



# Strategy and Policy Committee Informal Workshop Pack

DATE: TUESDAY 21 MAY 2024

COMMENCING AT TIME: 9.30 AM

VENUE: Council Chambers, Ground Floor, Regional  
House, 1 Elizabeth Street, Tauranga

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**Report To:** Strategy and Policy Committee Workshop

**Meeting Date:** 21 May 2024

**Presenter(s):** Nic Newman - Climate Change Programme Manager  
Ana Serrano - Senior Advisor, Climate Resilience

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## Presentation - An introduction to Climate Adaptation Planning

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Staff will present to Councillors an introduction to Climate Adaptation Planning. The purpose is to bring Councillors up to speed with this important and relatively new (for New Zealand) process, prompting questions and discussion to enhance understanding.

The dynamic adaptive planning process, originally developed in the Netherlands, provides a framework for planning with uncertainty and is commonly used worldwide for climate adaptation planning. There are a few emerging examples in New Zealand.

The session will cover:

- what dynamic adaptive planning is,
- how it can help communities navigate uncertainty,
- the roles we have taken as Council, and
- a practical example of 'learning by doing' through our collaboration with the Waihi Beach Lifeguards.

There is no need for prior reading as the workshop will comprehensively cover the topic.



**Report To:** Strategy and Policy Committee Workshop

**Meeting Date:** 21 May 2024

**Presenter(s):** Antoine Coffin - Manager, Spatial Planning

## Presentation - Spatial Planning Case Studies

### Purpose

The purpose of this presentation is to provide some insights from spatial planning studies, work undertaken by Simranjot Kaur, a summer experience student during November 2023 to January 2024.

### Background

During the second quarter of 2023-2024, our focus was on exploring the strengths, weaknesses, and innovative aspects of New Zealand, as well as examining international spatial plans and strategies. These understandings would inform our approaches to regional and sub-regional activities we were undertaking, ie, SmartGrowth, Eastern Bay Spatial Plan, Rotorua Future Development Strategy.

We took advantage of the summer experience for students, employing Simranjot Kaur who undertook a comparative analysis of spatial plans across different scales and regions. Sixteen were investigated, these being at the scales of national, regional, subregional, locality, structure and community. These were in our NZ context and the United Kingdom.

Case studies for each spatial plan were developed, with a description, context, key challenges addressed, strengths and weaknesses of the approach and key observations such as innovative ideas.

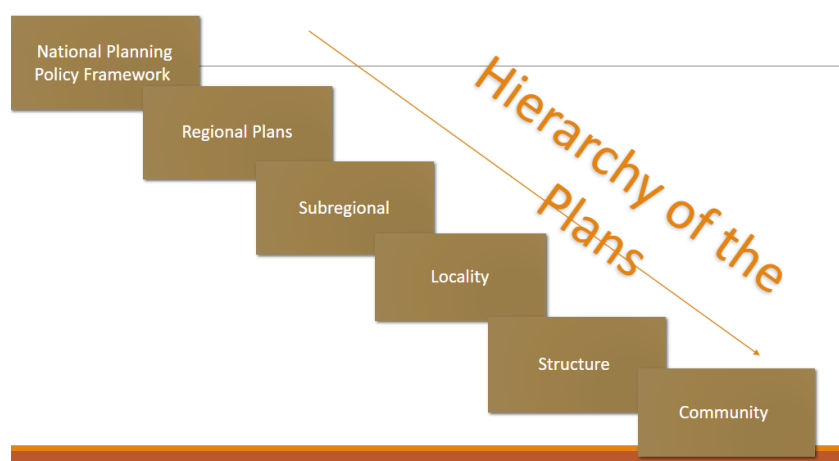


Figure 1 - Spatial Plan scales

## Insights

Eight key insights we gained from this work were:

1. There is diversity in approaches in New Zealand. There was little if any consistency in terminology, methods, topics, unless plans were being developed by one agency in the one jurisdiction. e.g. area and centre plans across Auckland.
2. A clear distinction between the United Kingdom and New Zealand systems is the clear and coherent framework in the UK and the bespoke, disconnected, and diversity of approaches in New Zealand.
3. Most spatial plans involved partnership arrangements that included public agencies, the volunteer sector, and the private sector, however there was no consistent arrangements. In the New Zealand context, the participation of indigenous people at governance, management and implementation is unique.
4. There are advantages in having top-down and bottom-up methodologies (a hybrid approach and one-size does not fit all). This approach fills the gaps, works to the advantages and strengths in each scale, making sure innovative and resilient solutions are at the right level.
5. Some of the best examples of spatial plans and strategies:
  - Were very clear about their purpose, scale and what they were addressing.
  - Responded to the key challenges of the community regardless of mandate
  - a short-term focus on achievable priorities, in collaboration with partners or local communities.
  - Had a balanced approach to soft and hard infrastructure.
  - Considered a range of inputs complimentary to sciences e.g. indigenous and community knowledge
  - Used a range of graphics and maps to communicate significance, constraints and scenarios.
  - For locality and community plans, good practise involved a community-centric approach and a living document that is regularly updated to adapt to community needs.
6. Broadly, we observed common weaknesses in:
  - A lack of accountability when plans deviate or fail, raising skepticism about their purpose. Accountability is crucial for bridging the gap between theoretical foundations and practical application of plans.
  - The theory and methods of spatial plans are generally robust, but the practical implementation of these plans are commonly poor.
  - National interventions at local scale, particularly where there is no local buy-in can be detrimental to a spatial plan or strategy success.
  - Referring to other strategies and reports in the body of a strategy or spatial plan does not increase credibility.

7. Structure plans in New Zealand context are probably not a ‘spatial plan’ rather rudimentary and bespoke affiliate documents to district plan processes.
8. Our strengths are in regional and sub-regional spatial plans and strategies. We can influence national frameworks and provide information to community, structure and locality plans.

National Planning Policy Framework	Regional Plans	Subregional	Community	Locality
<ul style="list-style-type: none"> <li>❖ Sustainable Development</li> <li>❖ Strong/Resilient Economies Rural Urban</li> <li>❖ Strong/Resilient Communities</li> <li>❖ Protect/Enhance: Natural &amp; Historic Environment</li> <li>❖ Sufficient Supply Of Affordable Homes Rental/Home-ownership</li> <li>❖ Sustainable Transportation</li> <li>❖ Communication Infrastructure</li> <li>❖ Well Designed and Beautiful Places</li> <li>❖ Climate Change Resilience and Mitigation, Flooding/Coastal Change</li> <li>❖ Sustainable use of Minerals</li> </ul>	<ul style="list-style-type: none"> <li>❖ Inadequate/Costly Housing</li> <li>❖ Resilient Natural Environment</li> <li>❖ Natural Hazard/Climate Change Resilience</li> <li>❖ Population Growth</li> <li>❖ Decarbonization Transportation</li> <li>❖ Compact City Approach</li> <li>❖ Reduce GHG Emission</li> <li>❖ Iwi/ Hapū Aspirations Sustainable Development</li> <li>❖ Natural Hazards: Flooding</li> <li>❖ Covid 19 Pandemic</li> <li>❖ Resilient Communities</li> </ul>	<ul style="list-style-type: none"> <li>❖ Iwi/Hapū Aspiration</li> <li>❖ Growth Management</li> <li>❖ Climate Change (Drier Climate &amp; Increased Rainfall)</li> <li>❖ Climate Resilience</li> <li>❖ Compact growth</li> <li>❖ Encourage Mode shift to Public/Active Transportation</li> <li>❖ Strong Economies</li> <li>❖ Infrastructure investments – 3 waters</li> <li>❖ Community Wellbeing</li> <li>❖ Development Constraints</li> <li>❖ Affordable Housing Rental/Homeownership</li> <li>❖ Aging Population</li> <li>❖ Community Engagement/Participation</li> </ul>	<ul style="list-style-type: none"> <li>❖ Community Health &amp; Wellbeing</li> <li>❖ Community Empowerment</li> <li>❖ Working with Communities</li> <li>❖ Population Demographics</li> <li>❖ Mana Whenua Involvement</li> <li>❖ Local Partnerships</li> <li>❖ Soft Infrastructure</li> <li>❖ Natural Environmental Quality</li> <li>❖ Public Consultation/Engagement</li> <li>❖ Infrastructural Upgrades</li> <li>❖ Local Autonomy</li> <li>❖ Community Engagement/Participation</li> </ul>	<ul style="list-style-type: none"> <li>❖ Local Community Partnership</li> <li>❖ Local Partners</li> <li>❖ Community Engagement/Participation</li> <li>❖ Employment</li> <li>❖ Infrastructure</li> <li>❖ Jobs</li> <li>❖ Resilient communities</li> <li>❖ Affordable Public Transport</li> <li>❖ Childcare Facilities</li> <li>❖ Tackling Poverty</li> <li>❖ Housing</li> <li>❖ Homelessness</li> <li>❖ Poverty</li> <li>❖ Inequalities &amp; discrimination</li> <li>❖ Placemaking</li> </ul>

Figure 2 - The diversity of spatial plan and strategy themes

### Next steps

Advocate for a national planning framework that includes spatial plans and strategies.

Advocate for a consistent and coherent set of guidance for the preparation of spatial plans and strategies.

Kainga Ora is undertaking a national review of all future development strategies. The learnings from this work can inform future work.

Continue to share learnings especially with the sub-regional strategy and spatial plan development.

# Informal Workshop Paper



**To:** Strategy and Policy Committee Workshop  
21 May 2024

**From:** Antoine Coffin, Manager, Spatial Planning  
Namouta Poutasi, General Manager, Strategy and Science

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## Regional profiles

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### 1. Purpose

The purpose of this report is to provide an overview of regional profile project and seek feedback on the visualisation of regional profile information.

### 2. Guidance Sought from Councillors

The Regional Council is a data rich organisation creating and receiving and environmental, economic/financial, social and cultural information from a range of sources. We have completed a data stocktake and literature review in November 2024. The review highlighted among many things that we need to be intentional in who our audiences are and audience-friendly in the way we communicate information to them.

We have been undertaking some work on testing the visualisation of information to internal audiences and will be starting this with partners. As part of this work we are seeking feedback from councillors on the visualisation of regional profile information.

### 3. Discussion

#### 3.1 Background

In November 2021 the Council discussed a stocktake to identify gaps and opportunities to undertake research and mapping. Council landed on preparing for the Spatial Planning Act through collating information and standardising maps, building Māori capacity to lead spatial planning work.

In February 2023 the Council directed to build an evidence base for spatial planning both a regional and sub-regional level. This was to include technical assessments through the development of a regional profile by 30 June 2024, assessment and visualisation of inter-regional flows of people and freight, and additional research and/or assessments identified through sub-regional forums.

Project Manawa developed a proof of concept for visualising inter and intra regional flows of people and freight. This work was completed in 2023. Staff are undertaking assessments of its continued use and ongoing costs.

Requirements to develop a regional spatial strategy stopped with the repeal of the Spatial Planning Act in December 2023. Sub-regional activities in SmartGrowth, Rotorua Future Development Strategy and Eastern Bay of Plenty Spatial Plan have contributed a range of data rich inputs that can inform and influence decision-making, prioritising and policy making.

In February 2024 the Strategy and Policy committee received an overview of the spatial planning programme for 2024-2026. This included regional profiles that can inform a range of work including sub-regional activities.

The team have been to date working on efficient and effective methods of communicating data and information. This has included:

- Population demographics and projections, including analysis of projected dependency ratios.
- Housing affordability and demand.
- Residential consents, estimated yield and population change using an experimental dataset from Stats NZ, alongside actual building consent data.
- Employment by industry, including occupation projections to support the transition to a clean energy economy.

The Council already has a diversity of data. One of the key parts of our work is checking the source, reliability and use of data. This is one of the key building blocks of our capability to be effective in a range of work environments.

We have been using Power BI to produce a series of simple visually immersive, coherent and interactive insights. Spreadsheets, cloud-based and in-house data can be used. We will show you some example of Power BI data sets. One of the advantages of Power BI is it is off-the-shelf, and can be used across a number of devices.

We are now testing two more applications, story maps and experience builder. These applications visualise data in a spatial environment, the former assisting with telling a story and the latter, an interactive tool for a range of data sets that can be turned off and on at different scales. These have a lot of potential to support sub-regional strategies and spatial plans. They are relatively easy and cost-efficient to construct, operate and update.

### 3.2 What others are doing

We have looked at what others are doing. We have provided some examples in NZ and international that we think have some synergies with our context in the Bay of Plenty.

#### Examples in NZ

- See [Our City Tomorrow: Spatial Plan for Wellington City](#) (Experience Builder example)
- See the [Project Mahitahi Story Map](#) by Nelson City Council and the [Nelson Climate Adaptation Story Map](#) (embedded in the Mahitahi Story Map).

#### Examples of internationally

- See [demographic resources](#) produced for local government areas across Australia by .id (informed decisions) for Australia.



- [Miami Valley Regional Profiles](#) - The Regional Profiles provide insight on where the Miami Valley Region stands by providing data, information, and maps on a variety of subjects. The Regional Profiles touch on many important aspects of the Region, such as its infrastructure, environment, economy, and social characteristics.

### 3.3 Overview of regional profiles

The purpose of a regional profile is to gather insights from a multitude of sources to better understand the communities, challenges and opportunities across the region.

A regional profile will endeavour to produce an engaging and informative overview of each rohe within the wider region, bringing numbers to life through data storytelling<sup>1</sup>.

The regional profile will be dynamic, and enable users to consider topics spatially such as:

- Population growth and decline
- Changing demographic composition, with a focus on our aging population and rising dependency ratios<sup>2</sup>
- Areas vulnerable to natural hazards and climate change.

### 3.4 Audiences

We have been giving some thought to some audiences we can test how the regional profiles can meet the needs of specific and broad audiences.

- Spatial Planning and other internal teams such as Transport Planning, Policy and the Climate Change programme team.
- Iwi and hapū of the region (within the three broad rohe of Te Arawa, Mātaatua, and Tauranga Moana).
- Decision makers within local and central government.
- Industry e.g. housing developers, health care providers, education providers, utilities companies and businesses.
- The community - local residents and prospective residents.

### 3.5 Current options for communicating and sharing regional profiles

We have been using and testing several efficient and effective off-the-shelf tools for communicating our data and information. We have chosen these because they can be accessed on a number of devices, updated quickly, and have a diversity of applications. As mentioned above these are Power BI, story maps and experience

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<sup>1</sup> Data storytelling communicates a data-derived message. This may or may not, be visual. Data visualisation presents data visually. This may or may not, tell a story (Kat Greenbrook, Rogue Penguin).

<sup>2</sup> The dependency ratio gives the number dependents (children aged 0-14 and adults aged 65+ years) per 100 working age adults (15-64 years). A high dependency ratio indicates that the working population faces a greater burden support the dependent population.

builder. We have provided some descriptions of these below and will show you what they look like in presentations.

Power BI - Power BI enables the creation of interactive and dynamic dashboards containing a variety of charts, tables and infographics. Complex data sets can be filtered and customised to meet the needs of the audience. A key benefit is the ability to connect to 'live' data so that once built, the dashboards can be easily refreshed with up-to-date data with the click of a button.

Story maps - is typically narrative-driven, visually engaging stories that revolve around maps and geographic data. It is more restrictive when it comes to design, but that means it is easy to create an attractive and engaging resource with only minimal training.

Experience builder - has a lot more customization options which allows a GIS professional to create a bespoke resource. It has a library of widgets that allows greater functionality so the user is better able to engage with the maps, charts and resources. It can also host ArcGIS Apps and Power BI workspaces. Using the BOPRC template it presents like a webpage and can be easily incorporated into the organisations website if required for a seamless experience for the user.

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

- We are continuing to update demographics, and Census 2023 information that will be released in late 2024/early 2025. We can make these easily accessible and available to all staff and councillors.
- We are checking meta data source, ownership, reliability and permission for use.
- We will be building packages of reliable data and layers to be used in a range of applications.
- We are liaising with internal staff on centralising data and information.
- We are testing the two applications - story maps and experience builder. We think either of these can be used in SmartGrowth and wider projects.
- We will be leveraging current projects to create/collect data, focussing on the SmartGrowth Strategy implementation and Eastern Bay of Plenty Spatial Plan.

## Informal Workshop Paper



**To:** Strategy and Policy Committee Workshop  
21 May 2024

**From:** Freya Camburn, Senior Policy Analyst and Elsa Weir, Senior Planner  
Namouta Poutasi, General Manager, Strategy and Science

### PC11 Geothermal Plan Change - structure and policy direction

#### 1. Purpose

The purpose of this report is to provide an update on the Geothermal Regional Plan Change (PC11) and seek feedback on the high-level policy direction presented.

#### 2. Guidance Sought from Councillors

Staff are seeking:

- Support in principle for the National Planning Standards compliant geothermal chapter structure, including integration of Rotorua Geothermal Regional Plan provisions and integration of freshwater provisions for the Tauranga system.
- Early input on the high-level policy direction presented.
- Feedback on any issues or areas of concern councillors may have at this early stage in the plan change process.

#### 3. Discussion

##### 3.1 Background

The Bay of Plenty Regional Council manages 12 geothermal systems under the Resource Management Act 1991 (RMA). The Regional Policy Statement (RPS) sets the overall management framework, including sustainable and integrated management, and the development of system management plans (SMPs) for certain systems (e.g., Rotorua, Kawerau and Tauranga).

The RPS policies will be given effect to through changes to the geothermal provisions of the Rotorua Geothermal Regional Plan and the Regional Natural Resources Plan (RNRP). This will include combining all geothermal provisions under the RNRP and the cessation of the Rotorua Geothermal Regional Plan as a standalone plan.

### 3.2 Timeframe

A timeframe for the PC11 geothermal plan change was agreed at the S&P Committee meeting on 20<sup>th</sup> February 2024. For several reasons this timeframe needs to be amended. In particular to allow for:

- an additional workshop with Councillors to enable greater input into policy direction.
- integration and inclusion of Tauranga SMP provisions with freshwater provisions.
- internal stakeholder review e.g., consent staff.
- engagement with tangata whenua and key stakeholders to be further progressed.

Working closely with the freshwater team and their plan change timeframes will remain a key consideration.

A revised timeframe is outlined below and will be brought back to the June meeting for approval.

Timeframe	Tasks/Milestones
June 2024	S&P Committee meeting update on progress and approval of revised timeframe
August 2024	S&P Committee workshop on provisions
September	S&P Committee meeting and approval of Draft Plan Change
October - December 2024	Engagement on Draft Plan Change
Jan March 2025	Refinement of draft following engagement
March - April 2025	S&P Committee workshop - workshop final draft
April - May 2025	S&P Committee decision to approve Notification of Proposed Plan

### 3.3 Engagement

Early engagement is underway, with initial contact made with iwi, hapū, ahu whenua trusts and key stakeholders connected to the geothermal systems. This initial engagement is “pre-draft”, to ensure we are starting the conversations early and getting to know what people think is important and how they want to be involved in the process. This will help to guide our drafting of provisions.

The next phase of public engagement will be on the draft plan change in October to December. Feedback from consultation will inform revisions to the draft prior to notification of a Proposed Plan under Schedule 1 of the RMA for public submissions in 2025.

### 3.4 Framework and structure of the geothermal plan change

The policy framework established in both RNRP and Regional Policy Statement provides the building blocks for the geothermal plan change. In particular, the system classification approach included in the RNRP and the RPS is the key pillar of council's sustainable management of geothermal resources in the Bay of Plenty region.

This established framework will be updated to:

- Incorporate additional RPS policy direction.
- Address RMA section 35 review recommendations and any new technical inputs.
- Integrate Rotorua system objectives policies and rules within the geothermal chapter (previously included in a standalone regional plan).
- Include relevant provisions of the Tauranga SMP when completed.
- Ensure integration with freshwater provisions (where relevant).

The geothermal chapter will be structured to ensure consistency with the National Planning Standards. The proposed structure is shown in attachment 1.

### 3.5 Policy direction – what are we proposing?

Our work to date has indicated that in most areas fundamental changes to the current management approach are likely not required for geothermal systems outside the Rotorua System, although our engagement process may identify new concerns and management priorities.

A key part of the plan change is updating the existing provisions in line with best planning practice. Many of the changes proposed relate to amending existing provisions as per best practice principles for policy drafting, simplifying and streamlining where possible, and updating the formatting and numbering standards to be consistent with the National Planning Standards. Other changes relate to embedding RPS policy direction not currently included within Regional Plans e.g. requirements for System Management Plans, although these will be “new” policies within the RNRP the policy direction has been in place since 2013 and is well established. Ensuring integration with freshwater provisions for some geothermal systems will also inform changes.

Additionally, our current policy approach may not adequately address Te Ao Māori, Mātauranga Māori or tangata whenua aspirations for geothermal management. This will likely be a focus of discussions with iwi, hapū and ahu whenua trusts through engagement and where additional policy direction may need to be included as part of the plan change.

The integration of the Rotorua Geothermal Regional Plan provisions into the RNRP geothermal chapter is the most substantive change to the geothermal chapter. The extensive work undertaken to develop the Rotorua Geothermal System Management Plan will inform this part of the plan change. Key changes in policy direction for the Rotorua city geothermal system are:

- The inclusion of allocation limits
- Identification of allocation priorities
- Additional provisions to enable customary communal uses

- Establishment of sensitive management areas

For all other parts of the geothermal chapter, most changes being considered do not fundamentally alter the existing policy intent, although updating the style and format of policy drafting will, on the surface, appear quite different. For these parts of the geothermal chapter, changes can be grouped as follows:

- **Existing policy** - purpose/intent unchanged, wording updated in line with best planning practice.
- **Amended policy** - additional matters added to policy or wording updated to ensure consistency with RPS direction or to reflect required changes identified through policy review or technical workstreams.
- **New policy** - additional provisions added to capture RPS requirements, address matters identified through consultation, technical workstreams or RMA S.35 policy review processes.
- **Freshwater integration** - captured in groups above.

Further detail on each of the above groups will be provided at the committee workshop.

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

Continue early engagement with iwi, hapū, ahu whenua trusts and key stakeholders.

Workshop draft geothermal provisions with the Strategy and Policy Committee in August.

Refinement of draft policy and section 32 analysis to bring to the Strategy and Policy Committee in September for approval to release for consultation.

### **Attachments**

Attachment 1 - Geothermal Chapter Structure [↓](#)

**GEO THERMAL CHAPTER**

**GEO - Geothermal (applicable to all systems)**

**Objectives**

GEO-O1

GEO-O2 etc

**Policies**

GEO-P1

GEO-P2 etc

**Rules**

GEO-R1

GEO-R2 etc

**GEO - ROT - Ngā Wai Ariki o Rotorua (applicable to Rotorua System only)**

**Objective**

GEO-ROT-O1

**Policies**

GEO-ROT-P1

GEO-ROT-P2 etc

**Rules**

GEO-ROT-R1

GEO-ROT-R2 etc

# Informal Workshop Paper



**To:** Strategy and Policy Committee Workshop  
21 May 2024

**From:** Elsa Weir, Senior Planner  
Namouta Poutasi, General Manager, Strategy and Science

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## Rotorua Airshed Update and Policy Direction

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### 1. Purpose

The purpose of this report is to provide an update to the Committee on the Rotorua Airshed and seek feedback on a proposed policy direction.

### 2. Guidance Sought from Councillors

Staff are seeking:

- Support for proposed adoption (in principle) of a PM<sub>2.5</sub> standard; and
- Feedback on associated proposed policy approach in response to PM<sub>2.5</sub> standard.

### 3. Discussion

#### 3.1 Policy Update on Air Quality Management for the Rotorua Airshed

Attached (Attachment 1) is the latest policy update report taken to the Rotorua Air Quality Working Party (RAQWP) in March, which provides an overview of the relevant legislation and policy framework for air quality management as it relates to the Rotorua Airshed. The key points are:

- Air quality in the Rotorua Airshed has improved over time, and it is on track to no longer be classified as a “polluted” airshed under the National Environmental Standards for Air Quality (NESAQ) for PM<sub>10</sub>.
- However, the move to a PM<sub>2.5</sub> standard is considered to be inevitable, and the Rotorua Airshed will not meet that as it currently stands.
- There is currently no indication or certainty when central government will progress the proposed amendments to the NESAQ (which were consulted on in 2020). The last update we had from MfE was that they were going to be briefing new Ministers in April/May regarding Air Quality.



### 3.2 Current status of the Rotorua Airshed

A clarification to the attached RAQWP policy update report is that the Rotorua Airshed is on track to no longer be classified as “polluted” under the NESAQ on 1 July 2024 – not 2025. While there was an exceedance of the PM<sub>10</sub> standard in 2020, a breach of the NESAQ requires more than one exceedance to occur. The last breach of the NESAQ was therefore on 20 June 2019. An airshed is considered to no longer be polluted once it has achieved 5 consecutive years of no breaches.

This will be a great milestone for the Airshed to reach but doesn’t result in a huge change ‘on the ground’. There will be no change to the Airshed itself, or any of the Airshed-specific rules in either the Rotorua Air Quality Bylaw or the Regional Natural Resources Plan, as none of these hinged on the polluted status of the Airshed.

The only regulatory change that occurs is that we will no longer be required under the NESAQ to decline applications for consent to discharge to air for new activities where the discharge would be likely to increase the concentration of PM<sub>10</sub> within the Airshed.

As there has always been the option to provide an offset in such situations, or show that the activity would not increase the concentrations above the threshold (2.5 micrograms per cubic metre), there have not been any such consents declined in the Rotorua Airshed.

### 3.3 What could a PM<sub>2.5</sub> standard be?

A more detailed look at the potential PM<sub>2.5</sub> standards is included in Attachment 1. Based on the standard proposed in the NESAQ amendments (25µg/m<sup>3</sup>), and the recently updated WHO guidelines, it seems safe to assume that the most likely scenario is a PM<sub>2.5</sub> standard of 25µg/m<sup>3</sup> for the 24-hour average.

It is noted that the Canterbury Air Regional Plan already includes a policy that *“In Clean Air Zones, reduce overall concentrations of PM<sub>2.5</sub> so that by 2030 those concentrations do not exceed 25µg/m<sup>3</sup> (24-hour average) and 10µg/m<sup>3</sup> (annual average)”*.

It is unlikely, given the strong scientific evidence, that a lesser standard would be adopted. However, in such a case, it is noted that Councils can be more stringent than a national standard.

### 3.4 Options for Policy Direction

#### 3.4.1 Option One: Status quo/Do nothing

Pros	Cons
No costs involved.	Loss of momentum, and potential to create confusion and impact buy-in from the community.
No risk of being inconsistent with potential future national direction.	Minimal improvement to air quality.
	Puts us on the back foot for when national direction eventuates.
	Ignores WHO Guidelines and HAPINZ 3.0 findings.

### 3.4.2 Option Two: Adopt PM<sub>2.5</sub> standard in principle, and undertake associated actions (early Bylaw review, Airshed Management Plan etc)

Pros	Cons
Provides clear direction for staff and the community on the future of the Airshed.	No national direction in legislation.
Minimal costs involved – just staff time and engagement materials. Rough estimate of \$5000, which fits within the existing budget.	No driver for stronger rule changes (i.e. we are not putting it officially into policy).
Continued momentum of air quality improvements and consistent messaging to community – minimises confusion and maintains buy-in.	
Early bylaw review (24/25 instead of 26/27) a quicker, more cost-effective approach to fixing some loopholes and making some small but important gains for reduction of PM <sub>2.5</sub> (as opposed to a plan change). The bylaw is due for review in 2027 so is in our expected work programme, and as above, costs would fit within existing budget.	
Ensures we are not on the back foot when national direction eventuates, and will not require massive policy change (e.g. plan change) to implement or rectify if direction ends up different than this proposed approach.	
Rotorua Airshed Action Plan already reviewed and recommended a new Action Plan (“Management Plan”) be drafted, which was supported by S&P Committee at the 18 <sup>th</sup> August 2022.	

### 3.4.3 Option Three: Adopt PM<sub>2.5</sub> standard into the Regional Natural Resources Plan and undertaken associated actions (as above plus plan change and new rules in Air Chapter of the RNRP)

Pros	Cons
Provides clear pathway for staff and community on future of Airshed.	No national direction in legislation.
Would provide driver for stronger rules (i.e. it's adopted into policy).	Lengthy, costly process of a plan change. Rough estimate of at least \$40,000 – likely much more on top of staff time. Not currently budgeted or included in LTP.
Ensures we are not on the back foot when national direction eventuates.	If it is prescribed in our plan, would then likely need to implement stronger rules, which would require funding to assist community make changes (e.g. phasing out older burners).
	Should national direction end up being different than included in the Plan, difficult to change.
	Plan change would be overly complex due to on-going s293 process (PC 13) in front of the Court, plus potential for a Mount

	Maunganui Airshed related plan change (PC 18).
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### 3.4.4 Recommended Option

Option 2 (to adopt PM<sub>2.5</sub> standard in principle and undertake associated actions) is the recommended option. As shown by the pros and cons above, this option strikes the right balance of justified action that will enable some progress and better health outcomes for our community, while still being somewhat precautionary, and fitting within existing budgets.

Additionally, this option was supported by the Rotorua Air Quality Working Party (RAQWP). At the latest RAQWP meeting in March, Rotorua Lakes Council (RLC) indicated that they would support an early review of the Bylaw in principle, but need to gauge their staff capacity before fully committing. We are working to provide further information to them to help them understand what the review would entail, noting that the Bylaw is fully administered and enforced by BOPRC, and the last review was undertaken completely by BOPRC. It is expected that this would continue.

## 4. Next Steps

As detailed earlier, there is currently no indication or certainty when central government will progress the proposed amendments to the NESAQ (which were consulted on in 2020). The last update we had from MfE was that they were going to be briefing new Ministers in April/May regarding Air Quality. Staff will advise the Committee of any updates on this matter.

The next steps are to continue with our business-as-usual work programme, including collecting more information to help us better understand exactly what actions would be required to meet any potential new PM<sub>2.5</sub> standards. We are also continuing to engage with RLC to ensure their support for the bylaw review and other actions.

Staff will then bring this matter back to the Committee for approval at the earliest possible opportunity.

## Attachments

Attachment 1 - Rotorua Airshed - Policy Update (Rotorua Air Quality Working Party Report 8th March 2024) [↓](#)



**Report To:** Rotorua Air Quality Working Party

**Meeting Date:** 8<sup>th</sup> March 2024

**Report From:** Elsa Weir – Senior Planner (Bay of Plenty Regional Council Toi Moana)

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## Rotorua Airshed – Policy update

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### 1 Recommendations

**That the Rotorua Air Quality Working Party:**

- 1 **Receives the report, *Rotorua Airshed – Policy update***

### 2 Purpose

The purpose of this report is to provide a brief summary and update on the relevant legislation and policy framework for air quality management as it relates to the Rotorua Airshed. It also covers consideration of potential next steps for continued management of the Airshed, and seeks feedback on these from the Group.

### 3 Background

Air quality in the Rotorua Airshed is currently managed by the following legislation and policy framework:

- National Environmental Standard for Air Quality (NESAQ)
- Regional Natural Resources Plan – Plan Change 13 Air Quality
- Rotorua Air Quality Control Bylaw 2017

The Rotorua Airshed Action Plan is a non-regulatory document that has also helped to manage the Airshed. Other relevant documents include the Ambient Air Quality Guidelines (AAQG) and World Health Organization (WHO) Air Quality Guidelines. These will be briefly summarised in the following sections.

### 3 Regulatory Framework

#### 3.1 NESAQ

The NESAQ is an environmental standard under the Resource Management Act 1991. It has been in force since 2004. In 2019, amendments to the NESAQ were proposed, with consultation held from February to July 2020. One of the key amendments proposed was introducing a PM<sub>2.5</sub> standard into the regulations (24-hour average 25µg/m<sup>3</sup>).

Progress on the amendments was then delayed in order to wait for the release of updates to the World Health Organisation air quality guidelines, and the Health and Air Pollution in New Zealand 3.0 study (HAPINZ 3.0). These updates were released in 2021/2022.

The RM Reform then began in earnest, further delaying progress on the amendments to the NESAQ. It was then proposed that rather than updating the NESAQ, updates would occur through the process of bringing the standard over into the proposed National Planning Framework (NPF).

In 2023 the Government changed, and the Natural Built Environment Act was repealed. This leaves us still working under the Resource Management Act 1991 and the existing NESAQ, with another RM reform indicated.

It is currently unclear what this will mean for the NESAQ amendments, and when we may know more about this from central government.

### 3.2 Regional Natural Resources Plan – Plan Change 13

The Regional Plan rules for the Rotorua Airshed were updated through Plan Change 13 (Air Quality) to the Regional Natural Resources Plan. The plan change was notified in 2018. PC 13 has been in the Environment Court for the last 4 years; however this was in relation to rules relating to the handling of bulk solid materials in the Mount Maunganui Airshed.

The rules relating to the Rotorua Airshed have been operative since 2018.

### 3.3 Rotorua Air Quality Control Bylaw

As the Regional Plan can only control discharges to air, the Rotorua Air Quality Control Bylaw was created to work in tandem with the Regional Plan and provide more control over the installation and removal of solid fuel burners themselves. The Bylaw includes the 'Point of Sale' rule, which has been one of the most effective ways of removing and replacing non-compliant solid fuel burners.

The Bylaw was reviewed in 2017, meaning it is next due for review in 2027. A transfer of powers is in force to enable BOPRC to enforce this bylaw.

Our Compliance team have recently become aware of a couple of loopholes that a small number of people have been exploiting to install new woodburners when they otherwise shouldn't have been able to.

## 4 Other relevant documents

### 4.1 Rotorua Airshed Action Plan

The Rotorua Airshed Action Plan is a non-regulatory document that sets out the strategy and actions for improving the air quality in the Rotorua Airshed. After a review of the Action Plan in 2022, it was found that the actions had been completed. However it was also strongly recommended that a new Action Plan should be drafted for the next phase of improving air quality the Rotorua Airshed.

### 4.2 Rotorua Airshed Emissions Inventory

In 2022 the Airshed Emissions Inventory was updated by Environet Limited. The inventory showed the big improvements in air quality that the airshed has experienced, but highlighted that domestic heating is still the most significant contributor to annual and daily winter PM<sub>10</sub> and PM<sub>2.5</sub>. The

inventory also noted that the prevalence of the use of braziers, pizza ovens and wood-fired barbeques is high, with an average of just under 300 burns per day during summer and around 100 per day during winter. The figures from the emission inventory below show the breakdown of

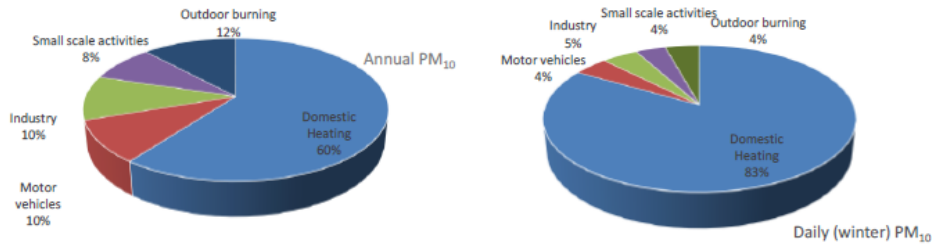


Figure 8.1: Relative contribution of sources to annual PM<sub>10</sub> and daily winter PM<sub>10</sub> emissions in Rotorua.

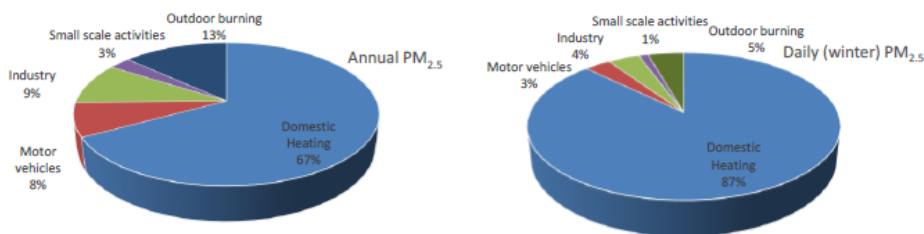


Figure 8.2: Relative contribution of sources to annual PM<sub>2.5</sub> and daily winter PM<sub>2.5</sub> in Rotorua.

relative contributions to the annual and daily PM<sub>10</sub> and PM<sub>2.5</sub> emissions in Rotorua.

### 4.3 Ambient Air Quality Guidelines

The Ambient Air Quality Guidelines were prepared by the Ministry for the Environment and the Ministry of Health, and set out guideline values that we must achieve, and where possible, improve upon. These were last updated in 2002. The PM<sub>10</sub> guideline is the same as the NESAQ, but it does not include a specific guideline for PM<sub>2.5</sub>. However, the report does state that:

*“A monitoring value of 25 µg/m<sup>3</sup> (24-hour average) can be used for assessing monitoring results and to judge whether further investigations are needed to quantify PM<sub>2.5</sub> sources. In suggesting this value, the Ministry aims to promote PM<sub>2.5</sub> monitoring and assessment. It is premature to use PM<sub>2.5</sub> as a target for airshed management until further research can accurately determine its specific health effects and its sources. The Ministry will commence an investigation into PM<sub>2.5</sub> in 2002 with the aim of establishing an appropriate guideline value by 2004.”*

No further updates to the AAQG have occurred.

#### 4.4 WHO Air Quality Guidelines

Since 1987, WHO has periodically issued health-based air quality guidelines to assist governments and civil society to reduce human exposure to air pollution and its adverse effects. The WHO Air Quality Guidelines were updated in 2022. They provide a set of evidence-based recommendations for limit values for specific air pollutants, including PM<sub>10</sub> and PM<sub>2.5</sub>, to protect human health.

The updated WHO Guidelines provide clear evidence of the damage that air pollution inflicts on human health, at even lower concentrations than previously recognized. They also note that reducing the levels of key air pollutants will also contribute to slowing climate change.

The proposed WHO guidelines for PM<sub>10</sub> and PM<sub>2.5</sub> are as follows:

Pollutant	Averaging time	Interim target				AQG level
		1	2	3	4	
PM <sub>2.5</sub> , µg/m <sup>3</sup>	Annual	35	25	15	10	5
	24-hour <sup>a</sup>	75	50	37.5	25	15
PM <sub>10</sub> , µg/m <sup>3</sup>	Annual	70	50	30	20	15
	24-hour <sup>a</sup>	150	100	75	50	45

#### 4.5 Health and Air Pollution in New Zealand 2016 (HAPINZ 3.0)

HAPINZ 3.0 is the latest update to the health and air pollution in NZ study, which evaluates the effects of air pollution on human health across NZ and the resulting social costs. The study assessed the impacts of PM<sub>2.5</sub> and NO<sub>2</sub> (Nitrogen Dioxide), which together contribute to most air pollution health effects in New Zealand. The study found that:

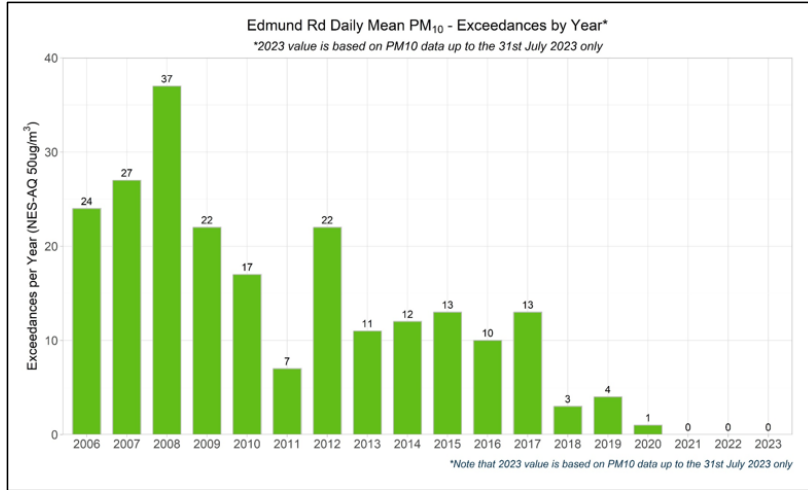
*“In all regions, domestic fire impacts dominated the regional PM<sub>2.5</sub> social costs – with contributions ranging from 59% to 88%. On average, domestic fire impacts were more than four times those motor vehicles for PM<sub>2.5</sub> pollution from anthropogenic sources.*

*However, for the total anthropogenic health costs (PM<sub>2.5</sub> and NO<sub>2</sub> combined) motor vehicles were the dominant source in most locations across New Zealand (except those with high solid fuel home heating use during winter”.*

Given that Regional Council has very limited ability to manage emissions from motor vehicles, PM<sub>2.5</sub> remains the focus of this update report.

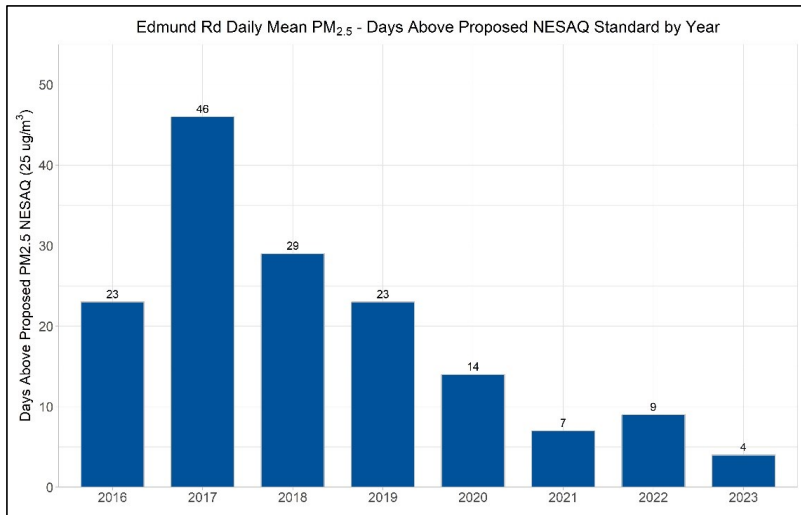
### 5 Rotorua Airshed in 2024

The Rotorua Airshed has been meeting the NESAQ standard for PM<sub>10</sub> since 2020 (one exceedance is permitted), with huge improvements in the number of exceedances since 2008, as shown in the graph below.



As outlined in the NESAQ, an airshed stops being a polluted airshed once it has not breached the PM<sub>10</sub> standard for a period of 5 years. Therefore, there is a very real possibility that in 2025 the Rotorua Airshed will no longer be classed as a 'polluted' airshed under the NESAQ.

However, the Airshed will not meet any of the proposed PM<sub>2.5</sub> standards. The graph below shows the number of exceedances of the PM<sub>2.5</sub> standard as proposed in the NESAQ amendments (25µg/m<sup>3</sup>).





## 6 What now?

### 6.1 Potential options

As set out by the WHO, and accepted by the Ministry for the Environment, air pollution is the biggest environmental threat to human health, and there is no safe level of particulate matter. A PM<sub>2.5</sub> standard is inevitable, and we know that the Rotorua Airshed will not meet it as it currently stands. We are currently considering actions that we can take, or work we can begin to support the continued improvement of air quality in the Rotorua Airshed. Some initial work could include:

- An early update to the Bylaw to close some of the loopholes people are exploiting;
- Beginning work on a new Action Plan;
- Further investigation into what might need to happen to manage PM<sub>2.5</sub>, including dispersion modelling to better understand the impacts of PM<sub>2.5</sub> and what reductions might be required to meet any standards. We already have the updated Emission Inventory and updated Meteorological dataset that would form the basis of this work.

### 6.2 Key concerns and limitations

- Lack of central government direction to help drive changes (and no certainty on when changes may occur);
- Risk to momentum of improvements and community buy-in if work doesn't continue;
- Confusion for the community – if the Airshed manages to lose its polluted status next year but then a PM<sub>2.5</sub> standard is brought in not long after;
- Cost of living crisis – funding to assist people to remove and replace their heating and insulation has been a key factor in the success in the Airshed. If funding is not available this will be a large barrier to continued success.

### 6.3 What are other Councils doing?

Staff attend the twice-yearly National Air Quality Working Group (NAQWG), which is a group of regional council air quality staff across planning, consenting, compliance and science teams.

Everyone is in agreement that a PM<sub>2.5</sub> standard is inevitable, and most, if not all, gazetted airsheds in NZ will not meet any proposed PM<sub>2.5</sub> standard. Most Councils continue to wait on Central Government to enshrine it in legislation before being able to make any moves on it, while others are undertaking small pieces of work to support future change e.g. more PM<sub>2.5</sub> monitoring and modelling etc.

A notable exception is Environment Canterbury. The Canterbury Air Regional Plan already includes a policy that *“In Clean Air Zones, reduce overall concentrations of PM<sub>2.5</sub> so that by 2030 those concentrations do not exceed 25µg/m<sup>3</sup> (24-hour average) and 10µg/m<sup>3</sup> (annual average)”*.

### 6.4 Next steps

The next steps are to take on board any feedback received at this meeting to help inform potential options for future work, with the aim of taking a paper to Council for their direction later this year.

## Informal Workshop Paper



**To:** Strategy and Policy Committee Workshop  
21 May 2024

**From:** Mark Hamilton, Senior Policy Analyst  
Namouta Poutasi, General Manager, Strategy and Science

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### Mount Maunganui Airshed: Management Plan - scope and process; PC13 (Air Quality) - Unsealed Yards update.

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#### 1. Purpose

The purpose of this report is to provide an update on Plan Change 13 (Air Quality) - Unsealed Yards (PC13 - Unsealed Yards) and seek feedback on the direction of a proposed Mount Maunganui Airshed management plan.

#### 2. Guidance Sought from Councillors

Staff are seeking feedback on the scope (PM10, or and odour or and other contaminants), process (brief, broader, or similar to a plan change) and timeframes (1-5 years) of a proposed Mount Maunganui Airshed management plan.

#### 3. Discussion

##### 3.1 Background

Plan Change 13 (Air Quality) (PC13) has been under appeal to the Environment Court since 2019, due to several matters relating to Bulk Solid Material (BSM) handling in the Mount Maunganui Airshed (the Airshed). A frequent side-effect of BSM handling is the discharge of coarse particulate matter (PM10), which is monitored nationwide due to its health implications.

As part of the PC13 appeal, the Court also looked more closely at other sources of PM10 within the Airshed. The Court noted in its first Interim Decision for PC13 that unsealed yards were the largest unmanaged anthropogenic source of PM10 within the Airshed. It consequently directed Council, under s293 of the Resource Management Act 1991, to amend PC13 to control emissions from unsealed yards. This process is variously referred to as PC13 - s293, or PC13 (Air Quality) - Unsealed Yards.

There were two additional outcomes of the PC13 appeal:

- 1) The Court directed Council to include an additional new policy, Policy 12, in the plan. Policy 12 manages activities which discharge PM10 in the Airshed and requires an iterative approach to improve air quality.
- 2) The Court ‘strongly recommended’ that Council prepare an airshed management plan (AMP) to ensure the objectives of PC13 are achieved as efficiently and effectively as possible. A discussion about an AMP follows in section 3.1.2, below.

Policy 12 and PC13 - Unsealed Yards have evolved separately from the PC13 appeal, but both processes are being run simultaneously and involve informal consultation, a formal submissions process and an Environment Court hearing. The key dates are noted in the table below:

<b>Date</b>	<b>Process/Action</b>
November - December 2023	Informal consultation with affected parties
15 January 2024	Notify for submissions: <ul style="list-style-type: none"> <li>• Proposed provisions PC13 - s293 (limited notification)</li> <li>• Policy 12 (public notification)</li> </ul>
30 April 2024	Submissions close
May 2024	Proposed provisions sent to Environment Court
June 2024	Environment Court hearing
Late 2024?	Environment Court decision

### **3.2 PC13 - Unsealed Yards and Policy 12 Update**

By the close of the formal submission period, 11 submissions had been received. Four submissions were for Policy 12, three for PC13 - s293 while the remaining submissions addressed both topics. Nine of the 11 submitters indicated that they wished to be heard.

Council staff will now send the Court a summary of submissions and the proposed provisions, incorporating changes made because of submissions. The Court hearing is due to be held in June. Council staff will keep the Committee updated on PC13 - s293 and Policy 12 as they progress through the Court process.

### **3.3 MMA Airshed Management Plan (AMP)**

While the Court has “strongly recommended” (and not “directed”) Council to prepare an AMP, Council staff believe that the Court’s recommendation should be followed, as it will allow key affected parties to assist with the development of this air quality management document.

The Court has specifically identified Ngāi Te Rangī, Toi Te Ora, and “affected industries and other affected parties” as necessary participants in the preparation of an AMP. However, staff need the Committee’s guidance to direct the development of the AMP.

Staff believe that the following key matters need to be decided at the very beginning of the AMP process:

3.2.1 **Scope**

The Court’s focus throughout the PC13 appeal has been on PM10, but PC13 objectives have a wider scope than just PM10 (AIR-O1 and Air-O3 refer more broadly to contaminants discharged to air). Furthermore, the community has other concerns such as odour, which is reflected in Pollution Hotline statistics, as well as other contaminants. In addition, the 2022 Health and Air Pollution in New Zealand report focuses on Nitrogen Oxides (NOx) and PM2.5. Should the AMP’s scope extend beyond odour to include any other contaminants?

3.2.1.1 **Option One: PM10 only**

Pros	Cons
Lowest cost.	Precludes contaminants other than PM10.
Quickest option to introduce.	Disregards concerns of community, especially in relation to odour.
MMAQWP involvement may allay community and submitter fatigue in light of other recent and current air quality projects in/around the MMA.	Disregards full breadth of PC13 objectives.

3.2.1.2 **Option Two: PM10 and odour only**

Pros	Cons
Minimal costs involved.	Excludes contaminants other than PM10 and odour.
Second quickest option to introduce.	Disregards concerns of community in relation to contaminants other than PM10 and Odour.
Greatest source of community complaint is addressed.	Disregards full breadth of PC13 objectives.
MMAQWP involvement may allay community and submitter fatigue in light of other recent and current air quality projects in/around the MMA.	
Includes contaminants able to be controlled by Council.	

3.2.1.3 **Option Three: PM10, odour and other contaminants**

Pros	Cons
Includes contaminants other than just PM10 and odour.	This option has the greatest cost.
Acknowledges concerns of community in relation to contaminants other than PM10 and Odour.	Slowest option to introduce.
Considers full breadth of PC13 objectives.	An extended process runs risk of submitter or community fatigue in light of other recent and current air quality projects in/ around the MMA.
	May refer to contaminants from sources that Council is unable to control (i.e.

	vehicle and shipping emissions of NOx and SO2).
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The costs to Council of formulating any of the above three options for an AMP are likely to be largely restricted to the staff time to carry out the background work to develop the plan. As such, all options can be considered in scope of current budgets.

### 3.2.2 Process

Should the AMP undertake a quasi-plan change type process with consultation, notification, feedback, a hearing, deliberation then a decision? Or should the process be shorter and have the Mount Maunganui Air Quality Working Party (MMAQWP) recommend the acceptance of the AMP to Council (which is what happened with the Rotorua Air Quality Working Party and the Rotorua Air Quality Action Plan).

Staff note that, in addition to Plan Change 13, there are a number of other recent projects that have been undertaken, or which are underway, with public involvement and at least some kind of reference to industrial processes or industrial discharges in the Mount Maunganui industrial area. Tauranga City Council's Mount to Arataki Spatial Plan (incorporating the Mount Industrial Planning Study), and Priority One's Mount Maunganui Industrial Blueprint may intersect in places with a Regional Council-prepared AMP.

As such, when these projects are considered in addition to recent notified air discharge resource consent hearings, there is some staff concern that there may be submitter fatigue in relation to being asked to contribute time and expertise to a further air quality initiative. Conversations staff have had with some affected parties speak of a frustration that there is a lot of talk about requiring industry to improve air quality but not a lot of success in achieving it, and that their submissions have been in vain.

Possible options for the process are:

- i) Brief consultation and MMAQWP interim approval only
- ii) Broader consultation process and MMAQWP interim approval only
- iii) Quasi-plan change: broad consultation, Council hearing and deliberation

As the breadth of the AMP process increases, consequently there are greater requirements and costs, such as for staff input for matters such as undertaking consultation and hearing preparation. All such inputs result in a longer, more costly AMP process.

### 3.2.3 Timeframes

The time required to prepare an AMP depends on the matters above. The broader the scope of the AMP, the more time and resources it will require. This demand for time and resources is mirrored for processes which are more collaborative, or which have a full hearings process.

Possible timeframes for an AMP:

- i) Narrow scope with PM10, brief consultation: **1 - 2 years**
- ii) Broader scope with PM10 and odour, broader consultation: **2 - 3 years**
- iii) Broadest scope and consultation, Council hearing: **3 - 5 years**

Given the indicative timeframes for each of the options, and the fact that the preparation of the AMP would need to work in with the ongoing PC13 - s 293 process, the AMP could take several years to prepare, depending on which options Councillors prefer.

#### 3.2.4 **Financial implications**

The highest cost to Council of any of the above options for an AMP is likely to be the staff time to carry out the background work to develop the plan. However, as the breadth of the AMP process increases, consequently there are greater requirements and costs, such as for staff input for matters such as undertaking consultation and hearing preparation. In addition, a wider scope would likely incur costs related to scientific input, particularly for contaminants other than PM10 and odour. All such inputs result in a longer, more costly AMP process.

### 4. **Staff Recommendation**

To take the Committee's feedback on the Scope, Process and Timeframes for an AMP, compile a draft AMP project outline and bring it back to Council for approval at the earliest opportunity.

### 5. **Next Steps**

S293 - Unsealed Yards and Policy 12: Staff will report back with developments from s293 Court hearing at the August Committee meeting.

AMP: Following the discussion in this workshop, staff will record the Committee's preferences (and note any additional analysis they may require) and bring back a draft project outline for approval at the earliest opportunity.

## Informal Workshop Paper



**To:** Strategy and Policy Committee Workshop  
21 May 2024

**From:** Nassah Rolleston-Steed, Policy and Planning Manager  
Namouta Poutasi, General Manager, Strategy and Science

### Update on Proposed Change 8 (NPS-HPL)

#### 1. Purpose

Provide a progress report on Proposed Change 8 (NPS-HPL) to the Bay of Plenty Regional Policy Statement (RPS) to implement the National Policy Statement for Highly Productive Land (NPS-HPL) and seek advice on whether to pause this project.

Key updates include:

- Draft RPS highly productive land maps have been developed and are on Council's website ([link](#));
- Targeted consultation with iwi, territorial authorities and industry groups commenced in August 2023;
- Specific issues for iwi and Māori owned land have been identified; and
- MfE have informally indicated the NPS-HPL is currently being reviewed as a result of new government work programmes.

Due to uncertainty about changes to the NPS-HPL, particularly the likelihood of removing LUC class 3 land from the definition of highly productive land, staff seek advice about whether to put on hold any further work on developing Proposed Change 8 (NPS-HPL).

This project is arguably not as high a priority as the Essential Freshwater Policy Programme, and the RPS already contains rural growth management provisions highly aligned with policy direction in the NPS-HPL. In the interim, staff are continuing to:

- respond to stakeholder, iwi/hapū/Māori landowner and community requests to meet; and
- contribute to regional sector discussions aimed at ensuring a nationally consistent approach to implement the NPS-HPL.

## 2. Prior Strategy and Policy Committee Reporting

The NPS-HPL implications were workshopped with this Committee on Tuesday 28 March 2023. In particular, the requirement to change the RPS to include maps of highly productive land (HPL) in the region.

At its meeting on 16 May 2023, this committee approved the formal commencement of Proposed Change 8 (NPS-HPL). That approval included the process and timeframes set out in the project plan and communication and engagement plan. That involved commencing region wide consultation with tangata whenua, territorial authorities (TAs), and key stakeholders.

Attachment 1 to this report provides detail on:

1. NPS-HPL requirements and associated implementation timeframes;
2. Consultation to date on Proposed Change 8 (NPS-HPL);
3. Komiti Māori submission on changes being considered to NPS-HPL;
4. Draft RPS highly productive land maps;
5. Implementation challenges;
6. Notification timeline for Proposed Change 8 (NPS-HPL); and
7. NPS-HPL Review by MfE and MPI.

## 3. Next Steps

Wait for confirmation of changes to the NPS-HPL before considering next steps. Staff will report to the Strategy and Policy Committee once the NPS-HPL changes are confirmed. That report will provide amended project process and timeframes to give effect to the amended NPS-HPL. In the interim staff will continue to respond to requests for information and hui from persons who wish to discuss Proposed Change 8 (NPS-HPL) and continue to contribute to regional sector discussions. Deferring NPS-HPL implementation will result in efficiency savings under the Policy and Planning 6113 Regional Policy Statement budget.

## Attachments

Attachment 1 - Body of report [↓](#)

Attachment 2 - Komiti Maori submission on NPS-HPL 26 October 2023 [↓](#)



**1. National Policy Statement for Highly Productive Land**

National Policy Statements (NPSs) enable central government to set out objectives and policies relating to matters of national significance. All councils are required to give effect to the NPS-HPL in their regional policy statement (RPS), regional and district plans.

The NPS-HPL took effect on the 17 October 2022. Its primary objective is the protection of highly productive land (HPL) for use in land based primary production, both now and for future generations. Land-based primary production means production from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land. For context, an estimated 15 per cent of land in Aotearoa New Zealand is HPL. Urban expansion into rural areas and fragmentation for rural lifestyle development has reduced the availability of HPL for land-based primary production. HPL is important for the primary sector as it the basis for providing local high-value food and fibre.

The NPS-HPL directs urban development away from HPL by preventing inappropriate rezoning, subdivision, and use of HPL, with few exceptions. The direction includes avoiding rezoning and subdivision to create rural lifestyle blocks on HPL.

The NPS-HPL policies focus on recognising the value of HPL and protecting it from inappropriate use, integrated management, mapping HPL, prioritising and avoiding reverse sensitivity effects on land-based primary production.

The NPS-HPL requires regional councils to map all HPL in their regions within 3 years of the NPS-HPL being gazetted (i.e. by 17 October 2025). RPS mapping to identify HPL in the region must be done in collaboration with the region’s territorial authorities (TAs) and in consultation with tangata whenua. Regional Council must actively involve tangata whenua to the extent they wish to be involved. Table 1 below sets out these timeframes and requirements.

*Table 1. NPS-HPL legislative requirements and associated timeframes.*

17 October 2022	2023	2024	17 October 2025	Date unknown
NPS-HPL commences	Regional and Unitary Authorities prepare HPL map and associated policy changes.		Regional HPL maps must be notified.	Regional HPL maps become operative
	<i>Transitional definition under the NPS-HPL applies.</i>			<i>Regional HPL map and associated provisions now apply</i>

The NPS-HPL requirements which Council must implement are:

1. Produce RPS HPL maps viewable at the property level;
2. Prepare RPS policy changes; and

### 3. Fulfill engagement requirements with TAs and tangata whenua.

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

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

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

## 2. **Proposed Change 8 (NPS-HPL) Consultation**

At its 16 May 2023 meeting, this Committee gave approval for staff to commence broader tangata whenua, territorial authority (TA) and key stakeholder consultation. Regional Councils must identify and map HPL in collaboration with TAs and in consultation with tangata whenua.

Region wide preliminary consultation with the region's TAs, key rural industry representative groups (i.e. Horticulture NZ, Federated Farmers, Zespri), iwi, hapū and Māori landowners commenced in August 2023. Key contacts to engage with at our TAs have been identified and liaison on Proposed Change 8 (NPS-HPL) is directed to these individuals.

A further round of consultation was initiated with persons on the RPS Māori contacts directory and city and district councils on Monday 8 April 2024. The second round of consultation advised draft RPS HPL maps were available on Council's website and the offer to meet with anyone interested.

Most consultation undertaken to date has been with staff at the region's territorial authorities and persons on Council's RPS Māori contacts directory. A consultation record of attendees and key matters/issues discussed is available on request. That record will form part of the Section 32 analysis report for Proposed Change 8 (NPS-HPL).

Staff are also working collaboratively with colleagues from all regional councils and unitary authorities in New Zealand. This regional network, facilitated by Waikato Regional Council, is a platform to share ideas and discuss implementation issues. Its primary purpose is to ensure a consistent approach nationally by regional councils to implement the NPS-HPL requirements.

## 2.1 Draft RPS Highly Productive Land Maps

Most persons consulted in 2023 wanted to know with greater certainty whether land they had an interest in was impacted by Proposed Change 8 (NPS-HPL). Although the HPL web viewer identified LUC classes 1, 2 or 3 areas, it didn't filter out non Rural zoned land and areas identified for future urban development.

Draft RPS maps of HPL for the region have been developed (taking into account issues raised through consultation) and are available on [Council's website](#).

Key features of draft RPS HPL maps are:

- They have been produced consistent with the existing NZLRI surveyed LUC 1 - 3 layers;
- The HPL mapped areas comprises LUC 1 - 3 classed land that is zoned rural or similar in their respective district plans; and
- Areas of highly productive land identified for future urban development at the time of gazettal are excluded.

Availability of the draft RPS HPL maps has been shared with our TAs and Māori contacts.

Through discussions with TA staff, further refinements to the draft RPS maps have been made and future identified urban development areas and small discrete areas have been removed. For example:

- Areas identified for urban development in the next 10 years in the Rotorua Spatial Plan;
- The Hikutaia Growth area (Ōpōtiki);
- Areas of industrial land identified in the Kawerau/Whakatāne boundary change proposal; and
- Small discrete areas of HPL in vicinity to the Brenner/Oropi Golf Course, on the edge of existing residential zoned areas and already compromised by built development.

## 2.2 Implementation Challenges

Some challenges have arisen through the draft RPS HPL mapping. The NPS-HPL requires land already identified for urban development is identified at a level of detail that makes boundaries of the area identifiable in practice (NPS-HPL clause 1.3). Some TA spatial strategies that identified future urban development areas are not identifiable at the property level as they are marked as vaguely defined areas on a map. Staff acknowledge TAs have undertaken work to prepare these urban growth strategies and want to ensure Proposed Change 8 (NPS-HPL) does not undermine that investment. These issues have been encountered by other regional councils and through the regional network advice from central government it is up to TAs to provide reasoning to prove these areas (in a growth strategy or spatial plan) will be developed in the next 10 years.

Another issue is site specific assessment to inform the RPS-HPL mapping. Regional Council has discretion whether to accept site specific assessments or not. This will depend on whether the assessment meets certain NPS-HPL criteria and the quality of the assessment is appropriate.

Recently an Environment Court decision concerning site-specific assessments in connection to the NPS-HPL was issued on the 18 April 2024. The appeal concerned Dunedin City Council's district plan in relation to whether site specific assessments could be put forward by parties that would trump the interim definition of HPL in the NPS-HPL. The Environment Court decision on *Blue Grass Limited & Others vs Dunedin City Council*<sup>1</sup> considered a preliminary legal issue to do with the interpretation of the NPS-HPL. That is:

*Can more detailed mapping undertaken since 17 October 2022 using the Land Use Capability (LUC) classification prevail over the identification of land as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory (NZLRI) and determine for the purposes of whether land is highly productive land (HPL)? The court's answer is "no".*

#### 2.2.1 Notification Timeline

Under the gazetted NPS-HPL Regional Council has until the 17 October 2025 to publicly notify Proposed Change 8 (NPS-HPL) to initiate the Schedule 1 process and invite submissions. Apart from inserting new maps, other changes deemed necessary to the operative RPS is amending references to versatile land to instead refer to HPL as mapped. Otherwise, the RPS rural growth management provisions largely mirror the NPS-HPL policy framework.

Staff propose waiting until the NPS-HPL amendments have been confirmed before undertaking any further implementation work. Given there is a possibility the definition of highly productive land may be amended to excluded LUC class 3 land, there is a possibility the draft RPS HPL maps will need revising. Currently LUC class 3 land comprises the majority of HPL mapped in the RPS.

### 3. NPS-HPL Review by MfE and MPI

In March 2024, Regional Council staff were informally advised MfE and MPI officials are working through a process to provide advice to Ministers on the consultation undertaken. This is part of work Government has committed to, to reduce consenting barriers for infrastructure, housing, and normal rural activities. Ministry officials are reviewing the NPS-HPL to identify ways to better enable housing development and appropriately preserve HPL.

Since the NPS-HPL gazettal, concerns have been raised about how it may restrict the development of activities not relying on HPL but needing to be located on HPL for particular reasons. Examples provided of activities impacted include:

1. Renewable electricity generation (particularly solar);

<sup>1</sup> [2024 NZEnvC 83 - site-specific assessments of HPL.pdf](#)

2. Intensive indoor primary production (e.g. indoor pig, poultry and mushroom farms); and
3. Greenhouses and tunnel houses.

Consequently, MPI and MfE officials called for submissions on removing restrictions on these activities in October 2023.

Changes to the NPS-HPL and their timeframes remain uncertain at this time. However, staff understand the HPL definition may be amended to exclude Land Use Capability (LUC) class 3 land. LUC class 3 land makes up 56% of our current highly productive land layer across the region.

Because of this review and the uncertainty about changes pending to the NPS-HPL staff have put a hold on any further work on Proposed Change 8 (NPS-HPL). Consultation with regional network (i.e. Regional and Unitary Councils across New Zealand) colleagues indicates a number of other regional councils are taking a similar 'wait and see' approach.

### 3.1 **Komiti Māori Submission on NPS-HPL**

At its meeting on 10 October 2023 Komiti Māori meeting considered feedback received from Māori landowners. A particular concern was potential restrictions to provide housing for whānau, including future generations, on general title land that is classified as HPL in rural zoned areas.

Ngāti Awa representatives submitted in the Rangitāiki (Te Teko/Kawerau), Paroa and Poroporo areas where over 90% of residents are Māori. A high proportion of this land is HPL which is either multiple owned Māori land or general title land owned by Māori.

While the NPS-HPL changes being considered by central government do not address issues raised by Māori landowners, Ministry officials invited submissions on the matters raised. Komiti Māori lodged a submission on changes being considered to the NPS-HPL specifically in relation to implications for Māori wishing to build homes for whānau on general title HPL in rural areas (refer to Attachment 2 for copy of Komiti Māori submission).

26 October 2023

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Manatū mō te Taiao  
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**Toi Moana Bay of Plenty Regional Council submission from Komiti Māori to the National Policy Statement for Highly Productive Land.**

Thank you for the opportunity to comment on the National Policy Statement for Highly Productive Land. Toi Moana Bay of Plenty Regional Council Komiti Māori wishes to present an oral submission.

The key contact for any matters relating to this submission is Mr Anaru Vercoe Pou Whaingā - Principal Advisor [anaru.vercoe@boprc.govt.nz](mailto:anaru.vercoe@boprc.govt.nz).

**Our Organisation: Toi Moana Bay of Plenty Regional Council**

The Bay of Plenty region is located on the east coast of the North Island and spans from Pōtikirua in the east to Waihi beach in the west. Inland, the region extends generally to the ridges of the catchments of eight major rivers which drain into the Bay of Plenty. The Bay of Plenty region includes 9,583 square kilometres of coastal marine area and 18 offshore islands.

The Māori landscape in the Bay of Plenty is culturally rich and dynamic. Our population is approximately 324,000 people with 28 percent of the population identifying as Māori. There are around 39 iwi, 260 hapū and 224 marae across our region and a significant number of Māori land holdings which contribute to the region's economy. Around 37 percent of land tenure is in Māori title and there are more than 5000 parcels of Māori land. Attached to this submission (Appendix 1) is a map illustrating the cultural landscape of the Bay of Plenty Region; a characteristic that has a significant influence on how we commit to maintaining and building enduring relationships with tangata whenua.

Toi Moana Bay of Plenty Regional Council is responsible for the sustainable management of natural resources within the Bay of Plenty region. We manage the effects of people's use of freshwater, land, air and coastal water. However, we also have a broader responsibility for the economic, social and cultural well-being of our regional community. We want to ensure our region grows and develops in a way that keeps its values safe for future generations.

Komiti Māori is a standing committee of Toi Moana. The purpose of Komiti Māori is to provide direction on Council's obligations to Māori in relation to: growth of authentic partnerships with Tangata Whenua, strategic direction, emerging issues, legal requirements, effective engagement, awareness and understanding.

**Summary of submission**

Toi Moana Bay of Plenty Regional Council has undertaken preliminary consultation with Māori landowners on the implementation of the National Policy Statement for Highly Productive Land (NPS-HPL). As part of its pre-schedule 1 (RMA) process, early discussions indicate that for

some Māori landowners, restrictions on the ability to provide housing for whānau who own general title land located within highly productive land is of concern.

The NPS-HPL restricts the ability to build more homes as it prioritises the protection of highly productive land for land based primary production and seeks to avoid rural lifestyle subdivision or development. Toi Moana Bay of Plenty Regional Council supports the intent of the policy noting that the remaining LUC 1 – 3 HPL areas in the Bay of Plenty region are the largest proportionately at the national level.

The Ministry for the Environment is currently seeking feedback on potential amendments to the NPS-HPL. Since the NPS-HPL was gazetted in October 2022, two issues have been raised about its restrictions on the use and development of highly productive land for activities that do not rely on soil. These concern renewable electricity generation and indoor primary production/greenhouses.

Toi Moana Bay of Plenty Regional Council recognises that its submission falls outside of the scope the Ministry is seeking feedback on. However, through early consultation to implement the policy through a plan change, it has become apparent that issues relating to Māori land held in general title will adversely affect Māori landowners. Council staff have also engaged with Ministry officials on this particular matter, who confirmed that the Regional Council would be able to make a submission on this particular issue.

#### **Outline of the Submission**

The submission is presented in text and tabled format where it is necessary to specify issues and make recommendations. Consultation with affected landowners continues and it is expected that themes relating to: location and size of properties; access to loans; managed retreat under the government Climate Adaptation Plan; and costs associated with the options to remedy, will confirm what has been presented in this submission.

The submission deals with the following:

- Definitions relating to Māori specified land
- Preliminary consultation with Landowners – Key issues

Thank you for the opportunity to comment on the NPS-HPL, we trust that you will find our submission useful and informative. Please contact us if you would like further information on the matters raised in this submission.

Ngā mihi

*Matemoana McDonald*

Councillor Matemoana McDonald  
**Komiti Māori Tiamana**

*Doug Leeder*

Chair Doug Leeder  
**Toi Moana Bay of Plenty Regional Council Chair**



## Definition of specified Māori land (clause 1.3)

Subclause	Comment	Recommendation
a) Māori Freehold or customary title	No comment	<i>Council supports the inclusion of this definition</i>
b) Land vested in the Māori trustee	More data is required to understand the extent of the land held by the Māori Trustee particularly in regard to land that is in general title. Note also that the Māori Trustee should be consulted on the extent and status of land held in general title is located within HPL	<i>Council supports the inclusion of this definition subject to the Ministry consulting with the Māori Trustee.</i>
c) Land set apart as a Māori Reservation	No comment	<i>Council supports the inclusion of this definition</i>
d) Legal entities	No comment	<i>Council supports the inclusion of this definition</i>
e) Maunga re the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	No Comment	<i>Council supports the inclusion of this definition</i>
f) Crown land returned held with the intention of returning to mana whenua	<p>Clarity sought on some matters raised by this definition.</p> <ol style="list-style-type: none"> <li>1. Land returned that was originally held under the Crown Forestry Rental Trust (Crown Forest Lands) and was in primary production suggests that land returned to the Central North Island Iwi Collective is exempt from the restrictions placed on highly productive land.</li> <li>2. Crown land held for the purposes of Treaty settlements is the primary example of where land has been transferred to the iwi/hapū.</li> </ol>	<p><i>Recommendation/s</i></p> <p>The Ministry should clarify whether all Crown land returned to mana whenua is exempt from the restrictions in the Policy.</p> <p>The Ministry should consider classes of land held in general title by the Crown and provide guidelines or more detailed definitions concerning Crown land returned including land offered under RFR.</p> <p>The Ministry should clarify whether Treaty settlement land is included in the definition of specified Māori</p>

Objective ID:

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	<p>3. Where land is offered under Right of First Refusal (RFR) is subject to a financial transaction between the Crown and the claimant group. It does not necessarily mean that general land under this instrument is exempt from the HPL provisions.</p> <p>4. Landowners have converted from Māori freehold title (MFL) to general title to access loans. The majority of banks in New Zealand will not accept land under MFL as security against the loan. Consequently where landowners have undertaken land conversion within HPL, they are now caught by the restrictions under the Policy. In most cases these land blocks are 1 – 3ha and are not suitable for primary production.</p> <p>5. Treaty settlement land returned to iwi and hapū falls within this definition. As land has not been defined further into Māori freehold land or Māori customary land, it is assumed that the intention of (f) is include Treaty settlement land with general land status. However, the Ministry guidelines on NPS-HPL Information on what it means for Māori and Māori land, state that land returned under Treaty settlement as general land, or subsequently converted to general land, will likely be subject to the NPS-HPL restrictions on subdivision, use or development. The guidelines suggest that Treaty settlement land with general land status does not qualify as specified Māori land. This appears to be inconsistent with the intention of this definition as nearly all land transferred by the Crown, a Crown body or a local authority is transferred to iwi or hapū in general title.</p> <p>6. The draft Natural and Built Environment (Transitional National Planning Framework) Regulations refers to identified Māori land (not specified Māori land), which is defined in section 511 of the Natural and Built Environment Act 2023. Paragraph (g) of this definition states, "...but this paragraph does not apply to land transferred from or vested by the Crown, a Crown body, or a local authority under Treaty settlement</p>	<p>land. If it is, the guidelines and the draft NPF need to be amended to reflect this.</p> <p><i>Note: Given the ambiguity between the definition at (f) in the NPS HPL, and section 511(g) NBE, there is confusion concerning the appropriate application of Crown land returned by way of Treaty settlement. Regional Councils are required to notify a plan change based on the NPS yet the Act appears to override the definition in the NPS.</i></p> <p><i>Second, iwi who have had Crown land returned are most likely not to have been appropriately consulted on land returned for the intention of undertaking other activities apart from primary production.</i></p>
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	<p>legislation.” This is a significant change from the definition of specified Māori land in the NPS-HPL and explicitly excludes Treaty settlement land. This is also inconsistent with our interpretation of the definition in the NPS-HPL. Clarification is sought from the Ministry as this will need to be discussed with the Post-Settlement Governance Entities in our rohe.</p>	
<p>Te Ture Whenua Māori Act 1993</p>	<p>Under section 17 of the Act the objective of the Māori Land Court in exercising its jurisdiction is to promote and assist in:</p> <ul style="list-style-type: none"> <li>a) the retention of Māori land and general land owned by Māori in the hands of owners, and;</li> <li>b) the effective use, management and development, by or on behalf of the owners, of Māori land and general land owned by Māori.</li> </ul> <p>While Act makes a distinction between “Māori Land” and “general land” this is in reference to the tenure system devised for Māori land processed through the Native Court and subsequently the Māori Land Court. It does not however remove the connection (whakapapa) to general land. The Court has a duty that applies to Māori land and general land as per section 17 of the Act</p> <p>Noting the definition in the NPS HPL (f), we note that this paraphrases section 129(2)(f) of the Te Ture Whenua Māori Act 1993. This would include land set aside by the Crown (land-banked) for the purposes of settlement.</p>	<p><i>Recommendation</i></p> <p>That the Ministry review the definition and application of specified Māori land (f) noting the tenure system instituted by the Native and Court and subsequently the Māori land Court.</p> <p><i>Note: Te Ture Whenua Māori Act does not extinguish traditional or historical connections to general title land that has been retained by Māori land owners.</i></p>

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### **General Comment on the effect of defining specified Māori Land**

Māori land is complex and has been subject to interventions by the government and landowners. The latter has usually been to access finance or where legislation has converted Māori freehold title to general title.

With respect to Government intervention a report written by the Māori Issues Working Group 2009 for the New Zealand Institute of Surveyors<sup>1</sup> noted several issues which destabilised Māori land tenure. Of particular note the report states:

*The systemic lack of infrastructure support and capability for the full use and enjoyment of Māori Freehold Land is an issue that has bedevilled this tenure since it was first instituted in 1865 in the implementation of the 1862 Native Land Act. At that time most of New Zealand was in Māori ownership and the objective of a large number of successive acts and amendments was to process Māori land through Crown land status to enable individualised European ownership. ...The result of 130 years of legislative and administrative ad-hocery has been a crude incremental process which has seen the wholesale conversion of 94% of New Zealand from customary Māori land to general freehold land.<sup>2</sup>*

In 1967 the status of Māori freehold land was further eroded with the passing of the Māori Affairs Amendment Act. Effectively the Act changed the status of Māori freehold land to fee simple or general title. It gave power to government to “investigate the use and ownership of any Māori freehold land or class of Māori freehold land”; survey the boundaries of land blocks, identify occupation and use; the extent to which rates levied on land *are paid* and the existence of any charge or encumbrance on the land. Following the investigation an “Improvement Officer” would determine “*whether or not it is necessary or desirable to take action to improve the fitness of the land for effective and profitable use, or to permit more effective administration of the land.*”<sup>3</sup>

These issues are raised in this submission to seek clarity on land deemed not to be exempt from the NPS-HPL particularly where government intervention has required and executed the conversion of Māori freehold title to general title prior to the inception of the NPS-HPL. To ascertain the effect this will have on land subject to the Act and now subject to the NPS-HPL, Council recommends that the Ministry investigate this further.

### **Preliminary consultation with Māori landowners**

At a local level, a primary concern that has been expressed by Ngāti Awa is that NPS-HPL restricts the ability to build more homes for whānau on land held in general title. Many Māori land trusts or individual Māori own this category of land. Historically the land may have been multiply owned either by way of customary title or by order of the Māori Land Court as freehold title and at some stage has been changed to general title through the Māori Land Court to enable beneficiaries to secure finance to enable them to build homes.

<sup>1</sup> Māori Land Committee Report, NZ Institute of Surveyors: Māori Issues Working Group 2009

<sup>2</sup> Ibid pp.10 - 11

<sup>3</sup> Part 2 s.16 Māori Affairs Ament Act 1967.

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Consultation points	Comment	Recommendation
<p>Access to loans</p>	<p>Many land trusts/individuals have converted their Māori freehold land to general title as a means of securing loans. Banks will not accept Māori freehold land as security against a loan.</p> <p>In some cases where land has been converted but remains in multiple ownership, trusts have encountered further impediments where there may be large number of shareholders that must agree to how the land is to be used. General title does not remove the obligations that the trustees have to their shareholders.</p>	<p><i>No recommendation</i></p>
<p>Māori land (other than specified Māori land)</p>	<p>Conversion to general title by landowners is to primarily to obtain a loan. Landowners acknowledge that while the land status may be changed, their connection to it has not. Land tenure in relation to Māori land is primarily to align with the provisions under the Te Ture Whenua Act and to commodify it or render it an asset that has a tangible value.</p> <p>Concerns around on-selling land to other parties (other than shareholders) is generally misplaced. While this has occurred with both Māori freehold and general title lands, the sentiment of most land holders is that they would like to retain their land for activities other</p>	<p><i>Recommendation/s</i></p> <p>Māori land in general title should be recognised as Māori land. Where it has been alienated to another party then it should be treated as other land in general title.</p> <p>Where land has been converted by way of legislation, consideration should be given to exempt affected land blocks.</p>

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	<p>than primary production. Where land has been sold to another party (with no whakapapa connection), then the land has been effectively extinguished from Māori association.</p> <p>Insufficient data on land held in general title by Māori has possibly led to the scope of policy provisions in the NPS-HPL. While this work to gather further information is being undertaken sporadically across the country it appears that the policy has focussed mainly on either Māori customary land or Māori freehold land. The virtues relating to whakapapa and traditional association with the land have been limited to these two categories and have not been applied to land held in general title for other purposes and not for primary production.</p> <p>Note the Māori Affairs Amendment Act 1967 enabled the conversion of Māori freehold land to general title - with or without the permission of the landowner.</p>	
<p>Land area – 1.3ha</p>	<p>Many of the rural zoned general title land blocks discussed by Ngāti Awa representatives are small in size (i.e. &lt; 2ha area) and have been partitioned through the Māori Land Court from larger adjoining multiple owned land blocks. Their small size limits options for economically viable rural production units..</p> <p>As Māori begin to participate in the process to implement the NPS HPL and additional data is gathered on land in general title, there may be a case for setting thresholds with respect to size, capacity and location of land blocks (noting</p>	<p><i>Recommendation</i></p> <p>Consider a threshold that triggers the restrictions in the NPS-HPL.</p> <p>We consider that anything above 3 ha would meet the requirements under the Policy where the land is in a HPL area.</p>

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	also the reverse sensitivity provisions) within HPL.	
Papakāinga provisions in district plans	Some district plans include Papakāinga provisions to enable building homes for whānau on ancestral land in rural areas. However, those provisions generally only apply to multiple-owned Māori land and not general title land. At this point whānau have two options to overcome this issue as outlined above, to either seek a spot zone change through the district plan to a Māori purpose zone or seek to change land back to multiple owned Māori land. Neither option is a straightforward process. Changing general title land to multiple owned Māori land cannot be pursued if it has securities registered against it (i.e. a mortgage).	<p>Recommendation</p> <p>Where mana whenua clearly demonstrate that they would like to build Papakāinga, this should be exempt from the NPS HPL restrictions.</p>
Private or Council Initiated Plan Change (Māori Purpose Zone)	<p>Undertaking a plan change for a Māori purpose zone is not a straightforward process as the relevant Council will need to agree to it when it undertakes its next district plan review.</p> <p>A private plan change will require meeting the tests under the RMA and is significantly more expensive to the landowner as the applicant. Most landowners do not have the financial capacity to pursue this remedy.</p> <p>Spot zoning within a rural zone will create another level of complexity concerning access infrastructure. Development within the rural zone includes some costs borne by the landowner rather than a utilities/network operator or developer.</p>	<p>Recommendation</p> <p>Consider a threshold for land blocks within an HPL area.</p> <p><i>Note: costs relating to plan changes to incorporate Māori Purpose Zones will be prohibitive for the majority of Māori landowners.</i></p>

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	<p>Currently there is a moratorium in place on plan reviews until the RM reform has been progressed. However further investigation into these options should continue along with other matters impacting on Māori as a consequence of the RM reforms.</p>	
<p>The effect of the Climate Change Adaptation Plan</p>	<p>Climate change adaptation and spatial planning should take into account land available for managed retreat and areas requiring increased connectivity via communications, infrastructure and upgrading the road network. For coastal marae both are matters of high priority for iwi/hapū and land-owners. Managed retreat from the coast may mean locating marae and Papakāinga on land held in general title which falls within LUC 1 – 3 HPL.</p>	<p>Recommendation</p> <p>Where Marae and Papakāinga are required to retreat to general title land blocks within HPL areas, provision should be made to exempt land subject to the requirements of the NPS HPL.</p> <p><i>Note: zoning areas for retreat could be included as a remedy alongside Māori Purpose Zones where councils are required to initiate a streamlined planning process.</i></p>

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### Summary

Māori have a unique relationship with their whenua and indeed Te Taiao. The historical record of how Māori land tenure has been approached since the inception of the Native Land Court has disadvantaged beneficiaries in a number of ways. Fragmentation of land blocks overtime has created small uneconomic land blocks which had forced landowners to amalgamate and set up trusts and incorporations.

The issues relating to Māori tenure are presented in the report by the Māori Issues Working Group (New Zealand Institute of Surveyors)<sup>4</sup> and will not be reiterated in this submission. Noting the complexities associated with Māori freehold and customary title, many landowners converted their land to general title prior to the inception of the NPS HPL. They have unfortunately been caught by a Policy intending to protect highly productive land as a consequence of excessive urban and rural development.

The remedies provided under the policy to landowners uses the available instruments currently under the Resource Management Act 1991. We note that no consideration had been given in the development of other National Policy Statements such as the National Policy Statement for Urban Development, which could have circumvented the concerns that Māori landowners are now facing under this Policy.

We suggest, and noting the key points made in this submission that the Ministry should consider and include as part of the scope for submissions:

- A threshold size for Māori land held in general title that are within HPL areas.
- Clarify the status of land returned under Treaty settlements as it appears there are conflicting definitions in the Natural Built Environment Act 2023, the transitional National Planning Framework and the National Policy Statement on Highly Productive land.
- Recognition of land converted to general title by way of the Māori Affairs Amendment Act 1967 that falls within HPL areas and that in some cases these land blocks are exempt from the restrictions of the NPS HPL.
- A streamlined planning process for managed retreat under the Climate Change Adaptation Plan.
- Implementation of Te Ao Māori values in the definition for specified Māori land – that is, take into account that Māori retain their whakapapa to the land whether it is in Māori freehold, customary or various forms of general title.

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<sup>4</sup> Ibid  
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