



Strategy and Policy Committee Agenda

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

Tuesday 25 June 2024 COMMENCING AT 9.30 am

This meeting will be livestreamed and recorded.

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

Fiona McTavish
Chief Executive, Bay of Plenty Regional Council Toi Moana
17 June 2024

Strategy and Policy Committee

Membership

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

Purpose

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

Role

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

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

Power to Act

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

The Strategy and Policy Committee is not delegated authority to:

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

Power to Recommend

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

Recording of Meetings

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

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

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

Bay of Plenty Regional Council - Toi Moana

Governance Commitment

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

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

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

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

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

Agenda

- 1. Apologies**
- 2. Public Forum**
- 3. Items not on the Agenda**
- 4. Order of Business**
- 5. Declaration of Conflicts of Interest**
- 6. Minutes**
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 - 7.4 Proposed Change 6 (NPS-UD) - Appeals Sub-committee Terms of Reference 54**

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Supporting Document 1 - Circular Economy for the Western Bay or Plenty (circulated separately)
- 8. Consideration of Items not on the Agenda**

Strategy and Policy Committee

Open Minutes

- Commencing:** Tuesday 9 April 2024, 9.30am
- Venue:** Council Chambers, Ground Floor, Regional House, 1 Elizabeth Street, Tauranga, and via Zoom
- Chairperson:** Cr Paula Thompson
- Deputy Chairperson:** Cr Kat Macmillan
- Members:**
- Cr Stuart Crosby
 - Cr Toi Kai Rākau Iti (via Zoom)
 - Cr Matemoana McDonald
 - Cr Jane Nees (via Zoom)
 - Cr Ron Scott
 - Cr Ken Shirley
 - Cr Lyall Thurston
 - Cr Andrew von Dadelszen
 - Cr Te Taru White
 - Cr Kevin Winters
- In Attendance:**
- Staff: Fiona McTavish – Chief Executive; Namouta Poutasi – General Manager, Strategy and Science; Kataraina O'Brien – General Manager, Strategic Engagement (via Zoom); Reuben Fraser – General Manager, Regulatory Services, Julie Bevan – Policy and Planning Manager; Nicki Green – Principal Advisor Policy and Planning; Nassah Rolleston-Steed – Principal Advisor, Policy and Planning; Karen Parcell – Team Leader Kaiwhakatinana; Penny Doorman – Programme Leader, Geothermal; Freya Camburn – Senior Policy Analyst; Elsa Weir – Senior Planner; Samantha Pottage – Planner; Antoine Coffin – Manager, Spatial Planning; Jenny Teeuwen – Committee Advisor
- External: Rob McGowan, Graeme Marshall and Kaewa Savage – Tiwaiwaka; Mary Dillon, Laura Wragg and Fiona Lavin – Envirohub BOP; Commissioner Greg Hill (via Zoom), Sharon Porter, and Tamara Mutu (via Zoom) – Rotorua Geothermal System Management Plan Hearings Panel
- Apologies:** Chairman Doug Leeder, Cr Malcolm Campbell

1. Chairperson's Opening Statement

Chairperson Cr Paula Thompson opened the meeting and reminded those present that the meeting was being livestreamed and recorded and that the recording would be available on the Bay of Plenty Regional Council Toi Moana (BOPRC) YouTube channel following the meeting.

Recording link: [Strategy and Policy Committee - 9 April 2024 - YouTube](#)

2. Apologies

Resolved

That the Strategy and Policy Committee:

- 1 **Accepts the apologies from Chairman Leeder and Cr Malcolm Campbell, tendered at the meeting.**

**Thurston/Macmillan
CARRIED**

3. Order of Business

The Chairperson advised that Item 8.6 - Update on Plan Change 11 Geothermal, would be taken after Item 8.2 - Ngā Wai Ariki o Rotorua He Mahere Whakahaere Pūnaha - Rotorua Geothermal System Management Plan.

4. Declaration of Conflicts of Interest

There were none declared.

5. Minutes

Minutes to be Confirmed

5.1 Strategy and Policy Committee Minutes - 20 February 2024

Resolved

That the Strategy and Policy Committee:

- 1 **Confirms the Strategy and Policy Committee Minutes - 20 February 2024 as a true and correct record.**

**Thompson/Macmillan
CARRIED**

6. Presentations

6.1 Tiwaiwaka

Presented by: Rob McGowan, Graeme Marshall, and Kaewa Savage

Key Points

- Tiwaiwaka was about healing the mauri of the whenua - "When the land is well, we are well".
- A different set of priorities was needed as a new start to finding solutions to the impending ecological crisis - climate change, sea level rise, biodiversity loss, global pollution.
- Outlined the six Tiwaiwaka principles that would provide a pathway to a more certain future:
 1. Caring for the whenua/earth is always the first priority
 2. We are not masters of the universe, but we are part of the family
 3. Mauri is found in the connections that enable life to thrive

4. Our role is to care for the mauri
 5. We have to get over ourselves and our personal ambitions; these are luxuries we can no longer afford
 6. We must take special care of the tiniest living creatures; they are the key to sustainability
- Would welcome the opportunity to present the Tiwaiwaka Principles more fully to key people of Bay of Plenty Regional Council Toi Moana (BOPRC) so that they could be front of mind as BOPRC developed its plans for our future.

In Response to Questions

- Achieving balance between looking after all small creatures while also looking to eradicate in some cases, needed sensible, pragmatic decisions based on clear principles and guidelines.

Key Points - Members

- Support expressed for what had been said.
- Encouraged Tiwaiwaka to submit to BOPRC's Long Term Plan 2024-2034 (LTP).

6.2 Envirohub BOP

Presentation: Envirohub: Objective ID A4640189

Presented by: Mary Dillon, Laura Wragg and Fiona Lavin

Key Points

- Acknowledged the support received from BOPRC over the years.
- The frequency of weather related disruption as a result of climate change was no longer a distant concern and the need for preparedness and resilience within the Bay of Plenty region was a reality given the region's large coastline.
- Envirohub BOP (Envirohub) had been working within and for the region's environment for the last 22 years.
- Envirohub had a long standing relationship with BOPRC and a track record for delivering on objectives. Would like to build on this relationship and form a partnership to deliver even more together.
- Had already formed enduring and successful partnerships with Tauranga City Council (TCC), Western Bay of Plenty District Council (WBOPDC), and Bay Trust.
- Outlined Envirohub's focus for the next few years and how their mahi aligned with BOPRC.

In Response to Questions

- Envirohub currently received funding from BOPRC through a competitive funding process. They would like to enter into a partnership with BOPRC similar to what they already had with TCC, i.e. to have a dedicated BOPRC staff member to 'look after' Envirohub from a BOPRC perspective, and to enter into a multi project deal with direct funding.
- Envirohub worked closely with Tiwaiwaka – Rob McGown was a patron of Envirohub.

7. Reports

7.1 Operating Environment

Presented by: Namouta Poutasi – General Manager, Strategy and Science
Julie Bevan – Policy and Planning Manager
Fiona McTavish – Chief Executive

In Response to Questions

- A key topic in the LTP deliberations would be whether BOPRC was adequately resourced to make the transition from the requirements of the previous Government to the requirements of the new Government. Councillors had already provided some direction in terms of pre-empting some of the potential changes e.g. paused Farm Environment Plans (FEPs).
- It was hoped that a decision from central Government to support the region's stopbank control work would be announced as part of their budget in May.
- There had been no indication from the Ministry for the Environment (MfE) that changes were planned for the National Planning Standards (NPStds); however, re-confirmation would be sought.
- Councillor feedback for BOPRC's submission to the Fast-track Approvals Bill could still be provided to the General Manager, Regulatory Services until the end of this week.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Operating Environment.**

**Thompson/White
CARRIED**

10.30am – the meeting adjourned.

10.30am – Cr Iti withdrew from the meeting.

10.50am – the meeting reconvened.

7.2 Ngā Wai Ariki o Rotorua He Mahere Whakahaere Pūnaha - Rotorua Geothermal System Management Plan (SMP)

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

Rotorua Geothermal System Management Plan Hearings Panel

Greg Hill – Commissioner (via Zoom)

Sharon Porter – member for Whakarewarewa

Tamara Mutu – member for Ngāpuna (via Zoom)

Key Points

- The SMP process had been the result of five years of work and had input from a wide range of people, including many BOPRC staff.

- The work and input of Te Ahi Kā Roa Rōpū, the three BOPRC Rotorua Councillors Thurston, White and Winters, and the Rotorua Geothermal SMP Hearings Panel (the Panel) was acknowledged.
- Commissioner Greg Hill, as the Chair of the Panel, provided an overview of his role in the process and how the process went.
- The Panel's recommendations were of the majority of the Panel – five in support and one opposed.
- Sharon Porter, Tamara Mutu and Fred Clubb (not in attendance) were invited by the Chairperson to provide comments. Both Sharon and Tamara expressed their appreciation for being given the space and opportunity to be part of the process, and be involved in the plans that affected them and their taonga so directly.
- Councillors Thurston, White and Winters, as members of the Panel, were invited to provide comments:

Councillor Thurston:

While Ngā wai ariki o Rotorua may currently be in a healthy state, it needed to be acknowledged that it was also fragile. The SMP was a positive way forward to ensure its ongoing protection.

Councillor Winters:

Pleased that the point of being able to adopt the SMP for Ngā wai ariki o Rotorua had been reached. While it was only the first step rather than the end of the journey, it was a positive start for the people of Rotorua.

Councillor White:

The passion that the people had for Ngā wai ariki o Rotorua was in the hearts and minds. It was a taonga, physically still used today, with an undisturbed connection since the time of first arrival. Acknowledged the work that had been done to ensure the sustainability and resilience of this taonga.

In Response to Questions

- There was considerable complexity around the issue of whether first rights for development should be to Māori, and the Panel's recommendation was based on a number of considerations, not just one specific legal constraint. The focus of the Panel was more on the type of use, and what types of use were important, rather than who was allocated the resource.
- The makeup of the proposed governance group was a point of discussion for the Panel (pages 69/70 of the agenda, section 2.4 of the report's Attachment 2), and did not exclude Rotorua Lakes Council (RLC). Suggested that the proposed governance group be considered as part of the wider governance review.
- Some of the terminology around uses and users had been confusing; however, this had been alleviated through the Panel decision making process by simplifying the prioritisation, and "commercial use" was no longer specifically identified in the much broader list of priorities.
- Geothermal was very complex and would always need external consultant support. BOPRC partnered often and closely with GNS Science, but also worked with only geothermal providers/consultants dependent on required skillsets.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Ngā Wai Ariki o Rotorua He Mahere Whakahaere Pūnaha - Rotorua Geothermal System Management Plan.**

- 2 Approves the Hearings Panel recommended changes to Ngā Wai Ariki o Rotorua He Mahere Whakahaere Pūnaha - Rotorua Geothermal System Management Plan.
- 3 Adopts Ngā Wai Ariki o Rotorua He Mahere Whakahaere Pūnaha - Rotorua Geothermal System Management Plan.
- 4 Delegates to the General Manager Strategy and Science to approve any final minor edits to Ngā Wai Ariki o Rotorua He Mahere Whakahaere Pūnaha - Rotorua Geothermal System Management Plan, prior to its release.
- 5 Acknowledges with thanks Commissioner Greg Hill, the three hau kainga representatives – Sharon Porter, Tamara Mutu and Fred Clubb, and also the BOPRC staff involved, for their contribution.

Shirley/von Dadelszen
CARRIED

11.36am – Cr Iti entered the meeting.

Agenda Item 8.6 - Update on Plan Change 11 Geothermal, was taken next.

7.3 Update on Plan Change 11 Geothermal

Presentation: Plan Change 11 Geothermal Update: Objective ID A4640566

Presented by: Freya Camburn – Senior Policy Analyst
Elsa Weir - Senior Planner
Reuben Fraser – General Manager, Regulatory Services

Key Points

- Plan Change 11 Geothermal (PC11) was a region-wide plan change, covering all geothermal systems in the Bay of Plenty region.
- Provided overview for why PC11 was needed.
- Outlined some of the key technical and policy documents that would support the plan change.
- Outlined what key changes were being proposed and what was not.
- Provided more specific information for the Tauranga Geothermal System, including key issues.
- Outlined the timeline and next steps.

In Response to Questions

- The cost of the example provided for the renewal of a geothermal consent in a residential area seemed high, and staff would look into this.
- A cultural impact assessment report with a fee of around \$5,000 required as part of a discretionary activity geothermal consent renewal was considered to be within the normal range.
- BOPRC had a role in whether consent proposals were acceptable for fast-track; and if they were, could provide input into the makeup of the panel to decide those proposals.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Update on Plan Change 11 Geothermal.

Thompson/von Dadelszen
CARRIED

7.4 Freshwater Policy Programme: Timeline to deliver proposed Regional Policy Statement Change 7 (Freshwater) and proposed Regional Natural Resources Plan Change 19 (Freshwater)

Presentation: Freshwater Policy Programme - Timeline update: Objective ID A4640194

Presented by: Nicki Green – Principal Advisor Policy and Planning

Key Points

- Noted an error on page 30 of the agenda, under section 3.1 of the report, the Tangata Whenua Advisory Group referenced was actually the Kaupapa Māori Technical Reference Group.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Freshwater Policy Programme: Timeline to deliver proposed Regional Policy Statement Change 7 (Freshwater) and proposed Regional Natural Resources Plan Change 19 (Freshwater) .**
- 2 Approves the recommended timeline, noting in particular the timing for targeted release of draft changes for consultation.**

**Crosby/Macmillan
CARRIED**

7.5 Update on Plan Change 13 - Third Interim Decision of the Environment Court

Presented by: Karen Parcell – Team Leader Kaiwhakatinana

In Response to Questions

- Improvements to the Mount Maunganui Airshed (MMA) were already evident; however, it was likely that there may still be times when conditions aligned to promote an occasional breach. As better management practices were put in place under the new rule, AQ R22, breaches in the MMA would become more unlikely.

Key Points - Members

- It was suggested that this information be presented and shared with the Mount Maunganui Air Quality Working Party.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Update on Plan Change 13 - Third Interim Decision of the Environment Court.**
- 2 Agrees to incorporate the final provisions, to manage handling of bulk solid materials and log handling as directed by the Environment Court in its Third Interim Decision on Plan Change 13, into the Regional Natural Resources Plan.**

- 3 Affixes the seal of the Regional Council for reference to the Minister of Conservation for approval.
- 4 Delegates to the Group Manager Strategy and Science to make minor corrections to Plan Change 13 if required, and to make amendments as directed by the Minister of Conservation.
- 5 Delegates to the Chief Executive the authority to set the date to make the final provisions operative, once approval has been given by the Minister of Conservation.

Macmillan/McDonald
CARRIED

7.6 Appeals to Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement

Presented by: Samantha Pottage - Planner
Nassah Rolleston Steed - Principal Advisor, Policy and Planning

Key Points

- No further appeals had been received.

In Response to Questions

- Policy UG 7A - Providing for unanticipated or out-sequence urban growth – urban development, was the main appeal point from all appellants, seeking to reduce/remove the threshold for significant development capacity e.g. five hectare minimum for 'large scale' urban development in the Tauranga and Western Bay of Plenty urban environments. It was noted that this policy only applied to private plan changes.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Appeals to Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement; and
- 2 Establishes an Appeals Sub-committee for the purpose of guiding the resolution of Environment Court appeals to Proposed Change 6 (NPS-UD), with Bay of Plenty Regional Council Councillors Paula Thompson, Jane Nees and Kat Macmillan; and
- 3 Notes Council has received four Environment Court appeals to Proposed Change 6 (NPS-UD).

Thurston/Crosby
CARRIED

7.7 Spatial Planning - Work Programme

Presentation: *Spatial Planning Work Programme: Objective ID A4640805*

Presented by: Antoine Coffin – Manager, Spatial Planning

Key Points

- Provided overview of the Spatial Planning work programme.

- Outlined key statutory and LTP drivers.
- Key region and sub-regional spatial plan activities included:
 - SmartGrowth Strategy and Implementation Plan
 - Eastern Bay of Plenty Spatial Plan
 - Rotorua Future Development Strategy
 - Tauriko Specified Development Project – Kainga Ora
 - Locality Plans e.g. Mount – Arataki Spatial Plan
 - Tangata Whenua Spatial Plans
 - Regional profile, future scenarios and critical infrastructure
 - Urban/spatial planning advice to governance and partners
 - Building local capability.

In Response to Questions

- Tauranga City Council (TCC) was the lead for the Mount – Arataki spatial plan. BOPRC's role was for the more region-wide implications of that area.
- Marine spatial planning would be included where it was required and necessary.
- Efficient and effective technology that could be easily updated would be used to communicate complex information in a simplified way.
- The proposed Fast Track Approvals process could reveal some innovation and opportunity that could make a positive difference, that might not otherwise be realised.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Spatial Planning - Work Programme .**

**Thompson/Macmillan
CARRIED**

12.39pm – the meeting closed.

CONFIRMED

Cr Paula Thompson
Chairperson, Strategy and Policy Committee



Report To: Strategy and Policy Committee

Meeting Date: 25 June 2024

Report Writer: Stephen Lamb, Natural Resources Policy Manager

Report Authoriser: Namouta Poutasi, General Manager, Strategy and Science

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

Operating Environment

Executive Summary

This report covers the operating environment areas that influence and inform Council's policy direction and work. It provides information on the operating environment and the reforms that will potentially have considerable impact on our local government functions. Fast-paced change continues to alter Council's operating environment and staff are endeavouring to keep up-to-date with implications for Council's policy setting and operational functions.

This report covers:

- Upcoming Legislative and Government Policy Changes
- Freshwater Policy Related Matters
- Other matters.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Operating Environment.**

1. Introduction

The landscape within which Council is operating continues to be subject to change. Approximately 20 national direction instruments are expected to be amended in the next 18 months. Some of the change is rapid and there can be minimal opportunity to influence reform on a formal submission basis. Council is utilising sector groups such as Te Uru Kahika and has staff connected to various areas of works. These include general managers on a Reform Directors Group which oversees the change

programme, a Te Uru Kahika group for *Resource Management Bill 1* (general managers) and various SIGs (special interest groups) where a range of staff are represented. A *Resource Management Bill 2* working group has also been established with senior staff representation. This high degree of connectedness assists Council is being aware in advance of what reform has the potential to impact on policy and operational positions.

Due to the rapid nature of reform at present other internal communication channels will continue to be used to update Councillors on relevant matters.

2. Upcoming Legislative and Government Policy Changes

2.1 Resource Management (Freshwater and Other Matters) Amendment Bill

The first of the RMA Amendment Bills – the Resource Management (Freshwater and Other Matters) Amendment Bill – is currently in the Parliamentary process. As previously signalled by the Government the Bill:

- excludes the hierarchy of obligations contained in the National Policy Statement for Freshwater Management (NPSFM) 2020 from resource consent application and decision-making processes until the NPSFM 2020 is replaced.
- aligns the consenting pathway for coal mining with other mineral extraction activities across the NPSFM 2020, National Policy Statement for Indigenous Biodiversity (NPSIB) 2023 (the National Policy Statement for Indigenous Biodiversity 2023) and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (the NES-F).
- modifies local authority obligations under the NPSIB 2023 to identify and include in district plans new significant natural areas (SNAs) for 3 years. NB the explanatory note also refers to extending the date for public notification of policy statements or plans or changes necessary to give effect to provisions about SNAs to 31 December 2030.
- amends the Resource Management (Stock Exclusion) Regulations 2020 in relation to sloped land – exclusion instead to be managed by freshwater farm plans and/or regional plan rules.
- repeals the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the NES-F.
- makes amendments to speed up the process to prepare or amend national direction under the RMA.

2.2 Local Government (Water Services Preliminary Arrangements) Bill

This Bill establishes preliminary arrangements for local government water services delivery. The single broad policy for this Bill is to lay the foundation for a new framework of water services management and financially sustainable delivery models that meet regulatory standards. Councils will be able to use the provisions to start planning future water services delivery and undertake steps to establish, join, or amend council-controlled organisations.

Council has an interest in future infrastructure and ownership arrangements as they shape up as a regulator of water takes and discharges.

3. Freshwater Policy Related Matters

3.1 Farm Plans

Freshwater farm plans will be a key element of The Regional Natural Resources Plan freshwater plan change.

Recent announcements by the Associate Minister of Agriculture and for the Environment indicated that the timeframe for the advice on what a new FWFP system might look like will go to the responsible Ministers at the end of June 2024. Following consideration of options (to select a preferred option) engagement will occur around mid-July. Following this, legislative changes can be expected.

Senior staff are connected to working groups contributing to the advice being developed for Ministers.

3.2 Te Mana o Te Wai

The promulgation of the Resource Management (Freshwater and Other Matters) Amendment Bill (see above) potentially signal the Government's approach to addressing Te Mana o Te Wai in other legislation and national direction. Specifically, for the NPSFM the time frame for work on a replacement or amended NPSFM is still understood to be 12 to 18 months away.

4. Other matters

4.1 Te Whānau a Apanui Deed of Settlement

This Treaty Settlement was progressing towards the signing of the Deed of Settlement on 14 June 2024. The proposed Settlement would require the establishment of a new form of relationship between the iwi and Council and importantly the natural resources proposals would influence Council's approach to freshwater policy on the East Coast. The proposals also contain the ability for Te Whānau a Apanui to reserve marine space which would trigger a non-schedule 1 Coastal Plan change.

The planned signing has been delayed by the Crown.

4.2 Climate Change Adaptation

Parliament's Finance and Expenditure Committee is conducting its climate adaptation inquiry to develop and recommend high-level objectives and principles for the design of a *climate change adaptation framework* for New Zealand, to support the development of policy and legislation to address climate adaptation. As part of the inquiry, the Committee will also consider all submissions received by the incomplete inquiry from the previous government. The adaptation framework will set out the Government's approach to sharing the costs of adapting to climate change. Developing guiding principles is the first priority of the adaptation framework. After this, Ministers will consider if legislation is needed.

The closing date of submissions is 16 June, with the Committee's final report due by 5 September 2024. BOPRC is not making a formal submission to this inquiry but has provided some key points to be considered as part of the wider sector submissions from Te Uru Kahika and the Aotearoa Climate Adaptation Network.

5. **Next Steps**

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

The Strategy and Policy Committee Tentative Workstream Programme will be updated in response and as implications are known and reported to the Strategy and Policy Committee at relevant Committee Meeting and Workshops throughout 2024



Report To: Strategy and Policy Committee

Meeting Date: 25 June 2024

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

Report Authoriser: Namouta Poutasi, General Manager, Strategy and Science

Purpose: Approve for public release the national planning standards compliant Regional Policy Statement

National Planning Standards Compliant Regional Policy Statement

Executive Summary

The operative Bay of Plenty Regional Policy Statement (RPS) structure and format has been altered to give effect to the National Planning Standards (Standards). The Standards set specific structural, formatting, definition and ePlan requirements for the regional policy statement and regional plans. A Standards compliant RPS is required by 3 May 2024 (except ePlan requirements) and regional plans by 3 May 2029.

At its 4 May 2021 meeting the Strategy and Policy Committee endorsed working draft structures for translating the RPS and Regional Natural Resources Plan (RNRP) content into a compliant Standards format and structure. At that meeting it was agreed the RPS Standards compliant structure and format would be reported for approval in July 2024. The equivalent Standards compliant structure and formatted RNRP update would occur at the same time as the Essential Freshwater Policy Programme (EFPP) RNRP plan change is notified for submissions.

Regular updates on the Standards compliance work programme have been reported to Strategy and Policy Committee as part of operating environment reporting and the EFPP. MfE officials have informed that central government have not signalled any changes to the Standards.

Staff have converted the operative RPS into a Standards compliant structure and format (included as Attachment 1) and seek approval to formalise these changes and make it available on Council's website. As previously reported, the approach involves utilising the existing operative RPS content while avoiding the need to undergo a formal Schedule 1 process. In other words, there have been no amendments to policy content, the objectives, policies and methods remain unchanged.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, National Planning Standards Compliant Regional Policy Statement;**
- 2 Notes mandatory amendments in accordance with s58l(2) and (3) of the Resource Management Act 1991 have been made to the operative Bay of Plenty Regional Policy Statement to restructure the RPS provisions to align with the mandatory National Planning Standards structure and format, and to make consequential changes to numbering of provisions and text to reflect the new structure;**
- 3 Notes public notification of the amendments to the operative Bay of Plenty Regional Policy Statement to give effect to the National Planning Standards is required under s58l(2) and (3) of the Resource Management Act 1991 will occur on 9 July 2024;**
- 4 Notes amendments to comply with the National Planning Standards are to the structure and format of Regional Policy Statement only, they do not alter the content or intent of issues, objectives, policies and methods; and**
- 5 Delegates authority to the General Manager, Strategy and Science, the ability to approve minor text corrections under Clause 20A of Schedule 1 to the Resource Management Act 1991 to correct minor errors identified during this process.**

1. Introduction

The National Planning Standards (the Standards) were introduced as part of the Resource Management Act 1991 (RMA) amendments in 2017 and released in April 2019. The Standards seek to improve the efficiency and effectiveness of the planning system by providing nationally consistent structure, format, definitions, and electronic functionality and accessibility. An amendment to the operative Regional Policy Statement (RPS) to bring it into compliance with the structure, format, and definitions standards was required by 3 May 2024. There is an additional requirement for the RPS to be available as an electronic plan (or ePlan), but that requirement is not due until 2029.

At its 4 May 2021 meeting the Strategy and Policy Committee endorsed working draft structures for translating both the RPS and Regional Natural Resources Plan (RNRP) content into a Standards compliant format and structure. At that meeting it was agreed the RPS compliant structure and format would be reported for approval in July 2024. Regular updates on the progress of this work programme have been reported to Strategy and Policy Committee as part of operating environment reporting and the Essential Freshwater Policy Programme (EFPP).

Staff have converted the operative RPS into a Standards compliant structure and format (Attachment 1) and seek approval to make it available on Council's website. As previously reported, the approach involves utilising the existing operative RPS content while avoiding the need to undergo a formal Schedule 1 submissions, hearings and appeals process.

1.1 Alignment with Strategic Framework

A Healthy Environment

We develop and implement regional plans and policy to protect our natural environment.

The Way We Work We continually seek opportunities to innovate and improve.

1.1.1 Community Well-beings Assessment

Regional Council's RPS and regional plans promote the purpose of the RMA being the sustainable management of the region's natural and physical resources. Through this purpose Council's RPS and regional plans collectively seek to promote the four well-beings, especially environmental.

2. Previous Direction on Structure and Content

2.1 Previous Direction on Structure and Content

The Strategy and Policy Committee (and its predecessor) made several previous decisions giving direction on RPS and RNRP structure and content being:

- Amalgamation of plans – the Regional Direction and Delivery Committee (RDD) decided to keep the RPS and Regional Coastal Environment Plan (RCEP) as separate planning documents as the RPS contains direction for district and city plans and the proposed RCEP was much newer and under appeal at the time. The RDD committee also resolved to work towards amalgamating the remaining five regional plans (except the RCEP) into one RNRP.
- Streamlined regional plan content – on 29 March 2017, RDD decided to limit future plan content to only that required by the RMA (i.e. objectives, policies and rules only) and utilising separate supporting documents like user guides and implementation plans for other non-essential plan content where necessary (e.g. issues, explanations and most methods).
- RNRP structure anticipated the Standards when originally setting up the RNRP structure and format. The Regional Water and Land Plan (RWLP) was rehoused into the current RNRP structure with no change to content other than minor amendments which did not require a Schedule 1 process. The RNRP structure contains placeholder chapters built in to receive relevant content from the remaining operative regional plans (Rotorua Geothermal Plan, River Gravel Management Plan, Tarawera River Catchment Management Plan, and the On-Site Effluent Treatment Plan). It also includes separate chapters for each of the nine Water Management Areas (WMAs) anticipating NPSFM water management area scale provisions. This was released in September 2017. Changes completed since then include Lake Rotorua Nutrient Management provisions (PC10) and the Air provisions (PC13). These provisions are now housed in the RNRP.

3. National Planning Standards

3.1 Mandatory RPS and Plan Structures

The Standards set mandatory direction for the structure and format for all RPSs, regional and district plans, common definitions, spatial/mapping and online interactive functionality (including ePlan) requirements. The Standards also provide a combined structure for combinations of various planning documents however Council did not opt for a “one plan” format.

3.2 Timing

The Standards specify timeframes that apply to implementation. Regional councils have until 3 May 2024, to have a compliant RPS (except ePlan requirements), and up to ten years (by 3 May 2029) for regional plans (including ePlan requirements).

Regional councils must comply with the ePlan requirements by May 2029 for the RPS, RCEP, and RNRP. Any stand-alone operative regional plans (such as the Rotorua Geothermal Regional Plan) are scheduled to be reviewed and replaced prior to this date.

3.3 Process

Section 58I RMA requires mandatory directions from national standards, (including consequential amendments), to be made without using the Schedule 1 process and in the time specified in the standard.

The process for the RPS effectively involves 'rehousing' the operative content into the compliant structure and format. This also includes complying with the Standards for definitions, mapping, regional spatial layers, and making any consequential amendments before reissuing the RPS.

The changes made to comply with the Standards has avoided the need to undertake a formal Schedule 1 submissions, hearings and appeals process. When required, a formal section 79 review will update relevant policy content via a Schedule 1 process. Any RPS changes going forward, including the EFPP change will be drafted in accordance with the Standards.

3.4 Summary of changes

The key changes to the amended Standards compliant RPS are:

- Structure of the RPS follows the Structure Standard which requires five parts as follows:
 - Part 1 Introduction and General Provisions
 - Part 2 Resource Management Overview
 - Part 3 Domains and topics
 - Part 4 Evaluation and Monitoring
 - Part 5 Appendices and Maps

All current content has been relocated to the relevant part as specified in the Standards.

- Definitions are now up front in (Part 1, Interpretation section, Definitions chapter). The Definitions Chapter is followed by a new (compulsory) Abbreviations Chapter, which includes a table with all abbreviations contained in the document.
- The National Direction Instruments Chapter (in Part 1) replaces any existing text on these instruments with compulsory text and tables.
- The Domains and Topics chapters (Part 3) now house all issues, objectives, policies, methods, principal reasons and anticipated environmental results for each domain or topic as ordered in the Standards. Previously, the policies and methods were in separate chapters arranged according to topic; and

- Titles and provision numbering amended according to the Format Standard and contain an alpha numeric abbreviation and numbering as set out in the Standards.

3.5 Rehousing Issues

Rehousing an operative RPS into a new mandatory structure has been challenging. Key issues encountered with rehousing the operative RPS into the mandatory structure and format are:

- The RPS was modelled off the Wellington RPS structure and format. The operative RPS structure does not align well with the new mandatory structure. For example, all section 6 Matters of National Importance were contained within one section in the former RPS but has now been split into several separate sub-topics, all with their own format and numbering requirements. Objectives, policies and methods that were designed to apply to all Matters of National Importance collectively have now separated into their own topics (e.g. public access and historic heritage) and are now repeated (as required) to comply with the mandatory domains and topics.
- The new Standards structure anticipates each region will identify several significant resource management issues housed in a single chapter (in Part 2). Our RPS did not establish several overarching region-wide issues. Instead it identifies issues relevant to each specific chapter resulting in approximately seventy significant resource management issues for the region.
- The alphanumeric numbering goes down several levels at times, making it more complicated to use and refer to.

Note that while provisions have been moved, and headings changed to be compliant, no operative RPS content has been removed or changed beyond what are considered consequential amendments. Any amendments considered beyond the extent of consequential have been identified and left for formal schedule 1 processes. For example amending 'versatile land' references to 'highly productive land'. These changes will be made as part of Proposed Change 8 (NPS-HPL) which seeks to give effect to the National Policy Statement for Highly Productive Land.

4. Considerations

4.1 Risks and Mitigations

There are no significant risks associated with this matter/subject/project/initiative.

S58I RMA requires Council's recognise national planning standards and amend policy statements required by mandatory direction and timing specified without using the processes set out Schedule 1 to the RMA.

There is small a risk someone may wish to challenge Council's decision to align compliance with the Standards for the RPS with implementing the NPSFM as it effectively, delays compliance with the Standards until notification in 2025 (instead of within the time specified - by May 2022). Overall, this risk is considered very low, particularly as the first Standards are about structure, formatting, definitions and mapping (i.e. cosmetic matters rather than national direction to change policy content).

There is a small risk that the government may change or repeal the Standards. However, MfE officials have advised central government ministers haven't identified any changes to the Standards as part of their coalition agreement priorities. Therefore this is not considered a significant risk.

4.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts. Regardless, making the RPS and regional plans Standards compliant will ultimately result in a reliance on ePlans only with limited hard copies longer term. This will reduce printing and publication costs and resourcing including electricity.

4.3 Implications for Māori

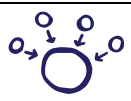
Council is establishing engagement relationships with tangata whenua for the EFPP (outlined in the EFPP update paper). Engagement will include discussing the National Objectives Framework steps (vision, objectives, etc), the draft Freshwater Management Units (FMU's) as well as the planning framework and structure of provisions in due course.

Alongside the freshwater conversations, the Standards requires engagement with 'affected groups' to determine the appropriate name to call the Tangata Whenua / Mana Whenua chapters in the RPS and regional plans and also consideration of the prescribed matters for content.

The Tangata Whenua/Mana Whenua chapter must only contain 'context and process related provisions' of the nature outlined in the Standards. It directs all other tangata whenua provisions must be integrated throughout the policy statement or plan.

Some 'matters to consider' listed in the Standards are better provided for as links to material outside the RPS or plan. This allows tangata whenua and Council to keep material up to date without the need for a policy or plan change. For example iwi and hapu resource management plans.

4.4 Community Engagement

	CONSULT Whakauia	To obtain input or feedback from affected communities about our analysis, alternatives, and /or proposed decisions.
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As outlined under Implications for Māori, the Standards require engagement with 'affected groups' to determine the appropriate name to call the Tangata Whenua / Mana Whenua chapters in the RPS and regional plans and also consideration of the prescribed matters for content. That said, as outlined under the Process section, mandatory directions in Standards must be made without using the Schedule 1 process and do not follow the plan change process.

Any 'beyond consequential' changes do need to follow a Schedule 1 process and all necessary consultation requirements as will all EFPP changes.

4.5 Financial Implications

The costs associated with complying with the Standards was not provided for within the allocated RPS and RNRP budget within the Long Term Plan 2018-2028. Work to date has involved staff time analysing the Standards requirements, restructuring and reformatting the existing RPS and RNRP content to comply with the Standards and

carrying out internal and external consultation with other policy and planning personnel.

5. Next Steps

1. Staff will post the Standards compliant RPS on Council's RPS website page on 9 July 2024.
2. The high-level structure of the RNRP will remain in working draft form until the planning framework and engagement is well progressed. No formal decision is sought from Strategy and Policy Committee yet.

Staff also intend socialising the high-level RNRP working draft structures and iterations of them, in discussion with tangata whenua and key stakeholders such as the TLA Freshwater Collaboration Forum, other regional councils particularly neighbouring councils.

Attachments

Supporting Document 1 - National Planning Standards formatted and structural compliant RPS [↓](#)(circulated separately)

ITEM 7.2

SUPPORTING DOCUMENT 1

**National Planning Standards formatted and
structural compliant RPS**

(circulated separately)



Report To:	Strategy and Policy Committee
Meeting Date:	25 June 2024
Report Writer:	Arsalan Karim, Planner
Report Authoriser:	Namouta Poutasi, General Manager, Strategy and Science
Purpose:	Seek approval of draft policy and statement of proposal on the Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams, and enable staff to commence the Special Consultative Process

Policy on Dangerous, Earthquake-prone and Flood-prone Dams

Executive Summary

The Building (Dam Safety) Regulations 2022 (Regulations) came into effect on 13 May 2024. The Regulations require Regional Council adopt a policy on Dangerous, Earthquake-prone and Flood-prone dams within 3 months (rather than the anticipated 18 months) of the regulations coming into effect.

The regulations prompt all Councils to revise the regulatory framework of their existing policy on dangerous dams by defining classifiable dams and shifting the responsibility (from Council to dam owners) to classify dams and provide certification for dam classification, safety assurance program and annual compliance.

Council's existing Dangerous Dams Policy 2007 must be replaced with the new format and content to satisfy the new Regulations. Given the short timeframe and the limited ability to shift from the clear directive regulatory framework, our usual policy development process has been truncated. The regulations provide a clear policy direction leaving very little room for the Councils to plan, consult, change, or adopt any framework other than that provided by the regulation. Note, the regulations do not change the goal, objectives and focus of the existing policy.

Classifiable dams are dams with a height of 4m or more and storing 20,000m³ or more volume of water. In the Bay of Plenty out of the estimated 100 dams there are likely to be 74 classified as dams that will be impacted by the Regulations. The regulations ensure classifiable dams are well operated, maintained and monitored and potential impacts of dam incidents and failures are reduced to protect people, property and the environment.

This report seeks approval of the Draft Bay of Plenty Regional Council Policy on Dangerous, Earthquake-prone and Flood-prone Dams and a Statement of Proposal (Attachment 1), for public notification between 26 June and Monday 29

July 2024 pursuant to section 83 of the Local Government Act 2002. This will enable the views of dam owners, the broader community, iwi/hapū and stakeholders to be considered.

Further, approval is sought to establish and appoint members to a Hearing Sub-Committee to hear submissions, deliberate and make recommendations to the Strategy and Policy Committee. Terms of Reference for the Sub-Committee have also been included for approval (Attachment 2).

We anticipate the Strategy and Policy Committee will be able to consider the Sub-Committee's recommendations and adopt the policy at its 17 September 2024 meeting. The final adopted policy will provide a regulatory framework for dam owners and Regional Council to reduce the risk of dam failure and the impact on the community, cultural and heritage sites, major infrastructure and environment if a dam failure occurs.

Recommendations

That the Strategy and Policy Committee:

- 1 **Receives the report, Draft Policy on Dangerous, Earthquake-prone and Flood-prone Dams;**
- 2 **Approves the Draft Bay of Plenty Regional Policy on Dangerous, Earthquake-prone and Flood-prone Dams;**
- 3 **Approves the process and timeframes for the review and adoption of the Bay of Plenty Dangerous, Earthquake-Prone and Flood-Prone Dams policy;**
- 4 **Establishes a Hearing Sub-Committee pursuant to Schedule 7 of the Local Government Act 2002, for the purpose of hearing and deliberating on submissions and making recommendations to the Strategy and Policy Committee;**
- 5 **Approves the Terms of Reference for the Hearing Sub-Committee;**
- 6 **Appoints at least three members to the Hearing Sub-Committee for the purposes set out in 4 above:**
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Cr ; and
- 7 **Confirms the decision has a medium level of significance as determined by the Council's Significance and Engagement Policy. Council has identified and assessed different options and considered community views as part of making the decision, in proportion to the level of significance.**

1. Introduction

The government introduced new Dam Safety Regulations (Regulations) to better protect people, property and the environment from the potential impacts of a dam failure. The Regulations:

- Provide a consistent, nationwide framework by setting out minimum safety standards for dams in New Zealand.

- Only apply to classifiable dams i.e. dams with a height of four or more metres and store 20,000m³ or more of water or other fluid.

From 13 May 2024, owners of classifiable dams will need to:

- Determining whether their dam comes under the classification of high, medium, or low potential impact using the methods of classification provided by the regulations.
- Put in place dam safety plans for the dams identified high or medium impact classification to ensure that the risk of harm to community facilities, cultural or historical infrastructure, critical or major infrastructure, environment and people is reduced or removed; and
- Undertake regular dam inspections by engaging a recognized engineer for the purpose of supplying the dam owner with the dam classification certificate, dam safety assurance program certificate, annual dam compliance certificate which are to be submitted to the council.

Dam owners will have three months from the date the regulations take effect to register the dam details with Council. The two-year timeframe between the regulations being made (12 May 2022) and coming into force (13 May 2024) was to allow time for dam owners, technical practitioners, Recognised Engineers and regional authorities to prepare for their new responsibilities. For example, so dam owners could check if their dam is large enough to be impacted by the regulations¹. For new dams, owners will have three months from the date the dam is commissioned to register the details with Council.

In March 2024 Central Government clarified the size and volumes of dams to be captured by the regulation (excluding smaller farm dams) and noted previous advice regarding having 18 months to develop the policy no longer applies.

Timeframes reverted to 3 months, hence the tight timeframe to develop policy. The Bay of Plenty Regional Council is at the same stage of policy development as 14 other Regional Councils/Unitaries.

The Regulations ensure classifiable dams are well operated, maintained and regularly monitored. They also ensure potential impacts of dam incidents and failures are reduced, protecting people, property, and the environment.

1.1 Legislative Framework

Section 402 of the Building Act 2004 empowers central government to develop regulations to provide for a dam safety framework². The draft policy is bounded by the legal provisions provided in the Building Act 2004 and Building (Dam Safety) Regulations 2022. Those legal provisions revolve around the following and are explained in detail in the policy:

- The definition of the dam, dangerous dam, earthquake-prone dam, flood prone dam, classifiable dam
- Meaning of moderate earthquake and flood and their thresholds
- The application of the dam safety provisions to classifiable dams; and

¹ Development of Regulations: [Background to the regulations | Building Performance](#)

² See [402\(1\)\(l\), 402\(t\), 402\(1\)\(wa\)\(wb\) and 402\(x\)](#) of the Building Act 2004

- The qualification and competency level of the recognized engineer to certify classifiable dams, dam safety assurance programs and annual dam safety compliance.

Council is also bound to follow the special consultative procedure set out in section [83](#) of the Local Government Act 2002 when developing and adopting this policy and will have regard to any relevant principles in the Act. For the purpose of the special consultative process, staff have:

- Liaised with a network of colleagues implementing the regulations at regional councils and unitary authorities across Aotearoa.
- Carried out an internal review of the draft policy and incorporated feedback / suggestions.
- Shared the draft policy with the region's territorial authorities, sought and considered their feedback.

Council must ensure:

- The draft policy and statement of proposal is made publicly available.
- A description of how the Council will provide persons interested in the proposal with an opportunity to present their views through submissions and hearings.
- A statement of the period within which views on the proposal may be provided to Council (the period being not less than 1 month from the date the statement is issued).
- The hearing committee receives all submissions and listens to the views of any person wishing to be heard; and
- The hearing committee prepares and submits a recommendations report to the S&P Committee for formal adoption of the policy on Dangerous Dams, Earthquake-Prone and Flood-Prone Dams.

The policy must be reviewed every five years or in the event of any significant changes to relevant sections of the Act or the Building (Dam Safety) *regulations*.

Council must uphold its obligations under Treaty of Waitangi settlement legislation when undertaking its functions in relation to dangerous, earthquake-prone and flood-prone dams.

1.2 Alignment with Strategic Framework

A Healthy Environment	We develop and implement regional plans and policy to protect our natural environment.
Freshwater for Life	We collaborate with others to maintain and improve our water resource for future generations.
Safe and Resilient Communities	We provide systems and information to increase understanding of natural hazard risks and climate change impacts.
A Vibrant Region	We work with and connect the right people to create a prosperous region and economy.
The Way We Work	We honour our obligations to Māori.

The proposed policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams directly contributes to the community outcomes set forth in the Council's

Long-Term Plan 2018-2028 for healthy environment, freshwater for life, safe and resilient communities, vibrant region and on the way we work.

1.2.1 Community Well-beings Assessment

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

The proposed policy established an updated regulatory framework and procedures to be adopted by dam owners and Council that will reduce dam failure due to earthquake or flood or due to any existing or future structural flaw or damage. Such procedures ensure the protection of the surrounding natural environment, community facilities, cultural and heritage sites and major and critical infrastructure from risk of dam failure and thereby having a high-positive impact on the environment, cultural, social and economic aspects of the region.

1.3 Significance

The recommended proposal/decision has been assessed against the criteria and thresholds in Council's Significance and Engagement Policy, and can be considered:

Medium	The financial costs and implications of the decision are not yet known or provided for.
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2. Draft Policy Review on dangerous Dams, earthquake-prone dams and flood-prone dams

2.1 Previous direction

2.1.1 Existing policy on dangerous dams, earthquake-prone and flood-prone dams 2006

Council's existing policy on dangerous dams 2006 was adopted on 13th February 2007. The existing policy mandates Council to identify dangerous dams through Council officers and technical specialists and to establish the nature of the danger or the state of the dam. Council is responsible for compiling a list of dams requiring safety assessments in response to owners providing information on dam classification. The safety assessments result in dams being classified into three categories of Medium and high potential impact classification i.e. dams likely to collapse during a) ordinary course of events, b) dams likely to collapse in a moderate earthquake, and c) dams likely to collapse in a moderate flood. There existed no method to determine high, medium or low potential impact or definitions of classifiable dam, moderate flood and earthquake.

Under the existing Dangerous Dams Policy, projects have been undertaken in specific geographic locations across the region to ground truth dams and/or structures identified through desktop ariel photograph. Council also has a GIS layer of all dam structures identified through an ariel photograph desktop study and currently has information on almost all dams in the region.

There existing policy needs to be updated to include the following as per the regulations:

- The definition of a classifiable dam or method of classifying a dam according to potential impact of dam failure.
- Defined or mandatory procedures for adoption for activities of a dam safety assurance program, such as, procedures for dam and reservoir operation and maintenance, surveillance, inspection and maintenance of structures, systems and functions, reviews and emergency planning and response.
- The provision for the qualification and competency of a recognised engineer.
- Templates for a dam classification certificate, dam safety assurance programme certificate, annual dam compliance certificate; specifying required information.

2.2 **New Direction: Proposed policy on dangerous dam, earthquake-prone and flood-prone dams**

2.2.1 **Proposed policy on dangerous dams, earthquake-prone dams and flood-prone dams**

All regional councils are to align their existing policy with the new regulations which require Council employ an approach that reduces the risk of dam failure or dam safety issue to resist an unsatisfactory situation rather than to respond to an emergency that may arise because of dam failure. Consequently, the new regulations and proposed policy:

- Provide for the meaning of a classifiable dam and the method of classification of a dam according to the potential impact of dam failure.
- Define what are moderate floods and earthquakes and their threshold events.
- Define high, medium and low potential impact classifications.
- Rely on dam owners, via recognised engineer's, to identify and classify dangerous dams, earthquake-prone and flood-prone dams.
- Direct dam owners to engage a recognised engineer to provide Council with a dam classification certificate, dam safety assurance program certificate and annual dam compliance certificate.
- Provide details of the qualifications and competency of the recognised engineer who shall be responsible for producing the relevant certificates for the dam owners to be submitted to Council.
- Provide detailed and mandatory procedures to be incorporated into the dam safety assurance program.
- Provide standardized templates to be used by all dam owners when preparing the dam classification certificate, dam safety assurance program certificate and annual dam compliance certificate before submitting them to Council.
- Provide Council discretion to collect all information on classifiable dangerous dams from dam owners and monitor the dam status, its conditions and dam safety assurance procedures and keep itself updated on decisions to be taken to reduce dam failure and its impact. It also ensures Council can respond in an effective and timely manner in case of risk of dam failure is identified.

3. Considerations

3.1 Risks and Mitigations

There are no significant risks associated with the proposed policy on dangerous dams, earthquake-prone and flood-prone dams. Council will act in accordance with the Treaty of Waitangi principles of ‘good faith’, ‘partnership, protection’ and ‘participation’ by continuing to progress the proposed policy without delay.

3.2 Climate Change

Having safe and secure dams contributes to water security and storage. With greater hydrological variability due to climate change, more storage will be needed to provide the same level of security of water, food and energy. Water storage is a fundamental protection from the impacts of a changing climate, safeguarding the supply of water, and the water-food-energy nexus³. Having in-built strong structures through the dam safety assurance program would regulate water flows and manage high inflows (or floods)⁴.

Dams used in tailing facilities that are well maintained and monitored, adhering to the building (dam safety regulations) and stringent environmental and safety regulations, can help prevent the spread of mining waste into nearby water bodies, reducing the risk of water contamination and protecting aquatic ecosystems⁵.

3.3 Implications for Māori

The Treaty of Waitangi principal of “protection” is provided for by the policy and regulation by ensuring dam safety to avoid loss of life and risk to the surrounding environment and infrastructure. The policy also encompasses heritage dams and specifically states Council will involve Heritage New Zealand/Pouhere Taonga in relevant cases involving heritage dams before taking any action.

The policy will go through the special consultative procedure set out in Section 83 of the Local Government Act 2002 and, requires considering the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

3.4 Community Engagement



CONSULT **Whakauia**

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

The proposed policy suggests community engagement at various steps of its planning through to implementation. In doing so Council will:

- Adopt the special consultative procedure to consult the community, hapū and iwi and dam owners.
- Accept submissions from the community and provide them the opportunity to be heard during hearings on submissions; and

³ Richard Herweynen, “Dams are crucial to climate change response and the energy transition”, Entura: [Dams are crucial to climate change response and the energy transition | Entura](#)

⁴ Ibid

⁵ Ibid

- Give due consideration to submissions including recording hearings and ensuring community views are considered, provided hearing committee recommendations are not ultra vires.

3.5 Financial Implications

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

4. Next Steps

Subject to Committee approval, staff propose the following steps/activities with associated time frames.

S#	Proposed Activity	Timeframe
1	Publicly notify the draft policy for broader community, iwi/hapū, territorial authority and stakeholder consultation and submissions.	Submission period commences Wednesday 26 June and closes on Monday 29 July
2	Staff analyse and prepare recommendations on submissions. Where necessary, staff consult submitters to clarify submission points and assist formulating recommendations.	30 July to 9 August
3	Staff recommendations report sent to Hearing Committee members and submitters wishing to be heard.	Monday 12 August
4	Hearing conducted and deliberations held.	Monday 19 and Tuesday 20 August
5	Hearing Committee finalise recommendations report and staff prepare cover report for Strategy and Policy Committee meeting.	21 August to 6 September
6	Hearing Committee recommendations on submissions and any proposed amendments to policy presented for Strategy and Policy Committee adoption.	17 September 2024 Committee meeting
7	Decisions on submissions notified to submitters and relevant stakeholders and adopted policy and related documentation made available on Council's website.	26 September 2024

Attachments

Attachment 1 - Statement of Proposal - Dangerous Dams Policy 2024 [↓](#)

Attachment 2 - 2024-04-29 - Dangerous Dams Policy Review 2024 (Draft) [↓](#)

Attachment 3 - 27-05-2024 - TORs - Hearing Committee for DDP Review 2024 [↓](#)



He tauākī marohi Statement of Proposal



Proposed policy on dangerous, earthquake-prone and flood-prone dams

What we are doing?

Bay of Plenty Regional Council (Regional Council) is updating its existing policy on dangerous, earthquake-prone and flood-prone dams to align with new dam safety requirements.

Central government adopted the Building (Dam Safety) Regulations 2022 (Regulations), which came into effect on 13 May 2024.

From that date, owners of dams that meet the height and volume requirements will need to confirm the potential risk their dam poses by classifying their dam according to the methods of classification provided by the regulations.

The dam owners will need to put in place safety plans, undertake regular dam inspections and certify their dam's classification.

What is this policy about?

Section 161 of the Building Act 2004 (Act) requires all regional councils to adopt a policy on dangerous, earthquake-prone and flood-prone dams.

The policy regulates classifiable dams and sets out the regulatory framework that informs dam owners and the Council of their legislative and regulatory responsibilities in relation to a dangerous, earthquake-prone and flood-prone dams in the region.

This policy has four key sections:

Section 1: The policy background, principles, and commencement.

Section 2: The legislative and regulatory framework this policy is based upon that explains how the Council and dam owners will perform their responsibilities in relation to dangerous, earthquake-prone and flood-prone dams.

The Council has a variety of functions under the Act and the approach it shall adopt is explained in more detail in the policy. An example of an action the Council will take is it may put up fencing or hoarding around a dangerous dam to restrict people accessing the dam.

Section 3: Council priorities when performing its legislative and regulatory functions under the policy.

The focus of the policy is to always prioritise safety, following a risk-based approach. The Council shall also protect the health and wellbeing of the environment and have regard to cultural and heritage values when undertaking its functions.

Section 4: Application of the policy to heritage dams.

Council shall facilitate the preservation of significant heritage values if a dangerous dam is also a heritage dam

Who should read this policy?

You should read this policy if you are a dam owner in the Bay of Plenty region and your dam meets the definition of a classifiable dam.

A classifiable dam is defined as 4m or more in height holding 20,000m³ or more in volume.

Any future change to this definition of a classifiable dam by central government will respectively apply to this policy.

Measures by Regional Council and any other regional authority to avoid immediate danger also applies to all other dams.

What are dangerous, earthquake-prone and flood-prone dams?

The Building Act 2004 defines dangerous dam, earthquake-prone dam and flood-prone dam as follows:

Dangerous Dam: A high potential or medium potential impact dam; and is likely to fail:

- In the ordinary course of events; or
- In a moderate earthquake (as defined in the Regulations); or
- In a moderate flood (as defined in the Regulations).

Earthquake-prone Dam: A dam is an earthquake-prone dam for the purposes of the Act, if the dam:

- (a) Is a high potential impact dam or a medium potential impact dam; and
- (b) Is likely to fail in an earthquake threshold event (as defined in the Regulations)

Flood-prone Dam: A dam is flood-prone dam if the dam:

- (a) Is a high potential impact dam or a medium potential impact dam; and
- (b) Is likely to fail in a threshold event (as defined in the Regulations).

What doesn't the policy cover?

The policy does not classify dams. Dam owners are required to classify their dam as either low, medium or high potential impact according to the assessment criteria provided by the regulations.

If the assessment classifies the dam as a medium or high potential impact dam, the dam owner is bound to prepare and have in place a dam safety assurance program according to the Building Act and the Regulations.

Council does not undertake this assessment nor is it responsible for preparing the dam safety assurance programme—this is the role of the dam owner and their recognised engineer.

The dam owner must immediately notify Council if they believe their dam is dangerous. Council will then respond in accordance with the policy. **The policy also does not cover consenting matters under the Resource Management Act 1991, Natural and Built Environment Act 2023 or Building Act 2004.**

How to make a submission?

Consultation is open from 26 June 2024 to 29 July 2024 (4:30 pm). Anyone can make a submission on the proposed policy via our website at www.participate.boprc.govt.nz.

As part of your submission, please tell us if you would like to attend a public hearing to speak in support of your submission, including if you wish to use New Zealand Sign Language or speak in te reo Maori.

If you don't wish to speak, your submission will be provided to a Hearings Subcommittee for consideration.

Please provide your contact details so we can notify you of the hearing date and arrange a time for you to speak (if you choose to). This will also enable Council to inform you of its decisions on the policy following the hearing. Please be aware that all submissions will be made publicly available on Council's website.

Submissions should relate to the contents of the policy. The Council is not able to change anything in the Act or Regulations.

Where to find information?

The statement of proposal and proposed policy are available on our website at www.participate.boprc.govt.nz.

If you have any questions about this proposal or about how to make a submission, please contact us via email at dams@boprc.govt.nz

What happens next?

After the hearing, the Council will consider all submissions received and make decisions on any amendments to the policy as a result. All submitters will be notified of Council's decisions.

S 161 Building Act 2004

Policy on Dangerous Dams, Earthquake-Prone Dams and Flood-Prone Dams 2024



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1. The Dangerous Dams Policy 2024

The Bay of Plenty Regional Council has the statutory responsibility to develop, adopt, review, and implement policy on dangerous dams, earthquake-prone dams and flood-prone dams under its jurisdiction. This policy is developed and finalised as a review process¹ of the existing Dangerous Dams Policy 2006². The policy review is based on the Building (Dam Safety) Regulations 2022 developed as per section 402 of the Building Act 2004 and adopted by the New Zealand central government in May 2022.

The Building (Dam Safety) Regulations 2022, a catalyst for this policy review, prompted the council to incorporate regulatory procedures that help to identify, classify and enhance the technical, performance, and infrastructural quality of the dams in the BoP region. This is to ensure all classifiable dams suffer no failure or safety issue³ and do not pose a threat to the surrounding community, commercial or industrial facilities, cultural or historical sites, critical or major infrastructure, and natural environment and shall not be subject to any potential loss of life⁴.

For the purpose of this policy,

- the Building Act 2004 is hereinafter referred to as “the *Act*”.
- the Building (Dam Safety) Regulations 2022 is hereinafter referred to as “the *regulations*”.
- the Bay of Plenty Regional Council is hereinafter referred to as “*Council*”.

1.1. Introduction

In the context of dams of any kind across Aotearoa New Zealand, the *Act* deems all structures that meet the definition of a dam as buildings. The *Act* allows *regulations* to be developed to ensure efficient and effective performance of dams to minimise the impact on human, physical, and environmental resources in case of a dam’s failure or an impending safety issue.

The *regulation* provides guiding procedures to establish the regulatory framework of the policy on dangerous, earthquake-prone and flood-prone dams (2024) to ensure:

- All classifiable dams are classified (by their owners) to determine their level of potential impact,
- A dam safety assurance program is developed and is in place (by the dam owners) for all high or medium potential impact classifiable dams,
- Data on the classified dam’s impact level and dam safety assurance program is regularly collected, maintained and monitored by the dam owner, recognised engineer⁵ and the *Council*,
- *Council’s* approach and priority for ensuring the policy is implemented throughout the region, and

¹ Refer sections 161 and 162 of the Building Act 2004.

² Adopted by Council in February 2007.

³ Dam Safety Issue has the meaning set out in section 3(2) of the Building Dam Safety Regulations 2022

⁴ The Building Dam Safety Regulations 2022 defines community, commercial and industrial facility, cultural or historical site, critical or major infrastructure and natural environment and potential loss of life⁴

⁵ A recognised engineer is explained in section 149 of the *Act*.

- Actions are taken to reduce the risk of dam failure and ensure dam safety procedures are in place.

1.2. Commencement and Review

This policy commences on _____ and will be reviewed every five years or as when required earlier. The policy will remain in effect if it is in the process of review or is due for review.

2. The Policy Principles

Council will employ the following four principles to ensure that the *regulations* are covered under the exercise of its dangerous dams, earthquake-prone dams and flood-prone dams policy functions.



- **Information Management** refers to collecting, recording and monitoring data on all classifiable dams across the region to classify dangerous dams and ensure dam safety,
- **Accountability** requires classified dam owners, recognised engineers and *Council* to understand and execute their responsibilities as laid down by the *Act* and the *regulations* to ensure dam safety,
- **Safety and Wellbeing** refers to the safety of the classified dam and the safety and wellbeing of cultural facilities, environment, critical and major infrastructure, community facilities and people in the vicinity of classified dams which is the core reason for this policy, and
- **Responsiveness** refers to clear guidelines and compliance procedures to be adopted by the dam owner, recognised engineer and *Council* to respond in cases of identified dangerous dams, the existence of a dam safety issue, or to reduce the risk of dam failure.

These principles shall be upheld by the dam owner, recognised engineer and *Council* while performing the following key functions:

1. It is the primary responsibility of the dam owner to assign a specific classification to their dam (according to section [8](#) of the *regulations*) using the methods of classification under section [9](#) of the *regulations*. Dam owners are to ensure:
 - All classifiable dams that are considered dangerous, earthquake-prone, and flood-prone according to the specified height and volume mentioned in [section 5](#) of the *regulations* are identified, monitored and reported; and,
 - the risk of harm to community facilities, cultural or historical infrastructure, critical or major infrastructure, environment and people is reduced or removed in case the dams is classified as high or medium potential impact.
2. The owner of a classifiable dam shall engage a recognised engineer and share this policy and the necessary provisions of the *Act* and the *regulation* with the recognised engineer for the purpose of supplying the dam owner with a:
 - dam classification certificate: section [135\(1\)\(b\)](#) of the *Act* which must be supplied to *Council* by the dam owner in due time stipulated under section [135\(2\)](#) of the *Act*.
 - dam safety assurance program certificate: section [142\(1\)\(b\)](#) of the *Act* and supplied to the *Council* by the classified dam owner in due time stipulated under section [142\(2\)](#) of the *Act*. This certificate is required only if section [140\(1\)](#) of *Act* applies to the owner of the dam; and
 - annual dam compliance certificate: section [150\(2\)\(f\)](#) of the *Act* and supplied to *Council* by the dam owner in due time stipulated under section [150\(2\)\(a\)](#). This certificate is required only if section [140\(1\)](#) of *Act* applies to the owner of the dam.
3. The recognised engineer is bound under section [135A](#) of the *Act* to inform the owner and the *Council* if a classifiable dam is deemed dangerous by the engineer. A dangerous dam is defined under section [153](#) of the *Act*.
4. It is the statutory responsibility, and the right, of *Council* to collect information and be informed on the state of all classifiable dams that fall under its jurisdiction and maintain a dam register under section [151](#) of the *Act*. The *Act* and the *regulations* allow the *Council* to adopt an approach under this policy:
 - that informs owners of classifiable dams about their responsibilities under the *Act* and the *regulation*. This information shall be shared by the *Council* through information packs, guidelines, and other suitable tools, including the council's website.
 - that publicises information about the safety risks of a dangerous dam, earthquake prone dam and flood-prone dam (if the *Council* becomes aware or is informed on the existence of such dams) to all the persons and entities deemed potentially affected by the failure of such dams.
 - To perform its role and functions clearly stipulated for dam classification (sections [134A](#), [134C](#), [136](#) and [138](#) of the *Act*); for dam safety assurance program (sections [143](#) and [145](#) of the *Act*) and for dams that are deemed dangerous (sections [154\(1\)](#), and [155](#) to [160](#) of the *Act*).

3. The Policy Legal Framework

This document sets out the dangerous, earthquake-prone and flood-prone dams policy in accordance with the requirements of the *Act* and the *regulations*. The *regulations* and the *Act* can be accessed at www.legislation.govt.nz. This policy is bound and guided by the following legal provisions:

- a. For the purpose of this policy, the term ‘dam’ means a structure that is a dam as defined in section [7](#) of the *Act* and this policy applies to all such dams in the region, irrespective of their age and intended life span. Any subsequent change to the definition of dam in the *Act* will automatically apply to the policy.
- b. The definitions for what constitute a dangerous dam, earthquake-prone dam and flood-prone dam apply to this policy and are set out in sections [153](#), [153A](#) and [153AA](#) of the *Act*⁶.
- c. Section [19](#) of the *regulation*, which further prescribes the standard and criteria used in section [153](#) of the *Act* (in relation to moderate earthquake and moderate flood) and section [153A](#) of the *Act* (in relation to earthquake threshold event and flood threshold event), apply to this policy.
- d. Section [5](#) of the *regulation* which defines a classifiable dam (mentioned in section [134\(a\)](#) of the *Act*) to be: 4 m or more in height and holding 20,000 m³ or more in volume. Any further change to the meaning of the classifiable dam or to the height and volume of a classifiable dam in the *Act* or the *regulations* shall automatically apply to this policy.
- e. The dam safety provisions in [subpart 7 of Part 2](#) of the *Act*, apply to:
 - i. All Classifiable dams as defined in the *regulation*; or any definitions added to the *regulation* in the future.
 - ii. All Referable dams as defined in the *regulation*; or any definitions added to the *regulation* in the future⁷.
 - iii. All dams but only for the purposes of section [133B](#) (height measurement of dams) and sections [157](#) to [160](#) (measures by a regional authority to avoid immediate danger).
- f. The *regulations* further prescribe the qualification and competency of the recognised engineer in section [149](#) of the *Act*. These qualifications and competencies are made mandatory for the recognised engineer to:
 - audit and certify the dam classification (section [22](#) of the *regulation*)
 - audit, certify and review the dam safety assurance programs (section [23](#) of the *regulation*)
- g. The *Council* will follow the special consultative procedure set out in section [83](#) of the Local Government Act 2002 when developing and adopting this policy and will have regard to any relevant principles in the *Act*. This policy will be

⁶ This includes buildings in areas designated under subpart 6B in section [153AA](#) of the Building Act 2004.

⁷ The Building (Dam Safety) *Regulations* do not define a referable dam.

reviewed every five years and in the event of any significant changes to relevant sections of the *Act* or the *regulations*.

Council will uphold its obligations under Treaty settlement legislation when undertaking its functions in relation to dangerous, earthquake-prone and flood-prone dams.

Note: This policy does not specifically cover the risk to dams associated with other natural hazards and the consents required under the Resource Management Act 1991 and the *Act*.

4. The Policy Regulatory Framework

The regulatory framework of this policy defines *Council's* approach to perform its statutory functions and obligations under the *Act* and the *regulations* to ensure dam safety. *Council's* approach will be based on the following:

4.1. Information on Dam Status

Council shall have information on all classifiable dams that exist in the region. *Council* is bound under section [151](#) of the *Act* to receive and maintain the necessary and relevant information on dams from their owners that shall classify the dam as either “classifiable” or “non-classifiable” (under section [5](#) of the *regulation*). *Council* shall also closely monitor the information in the register and update it as the need arises. For monitoring purposes, *Council* shall prepare monitoring procedures.

Council shall also maintain the status of the classifiable dams assessed as dangerous, earth-quake-prone or flood-prone in the same register. Should the council receive information about a dangerous, earthquake-prone or flood-prone dam in the region, the Council will notify the chief executive of the Ministry of Business, Innovation and Employment, relevant territorial authority, civil defence and emergency management group, and relevant iwi authorities. The Council will notify Heritage New Zealand Pouhere Taonga if it becomes aware of a dangerous dam that is also a heritage dam.

4.2. Working with dam owners

It is the responsibility of the dam owner to ensure:

- The classification of their dam,
- That a dam safety assurance program exists (if their dam is deemed dangerous, earthquake-prone or flood-prone) and is operational, and
- That *Council* receives the relevant certifications for their dams mentioned in the *Act* and the *regulations*.

Therefore, *Council's* primary responsibility is to work with the owners of classifiable dams to facilitate them in executing these responsibilities to ensure dam safety as well and safety of the people, environment, infrastructure and facilities. Hence this policy suggests the approach that shall be employed by *Council* to work with such dam owners.

4.2.1. Identification of Owners of Classifiable Dams

Whilst most classifiable dams will be the direct responsibility of the owner of the land on which they are located, there may be circumstances where a landowner will claim that they 'inherited' the dam and are therefore not responsible for either its construction or its maintenance after being classified as high or medium potential impact. It is likely however that there will be some cases where a landowner could claim that they purchased the land in circumstances where they could not reasonably have known there was a classifiable dam on the property.

The Council considers that landowners in this situation are in a practical sense no different to landowners who have constructed a dam, which is now subject to the provisions of the procedures. In both cases, it is the retrospective nature of this aspect of the legislation that creates the responsibility on the part of the owner regarding the safety of the dam.

Therefore, unless there is clearly a party other than the landowner who is responsible for any classifiable dam, *Council* will adopt the definition of 'owner' under section [7](#) and / or section [75](#) of the *Act* for the purpose of identifying the person responsible for such dam.

There may however be a small number of cases where a classifiable dam was built on a property without the approval of the landowner - this would probably only occur under the provisions of older mining legislation. Council will consider requests from such landowners for and explore alternative solutions in such cases.

4.2.2. Identification of Dangerous, Earthquake-prone and flood-prone dams

The *regulations* require the owners of all classifiable dams⁸ to employ procedures⁹ that classify their dam as high, medium or low potential impact. It is necessary for the owner and *Council* to know if a classifiable dam is dangerous, earthquake-prone or flood-prone and are likely to fail in the ordinary course of events, or a moderate earthquake or moderate flood¹⁰. The *Act* requires dam owners to immediately notify *Council* if they have reasonable grounds to believe that their dam is dangerous.

The owner of the classifiable dam is required by the *Act* to engage a recognised engineer¹¹ to provide certifications for dam classification, dam safety assurance program and annual compliance. However, the *Act* deems the recognised engineer responsible to inform *Council* and the dam owner if they believe the dam is dangerous.

4.2.3. Action plan for Dangerous, Earthquake-prone and Flood-prone dams

In case a dam is classified as high or medium potential impact and is deemed dangerous, earthquake-prone or flood-prone, *Council* shall work with the dam owner to ensure that a dam safety assurance program complying with activities and

⁸ The meaning of Classifiable dam is provided in section [5](#) of the Building (Dam Safety) *Regulation* 2022

⁹ The procedures to classify a dam is provided in section [9](#) of the Building (Dam Safety) *Regulation* 2022

¹⁰ The definition of moderate earthquake and moderate flood is provided in section [19\(1\)](#) of the Building (Dam Safety) *Regulation* 2022

¹¹ See the definition of recognised engineer in section [149](#) of the *Act* and the the qualification and competency of the recognised engineer relating to the type kind of certification and audit in section [22](#) and [23](#) of the *regulations*.

procedures mentioned in section [10](#) to [18](#) of the *regulations* is in place and operational. The dam owner is responsible for the development and operationalisation of the program according to the *regulations* and will take necessary steps in the prescribed timeframes to comply with the *Act* and the *regulations*.

If the dam safety assurance program for a dam classified as high or medium potential impact already exists and is operational, *Council* shall work with the dam owner to ensure that the program is updated, and the activities and procedures mentioned under section [10](#) to [18](#) of the *regulations* are included in the program.

In both cases, *Council* shall work with the dam owner and decide a timeframe as per section [142\(2\)](#) of the *Act* for full operationalisation of the dam safety assurance program according to the *regulations*. However, when setting a timeframe, *Council* will consider the state of the dam, and the likelihood and consequences of dam failure.

4.2.4. Council's Regulatory Responsibility

Council is responsible and mandated to intervene and take necessary action under section [154](#) to [160](#) of the *Act* in the following situations:

- a) For dangerous, earthquake-prone and flood-prone dams, only if:
 - The owner of the dam is not acting in accordance with an agreed action plan; or
 - Where there is no agreed action plan, or
 - Where it considers the agreed action plan requires review or amendment; or
 - Where ownership is not known or is disputed; or.
- b) For all classifiable dams, where there is or is likely to be a risk of immediate danger.

Before exercising any of its powers, *Council* will, unless the circumstances dictate otherwise (such as where there is immediate danger to the safety of persons, property, or the environment), seek to discuss options for action with the owner of the dangerous dam. This approach seeks to work with the dam owner to agree a mutually acceptable formal proposal with a defined timeframe for reducing or removing the danger. When setting a timeframe, *Council* will consider the state of the dam, and the likelihood and consequences of dam failure. Acceptable actions by the dam owner may include, but not be limited to, one or more of the following:

- Operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir.
- Reconfiguring an existing spillway or creating a new or supplementary spillway to limit the maximum impounded volume and/or to safely route flood flows.
- Increased surveillance and monitoring.
- Development of emergency preparedness and response plans.
- Review of the dam safety assurance programme.

- Require the owner to engage a dam specialist to investigate and make recommendations with any report provided to the *Council*.
- Implementing measures to enable controlled, rapid emptying of the impounded fluid.
- Measures downstream of the dam to mitigate the impact of dam failure.
- Physical works including reconstruction or partial demolition of the dam.
- Decommissioning and/or removal of the dam.

The whole or part of any agreement between *Council* and the dam owner may be formalised in a Notice to Fix issued under section [164](#) of the *Act*. If agreement cannot be reached between *Council* and the dam owner, *Council* may exercise any of its statutory powers in sections [154](#) - [160](#) and section [164](#) of the *Act*.

For the purposes of section [164](#) of the *Act*, the term ‘dam warrant of fitness’ [section [164\(1\)\(b\)](#)] is taken to mean ‘annual dam compliance certificate’ as set out in section [26](#) of the *regulations*.

In a situation where a classified dam is dangerous, *Council* may:

- Erect a hoarding or fence to prevent people from approaching the dam nearer than is safe.
- Attach a notice on or near the dam (or affected downstream areas) that warns people not to approach.
- Give written notice to the owner requiring work to be carried out on the dam, and within the time stated in the notice to remove or reduce the danger.
- Notify potentially affected community, commercial and industrial facilities and owners of cultural and historical sites and critical or major infrastructure downstream of a dangerous, earthquake-prone or flood-prone dams.
- Publish information about any dangerous, earthquake-prone or flood-prone dams in its region; and
- Work with other authorities like the civil defence emergency management group to take advise or liaise on action to be taken in respect to the dangerous dam.

In a situation where *Council's* Chief Executive considers that, because of the state of the dam, immediate danger to the safety of persons, property, or the environment is likely, then he/she may:

- Cause any action to be taken necessary to remove that danger; and
- Recover the costs of taking any action from the dam owner.

Once *Council* is satisfied the danger has been appropriately and adequately reduced or removed, *Council* will give notice to those previously advised parties that the dam

is no longer dangerous.

4.3. Council’s regulatory priorities

Public safety is the highest priority and then damage or loss of property, environment and economic welfare followed by any heritage matters that might be present. The aim of the policy is for *Council* to employ an approach that reduces the risk of dam failure or dam safety issue to resist an unsatisfactory situation rather than to respond to an emergency that may arise as a result of dam failure. The *Act* and the *regulations* allow *Council* to adopt an approach that helps achieve a reduction in existing risks whilst still being able to deal with risks that emerge in the future.

Council will use the following matrix to prioritise its actions and approach in relation to dangerous, earthquake-prone and flood-prone dams and will act initially for dams that fall in the category of very high priority, followed by high priority and then moderate priority.

Dam Classification	Dam Safety Assurance Program	Structural Flaw or Damaged ¹² (Existing conditions or newly identified)	Priority
High Potential Impact (Dangerous, Earthquake-prone and Flood-prone)	Does not exist	Identified	Very High Priority
	Does not exist	Not Identified	Very High Priority
	Exists	Identified	High Priority
	Exists	Not identified	High Priority
Medium Potential Impact (Dangerous, Earthquake-prone and Flood-prone)	Does not exist	Identified	High Priority
	Does not exist	Not Identified	High Priority
	Exists	Identified	Moderate Priority
	Exists	Not identified	Moderate Priority

In the event of there being a dangerous dam, earthquake-prone dam or flood-prone dam, *Council* will always give precedence to the requirement to reduce or remove the danger.

5. Application to Heritage Dams

Council recognises the need to retain heritage values of the dam itself, but also the need to reduce or remove any risk posed by a heritage dam which has been classified as dangerous, earthquake-prone or flood-prone. Section 4(2)(l) of the *Act* also recognises “the need to facilitate the preservation of buildings of significant cultural,

¹² Deterioration or damage (e.g., reduction in structural integrity), or identification of previously unobserved defects).

historical, or heritage value". Therefore, when considering heritage dams under this policy, account will be taken of the need to facilitate the preservation of parts of the dams with significant heritage value.

Heritage dams as defined in section [7](#) of the *Act* means a dam that is included on:

- a) the New Zealand Heritage List/Rārangī Kōrero maintained under section [65](#) of the Heritage New Zealand Pouhere Taonga Act 2014; or
- b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section [81](#) of the Heritage New Zealand Pouhere Taonga Act 2014.

When dealing with heritage dangerous dams, *Council* will:

- Unless the circumstances dictate otherwise (such as where there is immediate danger to the safety of persons, property, or the environment), seek to discuss options for action with the owner of the dangerous dam.
- Seek advice from the Heritage New Zealand/Pouhere Taonga before any actions are undertaken by Council under sections [153](#) - [160](#) of the *Act*.
- Engage suitably qualified professionals with engineering expertise and heritage expertise to advise and recommend actions.
- Have regard to the priorities set out in clause [4.3](#) of this policy when considering recommendations; and
- Ensure copies of all notices served for heritage dangerous dams, earthquake-prone dams and flood-prone dams will be provided to Heritage New Zealand/Pouhere Taonga.

Council will record the heritage listing of all dangerous, earthquake-prone and flood-prone dams it is made aware of in its register of dams and supply this information to the relevant territorial authority for inclusion on any relevant Land Information Memorandum.

Hearings Subcommittee

Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams
Policy Review 2024

Bay of Plenty Regional Council

Terms of Reference / Ngā Tikanga Whakahaere

a. Mana ā-Ture / Status

The Hearing Subcommittee has been created by, and at the discretion of, the Strategy and Policy Committee pursuant to Clause 30(2) of Schedule 7 to the Local Government Act 2002. The Hearing Subcommittee may be discharged or reconstituted by resolution of the Strategy and Policy Committee or Council pursuant to Clause 30(5) of Schedule 7 to the Local Government Act 2002.

b. Kawenga / Responsibilities

The Hearing Subcommittee has the following primary responsibilities:

1. Receive and consider submissions on the proposed Policy on Dangerous Dams, Earthquake-prone Dams and Flood-prone Dams and conduct hearings; and
2. Make recommendations to Strategy and Policy Committee based on the submissions received and heard.

c. Ngā Apatono / Powers

The Hearing Subcommittee enjoys all powers necessary to perform its responsibilities provided those powers are exercised in a manner that is consistent with the requirements of the Local Government Act 2002 and any other relevant legislation and the law.

d. Tokamatua / Quorum

Two voting members of this Hearing Subcommittee (Clause 23 Schedule 7 Local Government Act 2002)

e. Ngā Tikanga Pōti / Voting

Decisions of the Hearing Subcommittee are made by majority vote of members present and voting. In the case of equality of votes, the Chair, or any other person presiding at the meeting, has a casting vote. Refer to Clause 24 of Schedule 7 to the Local Government Act and Standing Orders.

f. Ngā Tūranga/ Membership

Ngā Mema / Members

The Hearing Subcommittee must have three Councillors who have successfully completed the Making Good Decisions programme certification.

Ūpoko me te Ūpoko Tuarua / Chair and Deputy Chair

The Hearing Subcommittee members shall appoint a Chair and Deputy Chair.

Mema-kore / Non-members

The Hearing Subcommittee may invite non-member, non-voting experts to assist the Hearing Subcommittee, sitting at the Hearing Subcommittee table with the same speaking rights as a member.

Whakakore i ngā mema / Discharge of members

Once the Hearing Subcommittee has completed all required actions in relation to this hearing, the Hearing Subcommittee is disestablished.

g. Ngā Hui i te Tau / Frequency of meetings

As required.

h. Tikanga rongo / Hearing procedure

In addition to the requirements of Standing Orders, the Hearing Subcommittee must follow the rules of procedure set out below when hearing submissions:

1. Every person who has made a submission and stated that they wish to be heard, may speak to the Hearing Subcommittee either personally or be represented by legal counsel or any other authorised representative.
2. If any person wishes to address a meeting in English, te reo Māori or New Zealand Sign Language, the Chair of the Hearing Subcommittee may require that speech is translated and printed in English or te reo Māori. Alternatively, an interpretation may be provided by the person making the submission at the hearing.
3. Only members of the Hearing Subcommittee (unless any non-member is invited by the Subcommittee) may ask questions from any person appearing during the hearing. Members may ask questions from the submitter to improve their understanding. Questions may not be asked for the purpose of challenging or discrediting the submitter.
4. The Chair may recall any person who has made a statement to further clarify or elaborate on any matter raised.
5. The Chair may, if it is considered that there is likely to be excessive repetition, limit the circumstances in which parties that have the same interest or stance on an issue may speak.
6. The hearings will be held in public except where the Hearing Subcommittee determines that the public should be excluded pursuant to one or more of the grounds specified in the Local Government Official Information and Meetings Act 1987.



Report To: Strategy and Policy Committee

Meeting Date: 25 June 2024

Report Writer: Samantha Pottage, Planner

Report Authoriser: Namouta Poutasi, General Manager, Strategy and Science

Purpose: To provide an update on the process for resolving appeals and confirm the terms of reference for the RPS Change 6 (NPS-UD) sub-committee.

Proposed Change 6 (NPS-UD) - Appeals Sub-committee Terms of Reference

Executive Summary

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

At its meeting on 9 April 2024, the Strategy and Policy Committee established an Appeals Sub-committee comprising Councillors Kat Macmillan, Paula Thompson and Jane Nees. The Appeals Sub-committee purpose is to work with staff to guide the resolution of Environment Court appeals to Proposed Change 6 (NPS-UD).

This report seeks a decision from the Strategy and Policy Committee to confirm the terms of reference for the Appeals Sub-committee (refer Attachment 1).

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Proposed Change 6 (NPS-UD) - Appeals Sub-committee Terms of Reference;**
- 2 Approves the draft Terms of Reference for the RPS Change 6 (NPS-UD) Appeals Sub-committee, including any amendments made at this meeting; and**
- 3 Delegates authority to the General Manager, Strategy and Science the ability to appoint replacement Appeals Sub-committee members if a situation arises where an existing member must stand down.**

1. Introduction

Appeals for Proposed Change 6 (NPS-UD) closed on Monday 25 March 2024. Four Environment Court appeals were lodged against Council’s decisions. A Further four parties lodged s274 notices to be interested parties to the appeals. These were received by Ngā Pōtiki ā Tamapahore Trust, Tauranga City Council, Western Bay of Plenty District Council and the Urban Taskforce Tauranga.

At its meeting on 9 April 2024, Councillors Kat Macmillan, Paula Thompson and Jane Nees were appointed to an Appeals Sub-committee established to guide the resolution of Environment Court appeals to Proposed Change 6 (NPS-UD).

2. Terms of Reference

This report seeks the Strategy and Policy Committee confirm the terms of reference for the Appeals Sub-committee (refer Attachment 1). The terms of reference enable the Appeals Sub-committee to liaise directly with staff to progress resolution of appeals. Once confirmed, the Appeals Sub-committee will be able to provide direction to staff for resolving specific appeal points at mediation.

Staff have reviewed all the appeals and interested party notices, developed initial recommendations for mediation purposes on all appeal points. These will be presented to the Appeals Sub-committee to consider in advance of court appointed mediation, which is likely to be scheduled for September.

2.1 Legislative Framework

The National Policy Statement on Urban Development 2020 (NPS-UD) took effect on the 20 August 2020. It seeks to ensure that local authorities respond to development proposals that would add significantly to development capacity and contribute to well-functioning urban environments, regardless of whether they are planned for or anticipated in existing documents. It applies to development proposals in both greenfield and brownfield locations.

As a tier one and two local authority Regional Council must notify a change to the Bay of Plenty Regional Policy Statement (RPS) to give effect to the NPS-UD by 20 August 2022. That is the purpose of Proposed Change 6 (NPS-UD) to give effect to the NPS-UD.

2.2 Alignment with Strategic Framework

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

Proposed Change 6 (NPS-UD) contributes to the Healthy Environment, and a Vibrant Region Community Outcomes in Council’s Long-Term Plan 2021-2031. Proposed Change 6 (NPS-UD) implements the NPS-UD requirements and contributes to Council’s functions and responsibilities for sustainable urban growth management.

2.2.1 Community Well-beings Assessment

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

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

3. Considerations

3.1 Risks and Mitigations

There is low risk associated with Proposed Change 6 (NPS-UD). This RPS change is required to implement the NPS-UD. Proposed Change 6 (NPS-UD) follows Ministry for the Environment guidance material particularly on responsive planning criteria. Previous direction from the Strategy and Policy Committee has limited Proposed Change 6 (NPS-UD) to *‘only doing what we need to do’*. Staff engaged in meaningful consultation early and widely consistent with RPS Policy IR 4B *‘Using consultation in the identification and resolution of resource management issues.’* Staff will continue to engage transparently and meaningfully with appellants and section 274 interested parties throughout the appeals process.

3.2 Climate Change

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

3.3 Implications for Māori

Proposed Change 6 (NPS-UD) includes a replacement Policy UG 22B to implement NPS-UD Policy 9 Treaty of Waitangi requirements. Replacement Policy UG 22B contains elements of existing operative RPS policies in the Iwi Resource Management chapter that apply to urban growth and development. The policy direction will result in positive cultural and economic effects while also seeking to protect existing marae from new incompatible uses or development being established in close proximity and causing reverse sensitivity effects.

3.4 Community Engagement

accordance with Clause 11(1) and 11(3) of Schedule 1 to the Resource Management Act, Council has provided notice of the decisions to every person who made a submission on Proposed Change 6 (NPS-UD) and has provided public notice of its decisions to all public libraries and local authorities. Council’s website has been updated and it’s decisions have been advertised in the Bay of Plenty Times and the Herald newspapers.

True community engagement halts once an RPS or plan change is notified. Once the formal submissions process is initiated engagement is limited to parties formally

involved in the process either as submitters, appellants or interested parties. Following notification staff can still provide information to any persons about Proposed Change 6 but they have no formal role in the Schedule 1 process if they don't make a submission.

3.5 Financial Implications

Proposed Change 6 (NPS-UD) is under the Regional Planning activity the 2024/25 and 2025/26 years which have a similar budget adjusted to account for inflation at \$171,000 and \$176,000 respectively. Costs associated with appeals are not specifically budgeted for in the Long-Term Plan. This is due to the uncertainty associated with whether a change will be appealed, and if so the scale and the scope of appeals are generally unknown. Additional costs moving forward will be associated with staff and Appeals Sub-committee time spent resolving appeals through mediation.

4. Next Steps

Staff will work with the Appeals Sub-committee to confirm positions and scope on the appeal points. Staff are currently working with all parties involved, including the Environment Court, to confirm a date for in person mediation. At the time of writing this report, the Appeals Sub-committee and staff have not yet had an informal briefing to discuss the appeal points. Given the need to confirm the terms of reference through this meeting, staff will discuss the recommended amendments and scope for addressing them with the Sub-committee in the coming weeks.

Attachments

Attachment 1 - RPS Change 6 (NPS-UD) Appeals Subcommittee terms of reference [↓](#)

Proposed Change 6 (NPS-UD) Appeals Subcommittee - Terms of Reference**1. Delegated Function**

The Proposed Change 6 (NPS-UD) Appeals Subcommittee was established by the Regional Council on 9 April 2024. Its purpose is to guide the resolution of Environment Court appeals on Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement.

2. Membership

Three Councillors who must have successfully completed the Making Good Decisions programme certification for Resource Management Act 1991 decision makers.

3. Quorum

In accordance with Council standing order 10.2, the quorum at a meeting of the Appeals Subcommittee is not fewer than two Subcommittee members.

4. Term of the Subcommittee

For the duration of Environment Court appeals on Proposed Change 6 (NPS-UD) unless discharged earlier by Regional Council.

5. Specific Responsibilities and Delegated Authority

The Proposed Change 6 (NPS-UD) Appeals Subcommittee is delegated the power of authority to work with Toi Moana staff and guide the resolution of Environment Court appeals on Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement.

Note:

Council has delegated the authority to settle Environment Court appeals to Tier 2 and 3 Managers, Principal Advisors (Policy & Planning), and Legal Counsel. Any appeal settlement will be negotiated and resolved in a manner consistent with direction received from the Appeals Subcommittee.

A4641426



Report To:	Strategy and Policy Committee
Meeting Date:	25 June 2024
Report Writer:	Dean Howie, Programme Manager - Regional Economic Development and Reece Irving, Senior Regulatory Project Officer
Report Authoriser:	Namouta Poutasi, General Manager, Strategy and Science
Purpose:	To inform Councillors of forward actions following release of the Circular Economy for the Western Bay of Plenty report.

Circular Economy for the Western Bay of Plenty

Executive Summary

Forward actions from the *Circular Economy for the Western Bay of Plenty* report are outlined for Councillors' information. The report was prepared by Eunomia Research and Consulting Ltd on behalf of Tauranga City Council, Western Bay of Plenty District Council and Bay of Plenty Regional Council. The report identifies opportunities to assist key sectors in the Western Bay of Plenty subregion with moving towards more circular economy principles and activities.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Circular Economy for the Western Bay of Plenty.**

1. Introduction

Regional Council partnered with Tauranga City Council (TCC) and Western Bay of Plenty District Council (WBOPDC) to explore opportunities to move key sectors within the Western Bay of Plenty subregion towards a more circular economy. Eunomia Research and Consulting Ltd were engaged by TCC, as lead agency on behalf of the partner councils, to undertake the project.

The *Circular Economy for the Western Bay of Plenty* report focuses on three target sectors:

1. Construction and demolition,
2. Health, and
3. Food and beverage.

Stakeholder sessions were held with the different sectors to identify barriers, gaps and opportunities for more circular practices. Priority One supported engagement with the construction sector through its ‘Sustainability in Construction’ workstream, now the ‘Circular Construction Collective’.

The report highlights priority options for each sector, plus supporting/other opportunities, for both territorial authorities (TAs) and industry to implement.

The priority options align with the actions and objectives included in TCC and WBOPDC Waste Management and Minimisation Plans, and with national direction from the New Zealand Waste Strategy 2023 and Emissions Reduction Plan 2022.

The report was circulated to Councillors in late April 2024.

The findings will guide Regional Council’s role in promoting circular economy practices across the region. The report has been shared with relevant staff in economic development agencies and territorial authorities across the Bay of Plenty region, including Taupō, to support local circular economy and waste minimisation actions.

Regional Council’s financial contribution (24% of total) was funded through Bay of Connections / the Regional Economic Development activity in 2023/24.

1.1 Legislative Framework

Regional Councils have a role in waste management through undertaking activities such as education, support for services, pollution prevention and consenting processes, as set out the Resource Management Act 1991 and Local Government Act 2002.

1.2 Alignment with Strategic Framework

A Vibrant Region	We work with and connect the right people to create a prosperous region and economy.
The Way We Work	We look to partnerships for best outcomes.

Forward actions align with goals 6 and 11 of the strategic framework for Long Term Plan 2024-2034:

- We will empower communities to make sustainable choices and transition towards a low emissions economy.
- We support development and growth that takes into account the four wellbeings of people and communities, the need to maintain and enhance the quality of the environment, and the reasonably foreseeable needs of future generations.

The actions also contribute to goal 5 of Council’s (draft) Climate Change Action Plan 2024-2026: “Economic Transition: We support land use change, innovation and adaptation along with waste and circular economy initiatives.”

1.2.1 Community Well-beings Assessment

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

2. Circular Economy for the Western Bay of Plenty

2.1 Forward actions

Forward actions from the *Circular Economy for the Western Bay of Plenty* report (see supporting document 1) are to engage with industry on the priority opportunities identified within the sectors explored. Immediate actions are focused on the construction sector due to an engaged industry sector and greater availability of construction waste data (compared to the other sectors explored). Opportunities in the Health and Food & Beverage sectors will be progressed in due course.

Raising awareness of the issues and facilitating networking sessions to progress solutions are common actions across the three sectors. Critical to success is coordination, a key role for territorial authorities.

Providing, or supporting applications for, funding for trials and pilot schemes is another key role for territorial authorities.

2.1.1 Construction and Demolition

Priority opportunities identified include:

- Provide a location where excess supplies can be stored and resold.
- Recover/recycle concrete.
- Recycle plastic wrap.

Tauranga City Council is progressing some work on waste infrastructure to aid planning for construction and demolition waste facilities. Options being investigated are council-owned and operated facilities, and other agencies or organisations establishing facilities that provide these services.

The 'Circular Construction Collective' facilitated by Priority One has taken the findings of this report to initiate discussions on addressing specific waste streams.

Tauranga City Council has funded several subscriptions to Mutu, a tool for managing inventory and assets to minimise purchasing of additional materials.

2.1.2 Healthcare

Priority opportunities identified include:

- Diversion of hospital food waste to Anaerobic Digestion (AD)
- Diversion of aged care facility food waste to AD
- Avoided food waste.

Territorial authorities have a role in providing additional information on food waste collection with hospitals and aged care facilities and working with these organisations to explore the barriers and opportunities further.

Te Whatu Ora are currently undertaking research into meal management, the outcomes and recommendations of which could be shared with other health agencies and territorial authorities to support implementation.

2.1.3 Food and Beverage

Priority opportunities identified include:

- Pallet reuse system
- Glass bottle reuse system
- Diversion of edible food waste from landfill
- Diversion of food waste from landfill

Opportunities in the food and beverage sector primarily need to be implemented by industry and driven at a national level. The fragmented nature of industry operators, and need to engage at a national level, can lead to longer timeframes for engagement and coordination of effort to implement circular options (where these aren't already underway).

A lack of data specific to the source and composition of organic and other food and beverage waste (i.e. production vs. consumer) is a challenge for identifying the opportunities to make the greatest impact.

3. Considerations

3.1 Risks and Mitigations

Fiscal and resource constraints will impact Council's ability to support the forward actions and/or other circular economy initiatives. Where capacity allows, staff will work within existing activity budgets to support circular economy actions.

In Budget 2024, the Government signalled that work on the *Circular Economy and Biodiversity Strategy* will stop as it is considered a low-value programme when compared with other work on climate change. The priority options and forward actions identified in the *Circular Economy for the Western Bay of Plenty* report are intended to be driven by TAs and industry and will continue regardless of the halted national-level strategy.

3.2 Climate Change

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

3.3 Implications for Māori

The matters addressed in this report are of a procedural nature.

3.4 Community Engagement



Engagement with the community is not required as the report relates to internal Council matters only.

3.5 Financial Implications

There are no material unbudgeted financial implications. Any financial contribution to forward actions in LTP year 1 is limited to \$5k from the Regional Economic Development activity, due to budget constraints.

The proposed Regional Waste Strategy refresh is a standalone workstream, resourced through Long Term Plan 2024-2034 (pending adoption).

4. **Next Steps**

Staff will continue to participate in the 'Circular Construction Collective' to support forward actions for the construction sector, and meet regularly with Tauranga City Council and Western Bay of Plenty District Council staff to remained informed of progress on forward actions for the Health and Food & Beverage sectors.

Staff will continue to engage with the Central North Island Waste Liaison Group and territorial authorities across the wider region to explore and support circular economy and waste minimisation initiatives.

Progress on circular economy initiatives will be reported through Council's Climate Change programme.

Attachments

Supporting Document 1 - Circular Economy for the Western Bay or Plenty [↓](#)

ITEM 7.5

SUPPORTING DOCUMENT 1

Circular Economy for the Western Bay of Plenty

(circulated separately)