Mōtiti FMU. Any feedback received in the future will be welcomed.

Ōhiwa Harbour FMU

Feedback received described some water quality management options as unworkable, or likely to have significant implications for the farming sector and catchment descriptions were challenged as being inaccurate. Farmers asked for more evidence and certainty about whether the proposed actions would achieve the outcome effectively. While a slight majority supported the vision and values, some opposed the values and environmental outcomes and commented those were too vague.

The importance of whitebait and inanga was highlighted. There were also concerns related to mangroves and swans in the Harbour. Maraetōtara catchment was suggested to be excluded from the harbour-catchment-based FMU boundary, as the stream flows straight to the sea. Feedback also urged that hapū participation in limit setting is critical. There is minimal water allocated in this FMU, and submitters generally supported limit setting methods proposed.

Rangitāiki FMU

Some complex freshwater management topics were discussed in the Rangitāiki FMU. Those topics include allocation and clawback, tangata whenua future land use and hydro-electricity operations.

Farmers are challenged with finding groundwater of suitable quality and are concerned if they can continue to operate. Some question the accuracy of the description of constraints relating to the Matahina dam hydroelectric power scheme resource consent, and how the National Policy Statement for Renewable Electricity is given effect. Greater clarity about groundwater availability was sought.

The FMU boundary was generally considered acceptable. Over two-thirds of feedback preferred draft vision A. However, Rangitāiki River Forum members asked that Option B1* to be retained, and cultural traditions and practices should be valued and included. There is also a request to include whitebait in the vision and values for Rangitāiki. (*Option B1: “Tuna within the Rangitāiki Catchment are protected through measures including enhancement and restoration of their habitat and migration paths.”)

Rotorua Te Arawa Lakes FMU

Feedback expressed concerns about illegal dumping, sewerage leaks, algal blooms, pest animals (swan, geese, wallaby), and urban and geothermal influences. There is a consistent desire for lakes to meet targets, consideration for geothermal, and a strong opposition to stock exclusion from steep slopes as a blanket rule.

A few comments were received on the FMU boundary:

- It is unclear for some Rerewhakaaitu farmers to identify which FMU their land is in.
- Different lakes should be treated differently.
- At least grouping the lakes into two FMUs reflecting the Kaituna River source and the Tarawera River source.

Excluding catchments that support municipal water takes, there is generally plenty of water available in the FMU and submitters were generally supportive of the suggested approach.

Freshwater long-term vision Option A has slightly more picks, although similar numbers chose the alternative. Some people liked neither. Similarly, diverse preferences were received on the values and outcomes, with some outlining specific issues that they seek to be addressed. Two timeframes were suggested: 2045 and 2065.

Tarawera River FMU

Industrial and wastewater discharges and illegal dumping are the main issues. Feedback had many specific comments and questions for Tarawera FMU. Most preferred Option A for freshwater long-term vision. Some agreed with the FMU boundary; others suggested splitting it into two or more sub-catchments due to water quality differences. One said drinking water should be prioritised. The valued tributaries included the Mangaone swimming hole and Karaponga Stream.

Water needs relating to industrial and geothermal water use was identified as important and mixed feedback was received about reliability compared to volume of water allocated. The importance of accounting for ‘returned’ water was highlighted.

Tauranga Moana FMU

Feedback contained diverse views on the boundary for Tauranga Moana FMU. Most accepted the boundary, while some suggested dividing the FMU further into north/south or separating the Wairoa catchment.

For freshwater long-term vision options, one commented Option A is a short-term fix while Option B is the longer-term goal. Option A had more support. The draft values were mainly supported, with one voicing strong opposition, asking for the options to be clearer on the specifics. There was also a question about the anticipated socio-economic effects of these draft values.

Key suggestions included clean drinking and swimming water as most important, wetlands, native fish protection, and more wildlife as values. There is a common desire for freshwater improvements, particularly in urban waterways. Concerns include urban development earthworks, industrial and wastewater discharges, kiwifruit water use, storm erosion and sediment, open access through private land, and illegal dumping. Some comments were also received on the Tauranga City Estuary Board Walk proposal.

Both surface and groundwater are highly allocated in parts of this FMU and feedback reflected some of the conflicts between trout habitat retention levels and limits, the opportunities and costs of water storage, and the desire for reliable allocation.

Waihi Estuary FMU

People agreed that Waihi Estuary needs improvement. The Waihi Estuary FMU boundary is mainly accepted. There is specific support for Option A1, A2 and A4 for freshwater long-term vision, with one suggesting Option A2 as a step goal.

The draft freshwater values set received mixed feedback and different views on the timeframe. The concerns are groundwater leaving the catchment, the economic impact and the current generation paying for long-term cumulative effects. The affected communities want more details about the options, including the water contamination calculation/modelling to account for private wetland restoration/creation and planting.

Regarding water quantity, a range of feedback was received, including the economic value associated with water takes, the need for reliable allocation and limit setting on fish habitat retention.

Waioeka-Ōtara FMU

Pest animals and weeds pose a significant challenge in the Waioeka-Otara FMU. This may affect the feasibility of some management options. Landowners are concerned about pest control, financial costs, administrative burden, and flood damage. Most agreed on some level of stock exclusion but opposed the slope rule option as it would increase pest control liability. Feedback suggested more research on freshwater impacts of pest animals like deer and better managing forestry areas to reduce them.

Freshwater values include inanga and a trout fishery. The Opato Stream and Tokenui Stream have high water quality. Some supported the FMU boundary. Tirohanga Stream catchment flows to the sea. Huntress Creek (Te Karaka Stream) was linked to an important estuarine habitat that needed lower silt and aggregate to stop sea grass recession.

Other topics raised were the need for community catchment groups and water-user groups and questions about gravel extraction.

Waiōtahe FMU

The community questioned the 90% *E.coli* reduction goal. They asked for more monitoring data, evidence, the current level, timeframe, whether the past and recent good practices (effluent upgrades, fencing, planting) made any differences and other options. They worried about hard rules and their economic sustainability.

The Waiōtahe boundary is mainly accepted. Most liked Option B for freshwater long-term vision and the values, but only if farming stays profitable. The estuary's health worsened, and people questioned the cause and source of that and how much people's direct use and illegal dumping had played a part.

Waitahanui FMU

Little feedback was received for Waitahanui. Most preferred option B and agreed with the values. They are worried about sediment affecting estuary and whitebait, erosion, and effluent irrigation runoff. They want more monitoring and social-economic considerations.

The Waitahanui FMU is important for water quantity, but little direct feedback was received.

Whakatāne FMU

The Whakatāne FMU boundary is generally supported. Local hapū are worried about the low level and poor water quality of Te Rahu and Waioho streams, where they used to bathe babies. They have lost connections and stories with the Orini stream riparian. Another feedback was to dredge Whakatāne River to remove silt and debris and keep the riverbed levels. Awatapu Lagoon (Ōtamakaukau) has issues with flooding and stagnant water. Whitebait and herrings are valued food sources. There were suggestions to restore natural swamps and some rivers and streams to their original states.

Feedback relating to water quantity identified the importance of reliable frost protection and was generally supportive of the allocation methodology.



Report To: Strategy and Policy Committee

Meeting Date: 31 October 2023

Report Writer: Julie Bevan, Policy and Planning Manager

Report Authoriser: Namouta Poutasi, General Manager, Strategy and 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 the reforms that will potentially have considerable impact on our local government functions.

The impact of the election on resource management is yet unknown. While details are being worked through, there is still national direction in place and being consulted on which influences our work. This report covers:

- Resource Management System Reform Update.
- Draft Transitional National Planning Framework Proposal.
- Proposed National Policy Statement - Natural Hazard Decision-making (NPS-NHD), outlines the consultation document NPS-NHD aims, presents a draft submission (attached) and seeks Strategy and Policy Committee agreement to submit this, on behalf of BOPRC.
- National Environmental Standards for Commercial Forestry.
- Regional Pest Management Plan - a partial review.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Operating Environment; and**
- 2 Supports the proposed draft submission on the Proposed NPS-NHD including any feedback provided.**

1. Introduction

This report provides a briefing on the range of Government reforms and legislative change proposals that might require changes to the scope of our work.

Also included in the report is short summary of a partial review of the Regional Pest Management Plan (RPMP) that will be reported to a future Regional Council meeting.

1.1 Alignment with Strategic Framework

A Healthy Environment	We develop and implement regional plans and policy to protect our natural environment.
Freshwater for Life	<p>We recognise and provide for Te Mana o Te Wai (intrinsic value of water).</p> <p>Good decision making is supported through improving knowledge of our water resources.</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>We collaborate with others to maintain and improve our water resource for future generations.</p>
Safe and Resilient Communities	We work with communities and others to consider long term views of natural hazard risks through our regional plans and policies.
A Vibrant Region	We contribute to delivering integrated planning and growth management strategies especially for sustainable urban management.
The Way We Work	We honour our obligations to Māori.

The delivery of Regional Policy Statement (RPS) and Regional Natural Resources Plan (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

We anticipate changes as a result of the recent election, including the potential repealing of current resource management reform. The following is a summary of what is currently in place and includes updates as indicated in other Committees previously.

2.1 Resource Management System Reform Update

The Natural and Built Environments Act (NBA) and Spatial Planning Act (SPA) were passed into law on 23 August 2023 and came into effect on 24 August 2023.

The Resource Management Act (RMA) has not been repealed and all documents prepared under the RMA (i.e. all national direction, operative and proposed RMA plans and existing resource consents) remain in force during the transition period. There are a small number of changes outlined in Section 2.1.4 below.

It was anticipated that over the next 10-year period, there would be a gradual transition away from the Resource Management Act to the new Spatial Planning Act and Natural and Built Environment Act. The NBA and SPA will work together to improve planning and reduce the need to make decisions on a consent-by-consent basis.

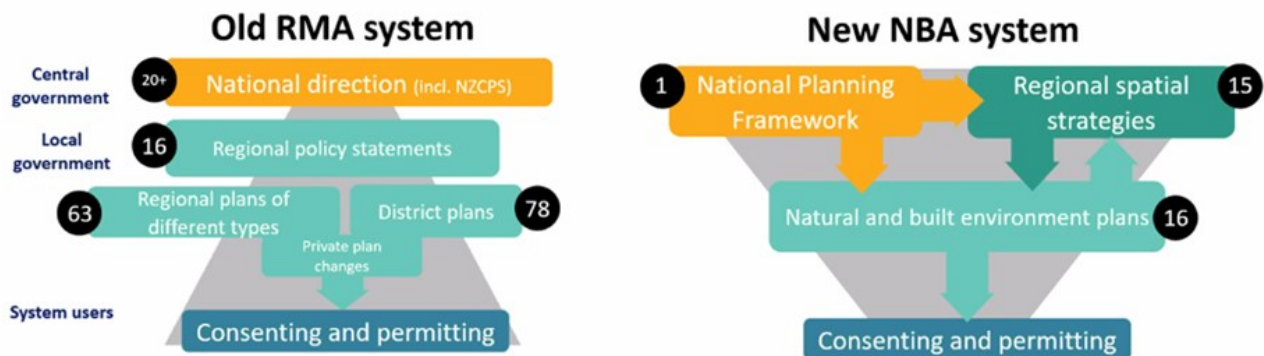
The third piece of legislation (the Climate Change Adaptation Act) was intended to be introduced to Parliament later.

As noted above we anticipate change as a result of the election and that we will likely be clearer on the implications early next year.

2.1.1 Natural and Built Environments Act

The current NBA sets out how the environment will be protected and used. It covers land use, along with environmental protection, water takes, discharges and use of the coastal marine areas. The NBA is the main replacement for the Resource Management Act 1991.

It requires each region to develop a Natural and Built Environment Plan (NBE) for land use and environmental management. These will replace the regional policy statements and district and regional plans currently required under the RMA. Nationally, over 100 regional policy statements and regional and district plans will be consolidated into 16 NBE plans.



2.1.2 Spatial Planning Act

The SPA currently requires each region to develop a regional spatial strategy (RSS) that sets out the long-term issues, opportunities and challenges for development and the environment in the region.

RSS will set out the long-term (30 to 100 years) high-level strategic direction for each region. They'll include maps and other illustrations to set a vision and objectives for the region and identify significant areas that:

- need environmental protection, restoration or enhancement
- have cultural significance and resources that are of significance to Māori
- are at risk of natural hazards and climate change

- are appropriate for housing and development
- are strategic sites and indicative locations for future infrastructure
- need significant land use change, either for development or for environmental protection and restoration.

Each RSS will have an implementation plan that sets out the key actions and who will be responsible for its delivery. RSS will guide the development of NBE plans and will be renewed every nine years.

2.1.3 Regional Planning Committee

Under the current new reform, a Regional Planning Committee (RPC) in each region will develop the RSS and NBE plans in consultation with communities. The RPC will have at least six members: local councils can appoint at least one member each, and at least two members will be appointed by iwi and hapū. A central government representative will join the committee for developing the RSS.

This may change as a result of the election.

2.1.4 Changes to the Resource Management Act 1991

A small number of changes to the Resource Management Act 1991 (RMA) applied from 24 August, 2023. Examples include:

- fast-track consenting for certain housing and infrastructure developments
- a new maximum duration for new freshwater-related consents - these restrictions apply to applications received after 24 August 2023 and up until a region has notified its decisions on its NBE. Some activities are exempt from shorter durations, for example public water supplies, certain nationally significant infrastructure, and all existing hydro-electricity generation schemes can receive consents for longer periods.
- changes to widen council compliance and enforcement powers and penalties
- changes to the management of contaminated land
- changes to aquaculture management
- changes to expand who can apply to be a requiring authority.

2.2 Draft Transitional National Planning Framework Proposal

Further engagement is still occurring on the transitional National Planning Framework (NPF) proposal to make sure it is fit for purpose when it was anticipated (prior to the election) to be released by the Minister for the Environment for public consultation in April 2024.

This statutory pre-engagement with local government and Māori is required under the Natural and Built Environment Act (NBA). It enables us as key implementers of the new RM system to review and provide feedback on an engagement draft of the NPF reflecting our knowledge and experience of implementing the system.

The NPF includes a new Part on infrastructure. This was led by the Infrastructure Commission. It will introduce a more certain and enabling approach to infrastructure

provision while still retaining and enhancing important environmental protections. It includes the creation of standards for activities like sediment control, provisions supporting emissions reductions targets and it enables more permitted activities, leading to fewer costly consents.

Staff are currently reviewing the draft transitional NPF proposal document and if any feedback is considered to be necessary it will be reported to the Strategy and Policy Committee for review and approval. Feedback on the engagement draft of the transitional NPF proposal is still requested by 13 December 2023.

Again it is not clear what impact the election will have.

2.3 **Proposed National Policy Statement - Natural Hazard Decision-making**

MfE had released a consultation document on the Proposed National Policy Statement - Natural Hazard Decision-making (NPS-NHD) on 18 September and are currently seeking feedback by 20 November 2023. Link to the document - [Proposed-National-Policy-Statement-for-Natural-Hazard-Decision-making-2023.pdf \(environment.govt.nz\)](https://www.environment.govt.nz/proposed-national-policy-statement-for-natural-hazard-decision-making-2023.pdf)

The proposed NPS-NHD aims to:

- minimise risks from natural hazards to people, communities, the environment, property, and infrastructure, and improve the ability of communities to quickly recover after natural hazard events.
- sets direction on the broad spectrum of potential impacts from natural hazards that decision-makers must consider when making decisions on regional policy statements, plans, resource consents and designations in relation to new development.
- identify three natural hazard risk categories (high, moderate and low).
- direct local government decision making on new development under the RMA in areas that were at high risk from natural hazards, to manage risks to people and property from natural hazards such as floods, landslides and coastal inundation.
- provide local authorities with greater certainty and confidence about how to weigh and consider natural hazard risk (including the effects of climate change) against other competing interests in decision-making policy.
- also provide for the social, economic and cultural wellbeing of people and communities by enabling new facilities, services and developments for cultural needs and purposes if the risks can be assessed and mitigated appropriately.

Staff have reviewed the Proposed NPS-NHD and support the national direction for taking a risk-based approach to natural hazards, however the policies should be improved to include separate outcomes for existing development (brownfield) and new development. Implementation of a risk-based approach is dependent on a clear risk assessment methodology and more importantly a clear definition of what is a Low (acceptable) level of risk. Both of these components are currently missing, and it will be important to develop these to ensure this new policy tool can be implemented on the ground effectively.

The proposed draft submission on the Proposed NPS-NHD is attached to this Agenda Report for Strategy and Policy Committee review and approval.

2.4 National Environmental Standards for Commercial Forestry

The National Environmental Standards for Commercial Forestry (NES-CF) was previously called the National Environmental Standards for Plantation Forestry and the name change is to reflect the inclusion of exotic continuous-cover forests (carbon forests) that are deliberately established for commercial purposes.

The regulations were gazetted on Thursday 5 October and come into force on 3 November 2023 and new activities will need to comply with the NES-CF from this date.

Under the NES-CF changes, the non-indigenous forests planted for carbon sequestration will now be managed in the same way as plantation forests. Provisions have been tightened to reduce the risks of damage to downstream communities as experienced in Tairāwhiti and Wairoa districts during Cyclone Gabrielle.

Under the new regulations there are changes to slash management requirements. Slash longer than two metres, and with a large-end diameter of more than 10 cm, must be removed after harvesting from erosion-prone land unless it is unsafe to do so. This is a minimum standard across the country, and councils can apply more stringent requirements if they choose.

Where foresters are unable to meet the national standards, they will need to obtain resource consent, meaning councils consider the risks and impacts on a site-by site basis.

Councils will be able to have rules in their plans controlling where new commercial forests are located, developed in consultation with their communities.

2.5 Regional Pest Management Plan

Staff intend to bring a paper to Council in December seeking endorsement to undertake a partial review of the Regional Pest Management Plan (RPMP). A partial review is provided for by Section 100D(2) of the Biosecurity Act 1993 (BSA) if Council has reason to believe that relevant circumstances have changed since the plan commenced.

As we keep being reminded the pest management landscape continues to evolve:

- A second species of wallaby (parma) has been confirmed in our region. The RPMP only includes the 'known' dama species and therefore RPMP provisions only apply to dama wallabies. Staff are proposing to include all species of wallabies as a pest in the RPMP.
- Phytophthora agathicida, PA, (formerly referred to as Kauri dieback) has been provisionally identified in our region. If this result is confirmed Council will need to change its focus from exclusion to appropriate management. Staff are proposing PA be changed from an exclusion pest to a progressive containment pest.
- Staff are experiencing implementation issues with wilding conifers. There are some species of wilding conifer staff consider need to be managed whether or not they are in 'wilding' form. National guidance on this matter is currently being reviewed and staff are proposing some conifer species are included as pests in their own right (rather than being limited to 'wilding').

- Kiwifruit Vine Health (KVH) is forecasting an increased possibility of abandoned kiwifruit orchards in the near future. If this situation occurred, it would contribute to the spread of wild kiwifruit. While the RPMP currently contains a rule to manage the risk of abandoned orchards, KVH and Council Staff believe it could be strengthened by clarifying definitions of 'abandoned' and 'unmanaged' orchards. KVH propose providing support to Council to manage abandoned orchards, should they eventuate. There is an opportunity to ensure KVH and the RPMP management approaches are aligned through a plan review.
- The Eradication Pest Plant *Spartina* has had its taxonomy reviewed and is now known as *Sporobolus alterniflorus* (formerly known as *Spartina alterniflorus*) and staff propose using this opportunity to update its name.
- While at this stage the proposed partial review would be limited to the matters set out above, any changes in national pest management direction or new pest incursions could also be considered.

Under the BSA there are a number of steps and decisions points that need to be complied with as an RPMP is reviewed.

3. Considerations

3.1 Risks and Mitigations

The impact of the election in relation to resource management reform is unknown. Regular updates will continue to be provided to this committee.

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. 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**

Subject to the Committee's agreement or any specific feedback, staff would submit the attached Proposed Key Submission Points on the NPS-NHD to the Ministry for the Environment, on behalf of BOPRC.

As further details on areas under reform or future changes 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 - Proposed NPS-NHD 2023 Draft Submission [↓](#)

Attachment 1 - Proposed Draft Submission - Proposed National Policy Statement for Natural Hazard Decision Making 2023 (NPS-NHD)

The purpose of this document is to outline the proposed key submission points on the NPS-NHD for discussion and Council approval.

The points focus on NPS-NHD policy that are either not aligned with or are gaps from the outcomes provided by the Bay of Plenty Regional Policy Statement (RPS) natural hazard provisions.

- 1) Support the national direction for risk-based approach to natural hazard management which aligns with the RPS (RPS Policy NH 1B and 2B).
- 2) Oppose the term '*minimised*' used to set risk reduction outcomes in the NPS-NHD Objective (2.1). Support the standard risk management terms of avoid or mitigate used in the RPS (RPS Objective 31).
 - *Minimising risk* can be interpreted as accepting a level of risk for new development above a low level, which is like the term *reducing risk as much as practicable*. The minimise term does not generally provide for the avoidance outcome in areas where risk cannot be mitigated to acceptable levels.
- 3) Oppose the term '*environment*' used a consequence for natural hazard risk in the NPS-NHD Objective (2.1). Support the other standard risk consequences that are all used in the RPS (RPS Objective 31).
 - The term *environment* has a broad meaning under the RMA that can be hard to quantify in relation to natural hazard risk. This could lead to challenges with implementation and our preference is to keep the risk assessment process simple. Perhaps a separate policy prioritising natural defences for natural hazard risk avoidance and mitigation would be more efficient to address this issue.
- 4) Propose an additional policy in the NPS-NHD to provide clear national direction on how climate change should be applied to natural hazard risk management. The RPS provides for this in RPS Policy NH 11B.
 - Currently, national direction on how climate change should be applied to hazards only exists for coastal hazards (NZCPS). However, climate change can impact many natural hazards. Therefore, national direction on how climate change should apply to natural hazard risk management more broadly is important, particularly for flooding (pluvial and fluvial).
 - This is needed to ensure up-to-date projections for climate change are taken into account for new development proposals in a consistent manner across Aotearoa.
- 5) Propose separate policy outcomes in the NPS-NHD for existing brownfield situations and for new urban development including greenfield situations. The RPS provides for this in RPS Policy NH 3B (existing brownfields) and RPS Policy NH 4B (new development sites including greenfield).
 - Methods to manage risk differ between reducing risk in existing communities over time vs bottom-line Low risk/resilience thresholds or standards for new development areas.

- The high/moderate/low framework identified in the NPS-NHD is more appropriate to manage (reduce) risk in existing communities' overtime. It also requires detailed modelling, mapping and risk assessment that is expensive and takes time to prepare and share with the community.
 - Managing natural risk for new development requires Low risk thresholds only and the onus is on the applicant to provide the information where it does not currently exist from Councils.
 - Avoid or mitigate are suitable risk treatment responses to achieve a low level of risk to natural hazards. Defining 'Low risk' is the critical criterion for managing new development. If Low risk cannot be achieved for a new development, then it should be prohibited.
- 6) Propose in the NPS-NHD a clear **risk assessment methodology** and **risk threshold criteria** are developed, in particular the Low risk thresholds to apply to new development sites (across all hazards and consequences). The RPS provides for this in Appendix L.
- The issue, as it is understood, is to manage natural hazard risk through land-use planning processes i.e. plan changes (including structure plans) and resource consents.
 - For these processes, the key issue is the absence of agreed thresholds which specify the acceptable (bottom-line) levels of risk for each hazard and consequence type for a new development.
 - In practical terms (i.e. needed for land-use planning), this means Low risk thresholds need to be set for each hazard for each consequence type (i.e. buildings, people (risk to life and injury) and infrastructure/critical utilities).
 - This needs to be set out in national document and not contested on an individual resource consent level or district plan change level. It could be an accompanying NES to this NPS or something similar. This is a substantive piece of work and should be developed in collaboration with both the local government and industry sectors.
 - What is Low risk is the critical question for all new development in areas susceptible to natural hazards and also what mitigation measures are feasible / acceptable? For example, we need to stop the status quo approach of engineering maladaptation where new development is "protected" by sea walls and stop banks.
- 7) Propose in the NPS-NHD an additional policy to provide clear national direction on coastal hazards in relation to key risk management cross-over in the New Zealand Coastal Policy Statement (Policy 25). The RPS provides for this in RPS Policy NH 5B.
- The NPS-NHD should be consistent with the NZCPS i.e. in areas affected by coastal hazards,
 - In particular, increases in risk resulting from land-use change or redevelopment are avoided.



Report To: Strategy and Policy Committee

Meeting Date: 31 October 2023

Report Writer: Jane Palmer, Senior Planner Climate Change and Nic Newman, Climate Change Programme Manager

Report Authoriser: Chris Ingle, General Manager, Integrated Catchments

Purpose: To seek Council's agreement to, or specific feedback on, the draft submission attached.

Draft submission to Environment Select Committee inquiry into climate adaptation

Executive Summary

- The Parliamentary Environment Committee has opened an Inquiry into Climate Adaptation, which is considering options for community-led retreat and adaptation funding. Submissions to the inquiry will inform the development of the draft Climate Change Adaptation Bill, as part of the resource management reforms.
- Clear legislation is urgently required to address the many unresolved issues and questions around adaptation planning and managed retreat, particularly around the decision-making process and resourcing.
- The purpose of this paper is to present Councillors with a draft submission (attached) and seek Council's agreement to submit this, on behalf of BOPRC.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Draft submission to Environment Select Committee inquiry into climate adaptation; and**
- 2 Supports the submission to the Environment Select Committee, including any feedback provided.**

1. Introduction

The Parliamentary Environment Committee has opened an [Inquiry into Climate Adaptation](#), which is considering options for community-led retreat and adaptation funding. Consultation closes on 1 November.

In anticipation of the inquiry, the Ministry for the Environment published a paper on [Community-led retreat and adaptation funding: Issues and options](#) to support and inform submissions. The paper looks at the current system and what new powers, roles and responsibilities might be needed to support community-led retreat, as well as how the costs of adaptation could be met.

The purpose of this paper is to present Councillors with a draft submission (attached) and seek Council’s agreement to submit this, on behalf of BOPRC. Alternatively, Council could:

- provide specific feedback to staff on the submission before finalising it, or
- direct staff to not submit on this consultation.

The draft submission responds to questions provided in the MfE issues and options paper. The submission was drafted with input from across BOPRC, including from the Climate Change, Community Engagement, Policy and Planning, Te Amorangi, Legal, Civil Defence and Emergency Management and Environmental Strategy Teams.

1.1 Legislative Framework

The Government has taken steps to adapt to climate change through the first national adaptation plan, the national climate change risk assessment and resource management reforms. As one of the three new pieces of legislation under the resource management reforms, the Climate Change Adaptation Bill is proposed to address issues around managed retreat and adaptation funding. In order to inform the development of the proposed Bill, the Minister for the Environment has asked the Environment Committee to initiate an inquiry into community-led retreat and adaptation funding.

The Government is also preparing new national direction under existing resource management legislation on natural hazard management, including on risk assessment and planning measures. Public submissions to the inquiry on community-led retreat and adaptation funding will also inform this work.

1.2 Alignment with Strategic Framework

Safe and Resilient Communities	We work with communities and others to consider long term views of natural hazard risks through our regional plans and policies.
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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

2. Draft submission

Key points raised in the submission include:

- The current approach to community-led retreat and adaptation funding lacks clarity around roles, responsibilities and resourcing. A suitable framework needs to provide sufficient clarity whilst remaining responsive and flexible to different scales and contexts.
- In terms of potential institutional arrangements, clarity around role and responsibilities is urgently needed but it needs to reflect the different scales and contexts for adaptation planning.
- Communities need to be enabled and resourced to undertake local adaptation planning processes themselves; community involvement and empowerment is crucial for successful adaptation.
- Inadequate investment has been a major barrier to Māori-led adaptation. We support the concept of a place-based process whereby local iwi or hapū lead the risk assessment process for whenua Māori or culturally important areas, with the responsible agency providing support, such as resources or information, where required.
- Many Māori communities have limited options in terms of land availability for relocation, particularly in urban settings: appropriate land needs to be available to ensure authentic land options are available.
- The Bay of Plenty Regional Council's Community Led Adaptation Fund has demonstrated the effectiveness of flax roots climate change adaptation planning directly by communities, at their scale. A similar model could be replicated by Central Government, with the Māori Climate Action Platform providing one mechanism to deliver such support.
- There is currently no explicit requirement for local government to undertake climate change risk assessments or adaptation planning. Such a requirement would ensure a consistent baseline of information across the country to enable all parties to progress with considering and responding to these risks.
- Guidance around risk assessments and adaptation planning is also disparate and scattered across multiple documents and pieces of legislation – this needs to be consolidated into a central reference point with clear, simple and consistent guidance which provides clarity around scale, time horizons and specific climate change scenarios.

3. Considerations

3.1 Risks and Mitigations

There are no significant risks associated with providing a submission.

3.2 Climate Change

Climate change could potentially have significant impact on numerous communities, in the region. Many are located in coastal or low lying areas, potentially exposed to flooding and coastal hazards. The issue of managed retreat is already being explored by some of our communities and clear legislation which addresses issues around decision-making and funding for adaptation planning and retreat is urgently needed.

3.3 Implications for Māori

There are specific responses in our submission which relate to Te Tiriti-based adaptation.

3.4 Community Engagement

Community engagement on the draft submission is not required.

3.5 Financial Implications

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

4. Next Steps

Subject to the Committee's agreement or any specific feedback, staff would submit the attached response to the Environment Committee, on behalf of BOPRC.

Staff understand that sector-wide submissions are being worked on by Aotearoa Climate Adaptation Network, Te Uru Kahika, LGNZ and Taituara. These are still in the early stages of being drafted, but we will seek to feed into these processes and align our submission with these sector responses as far as possible.

Subject to Councillors' agreement or any feedback, staff could also share our draft submission with this wider group. Staff will update Councillors on any progress with these wider submissions at the Committee meeting.

Attachments

Attachment 1 - Draft submission on climate adaptation inquiry [↓](#)

Environment Select Committee [Inquiry into climate adaptation](#)

Submission deadline date – Wednesday 1 November

For the purpose of its inquiry, the Committee is particularly interested in:

- a) The current approach to community-led retreat and adaptation funding, its strengths, risks and costs

The current approach lacks clarity around roles, responsibilities and resourcing. A particular challenge is the range of scales and contexts where adaptation planning is required, which means that prescriptive rules and guidance are unlikely to be appropriate. A suitable framework needs to provide sufficient clarity whilst remaining responsive and flexible to different scales and contexts. An essential part of the framework is clarity around funding: who is providing and how this can be accessed by a range of parties.

The current approach tends to be reactive rather than proactive, creating perverse incentives, whereby funding flows to a community post event, rather than flowing into resilience planning in 'peacetime'. There is a liability risk for councils in cases where they deem people need to move, but people refuse to do so: who makes the final decision in these cases and is there a transfer of risk and responsibility?

Whilst we support a focus on 'community-led' retreat, our view is that this term should only be used where there is a genuine and realistic intention for the community to lead the process. In some situations, 'community-led' retreat will be appropriate and feasible but in other cases decisions may need to be led top-down. Genuine 'community-led retreat' is about empowering the community in decisions about their future, not just "involving" them (see [IAP2 Spectrum of Public Participation](#)); there needs to be clarity of roles and who makes the final decision. In terms of consistency with existing statutory instruments, we note that the [New Zealand Coastal Policy Statement](#) uses the term 'managed retreat' (under Policy 25).

It is also important to note that 'retreat' will generally be an option of last resort and there will be a wide range of other options that a community will most likely need to consider before opting to retreat.

- b) Lessons learned from severe weather events and natural disasters in Aotearoa New Zealand for community-led retreat and funding climate adaptation

The severe weather events have highlighted the importance of taking a proactive approach in 'peacetime' to ensure that the preparation and planning has already been done in advance. This would help reduce risk to communities through, e.g. funding to incentivise retreat for those that are keen to begin adaptation planning / relocate, and also ensure that there is a clear pathway to follow should an extreme weather event occur.

Emergency events can be utilised to identify thresholds for adaptation which, alongside establishing standardised post event building classifications (rather than the current ad hoc approach), would enable more appropriate adaptation pathways for community and councils to move forward. Post disaster engagement is as an opportunity to garner community input on suitable thresholds, noting the importance of being cognisant of the needs of communities at such a time and ensuring engagement on adaptation is done in a sensible and appropriate manner.

Utilising a standardised model for retreat as a result of an event, with thresholds to clarify roles and responsibilities and a framework for buyout and compensation for people affected would benefit both local government and communities by providing a clear picture of their options in a time of uncertainty.

c) Effective mechanisms for community-led decision making

The Bay of Plenty Regional Council's Community Led Adaptation Fund has demonstrated the effectiveness of flax roots climate change adaptation planning directly by communities, at their scale. This funding recognises that communities are deeply connected to place and changes to that place. While councils have a role in facilitating adaptation planning at a regional/district scale, the objective of the funding is to complement this with a bottom-up community approach. The modest funding (up to \$15,000 is available for individual projects) has already resulted in some great outcomes: the Maketū Iwi Collective's (Te Rūnanga o Ngāti Whakaue ki Maketū, Whakaue Marae Trustees and Ngāti Pikiao Noho Ki Tai) Climate Action Plan is an impressive document which won the NZPI 2023 Supreme Planning Award. Other recipients of the funding have arrived at a position of realising that proactive retreat is required, in a process that has been truly community led.

d) The role of the private sector in managing climate risk

The banking and insurance sectors can help drive good adaptation outcomes by declining to provide insurance or finance for development on known hazard prone land and pricing climate risk into current development. Engagement with these sectors is crucial to ensure good outcomes and avoid 'slumification' of at risk areas.

Critical infrastructure providers also play a key role through embedding climate resilience into their infrastructure planning, both in terms of managing existing assets and installing new infrastructure.

e) Potential institutional arrangements, including roles and responsibilities of central and local government agencies, iwi and hapū

Clarity around role and responsibilities is urgently needed but also needs to be flexible to reflect the different scales and contexts for adaptation planning. For example, adaptation planning for a local surf life saving club would have a different governance and associated decision-making processes compared to a wider community or district-level process.

Given the number of communities that are / will be affected and the range of issues that they face, it is not realistic to expect that local government will be responsible for leading all local adaptation planning processes. Communities need to be enabled and resourced to undertake these processes themselves; community involvement and empowerment is crucial for successful adaptation. In cases where genuine 'community-led' adaptation occurs, there needs to be clarity around what responsibilities local government retains.

The term 'local government' is used throughout much of the discussion, however the roles and responsibilities of regional councils and territorial authorities are different, so it will be important to distinguish between these entities. There also needs to be recognition of

governance groups which involve a range of different parties e.g. local government agencies, tangata whenua and community members

Tangata whenua climate action and leadership are already present within Māori communities in the Bay of Plenty region, leading the way in climate adaptation. This largely reflects the fact that the impacts of climate change are imminent for many of our Māori communities and urgent action is now necessary. Māori communities located in coastal or low-lying areas have been responding to climate challenges using mātauranga Māori for some time and have invaluable expertise that would support climate adaptation planning at the local and national level. Tangata whenua therefore play a critical role in responding to climate change in partnership with central and local government agencies. This needs to be reflected in any future institutional arrangements for climate adaptation.

- f) Māori participation, Crown obligations, and how to best give effect to the principles of te Tiriti o Waitangi, and integrate mātauranga Māori and te ao Māori across the adaptation system

We support the concept of a place-based process whereby local iwi or hapū lead the risk assessment process for whenua Māori or culturally important areas, with the responsible agency providing support, such as resources or information, where required.

Inadequate investment has been a major barrier to Māori-led adaptation: time and resourcing is an ongoing issue. It is essential that funding is made available to enable Māori to undertake their own processes within their rohe e.g. the Bay of Plenty Regional Council's [Community Led Adaptation Fund](#). It is important to just make a start in supporting those iwi, hapū and Māori that are ready to start on this journey. Ideally, we would expect that the Māori Climate Action Platform to provide a similar type of funding for iwi and hapū across the country.

Another significant barrier is that many Māori communities have limited options in terms of land availability for relocation, particularly in urban settings: appropriate land needs to be available to ensure authentic land options are available. How 'relocation sites' will be identified is also important as marae and Māori communities will want to ensure that they can maintain their intrinsic connection with their whenua or rohe. Relocation to whenua in the rohe of another iwi or hapū is problematic as it would impact the ability to exercise rangatiratanga and kaitiakitanga. It is also important to understand how the National Policy Statement for Highly Productive Land (NPS-HPL) will impact community led retreat as many areas where Māori communities in the Bay of Plenty rohe could retreat to are classified as Land Use Capability rating of 1-3. This further reduces options for relocation and has implications on the future development opportunities of land owned by Māori and the development of papakāinga.

Supporting relocation of marae and identifying relocation sites must be given genuine consideration and investigation by the Select Committee. In terms of the spectrum of options available – supporting relocation would be at the highest end of what is required by the Crown to give effect to the principles of te Tiriti. Marae and papakāinga were devastated by Cyclone Gabrielle and with the increasing likelihood of extreme weather events, more marae and Māori communities are at risk of potential flooding. This is particularly the case in the Bay of Plenty region where there are a number of coastal marae. Many of these communities who are most at risk, are also experiencing high levels of hardship and do not have the resources to adapt against climate change or relocate. Marae and hapū are now approaching local

authorities to investigate whether land reserves or land owned by council can be returned for relocation. Local authorities have limited resources to respond to such requests and it is more appropriate that this issue is addressed by the Crown. The Crown must actively work with iwi, hapū and Māori to determine the pathway forward.

Iwi, hapū and Māori are also under extreme pressure to respond to local and central government requests for engagement and involvement in decision-making. This is causing strain on existing resources and is impacting the ability of Māori to participate in climate adaptation. Multiple owned Māori land presents particular challenges in terms of consultation and majority support across all owners. Adequate resourcing is required to build the capacity and capability of iwi, hapū and Māori so that they can actively participate in adaptation but also lead and implement their own climate adaptation processes.

- g) Alignment and integration with existing legislation and regulatory framework, including the reformed resource management system and any changes needed to regulatory powers and potential economic or other incentives needed to support adaptation actions (both before and after extreme events)

Key issues include:

- There is currently no explicit requirement for local government to undertake climate change risk assessments or adaptation planning. Such a requirement would ensure a consistent baseline of information across the country to enable all parties to progress with considering and responding to these risks.
- The current discussion appears to be primarily framed from a natural hazards perspective, rather than a climate change perspective. Whilst there is a clearly an interplay between these areas, they currently take a different risk assessment and management approach. There needs to be greater clarity and specificity around terms used e.g. 'risk assessment' is a broad term which covers a range of different approaches and can apply at different scales – it needs to be made clear what particular approach/scale is being referred to.
- Guidance around risk assessments and adaptation planning is disparate and scattered across multiple documents and pieces of legislation – this needs to be consolidated into a central reference point with clear, simple and consistent guidance which provides clarity around scale, time horizons and specific climate change scenarios.
- Proactive incentives are needed to enable communities to take action to reduce their risk e.g. by opting to relocate, or other actions to increase resilience in situ.

- h) Funding sources, access to them and principles and criteria for cost sharing

Funding needs to be provided for both top down (central/local government) and bottom up processes in parallel as they are both important parts of the overall system and should complement one another. Clear funding and cost-sharing criteria and agreements are important to ensure that funding is used effectively and as intended. Any criteria also need to allow for flexibility to ensure potentially useful options aren't restricted e.g. rather than requiring land to be purchased outright also enabling the option of leasing land.

- i) Targets or indicators for assessing progress to more resilient communities and infrastructure.

Targets and indicators need to be aligned and consistent across the different scales and jurisdictions (local, regional, national) to enable efficient assessment and reporting of progress. Ideally, there would be a small number of indicators, building on information which already exists, that provide meaningful information and help drive action.

The Climate Change Commission is undertaking extensive work in identifying monitoring indicators in relation to their monitoring of the National Adaptation Plan; it would be useful to align with their work to understand where there may be synergies in terms of the metrics that could be used and/or developed.

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