



Strategy and Policy Committee Agenda

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

Tuesday 3 May 2022 COMMENCING AT 9.30 am

The Public Section of 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](#)

Strategy and Policy Committee

Membership

Chairperson	Cr Paula Thompson
Deputy Chairperson	Cr Stuart Crosby
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 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 Maori 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 and Livestreaming 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.**

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

Agenda

- 1. Apologies**
- 2. Public Forum**
- 3. Items not on the Agenda**
- 4. Order of Business**
- 5. Declaration of Conflicts of Interest**
- 6. Public Excluded Business to be Transferred into the Open**
- 7. Minutes**
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- 8. Reports**
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 - 8.2 Draft Regional Policy Statement (RPS) Change 6 National Policy Statement – Urban Development (NPS-UD) 30**
 - 8.3 Essential Freshwater Policy Programme Update 36**
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- 9. Public Excluded Section**
Resolution to exclude the public
Excludes the public from the following parts of the proceedings of this meeting as set out below:
The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific

grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution	When the item can be released into the public
9.1	Public Excluded Strategy and Policy Committee Minutes - 15 February 2022	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.2	Sustainable Homes Scheme loans: compliance with the Credit Contracts and Consumer Finance Act 2003	Withholding the information is necessary to maintain legal professional privilege.	48(1)(a)(i) Section 7 (2)(g).	To remain in public excluded.

Minutes to be Confirmed

9.1 Public Excluded Strategy and Policy Committee Minutes - 15 February 2022

Other

9.2 Sustainable Homes Scheme loans: compliance with the Credit Contracts and Consumer Finance Act 2003

Attachment 1 - Letter from the Commerce Commission (February 2021)

Attachment 2 - CCCFA requirements and assessment of compliance

Attachment 3 - Letter from Chairman and Chief Executive to Minister of Commerce and Consumer Affairs (October 2021)

10. Public Excluded Business to be Transferred into the Open

11. Readmit the Public

12. Consideration of Items not on the Agenda

Strategy and Policy Committee

Open Minutes

Commencing: Tuesday 15 February 2022, 9.30 am

Venue: Via Zoom (Audio Visual Meeting)

Chairperson: Cr Paula Thompson

Deputy Chairperson: Cr Stuart Crosby

Members: Chairman Doug Leeder
Cr Jane Nees
Cr Matemoana McDonald
Cr Toi Kai Rākau Iti
Cr Te Taru White
Cr Kevin Winters
Cr Lyall Thurston
Cr David Love
Cr Norm Bruning
Cr Bill Clark
Cr Stacey Rose
Cr Andrew von Dadelzen

In Attendance: Staff: Namouta Poutasi, General Manager Strategy and Science, Julie Bevan, Policy and Planning Manager, Sarah Omundsen, General Manager Regulatory Services, and Kataraina O'Brien, Director Strategic Engagement, Nicola Green, Principal Advisor Policy and Planning, Karen Parcell, Team Leader Kaiwhakatinana, Jenny Teeuwen, Committee Advisor
External: Rachael Zame, Legal Counsel Cooney Lees Morgan

Please note that the open session of the meeting was livestreamed and the recording is available on the Council YouTube channel via this link [Strategy & Policy Committee - 15 February 2022 - YouTube](#).

1. Apologies

There were no apologies.

2. Declaration of Conflicts of Interest

There were no conflicts of interest declared.

3. Minutes

Minutes to be Confirmed

3.1 Strategy and Policy Committee Minutes - 27 October 2021

Resolved

That the Strategy and Policy Committee:

- 1 Confirms the Strategy and Policy Committee Minutes - 27 October 2021 as a true and correct record.

**Nees/Winters
CARRIED**

4. Reports

Strategy

4.1 Operating Environment

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

Key Points:

- The report covered updates on climate change, Government reforms, upcoming legislative and Government policy changes, and the Strategy and Policy Committee tentative work programme for 2022.
- A three person panel for Regional Policy Statement (RPS) Proposed Change 5 - Kaituna River Hearing, had been confirmed by the Freshwater Commissioner including Councillor von Dadelszen.

In Response to Questions

- Staff were working with the Territorial Authorities that were implementing the Enabling Housing Supply and Other Matters Act to ensure aligning the approach to qualifying matters and the application of the RPS natural hazards provisions in the development of the Medium Density Residential Standards plan changes.
- There was currently no Three Waters legislation in the House but it had been proposed that the first step of the legislation to create governance entities be presented in the House around May 2022.

Key Points - Members:

- When speaking directly with the Future for Local Government Review Panel, it was important that Bay of Plenty Regional Council (Regional Council) made the point that any recommended changes to Local Government would also require changes to central government roles.
- Councillors were encouraged to attend the upcoming Zoom meetings on Resource Management (RM) reform - "Enabling the local voice in the future RM system", and the Future for Local Government - "Responsive local leadership".

- Trade waste was becoming an issue for the region and there was a need for a Regional Trade Waste Strategy that outlined where accountability would sit.

The following verbal updates were provided:

Modernising the Emergency Management Framework (Trifecta)

Presented by: Sarah Omundsen, General Manager Regulatory Services

Key Points:

- Central Government had requested feedback on Trifecta. The document was released on 14 January 2022 and feedback was due on 11 February 2022.
- Regional Council had provided feedback via a submission which included concerns regarding the lack of detail in the proposal, and that the proposal fell short in developing a framework that ensured mana whenua were involved in emergency management.
- Regional Council supported the Local Government New Zealand (LGNZ) letter to the Minister which emphasised concerns regarding timing around engagement and the shift to a nationally controlled approach.

He Puapua

Presented by: Kataraina O'Brien, Director Strategic Engagement

Key Points:

- He Puapua had been commissioned by Te Puni Kōkiri (TPK) in support of the 2007 United Nations (UN) declaration on the rights of indigenous peoples.
- He Puapua was not currently Government policy.
- An independent working group had been set up to create a draft Declaration Plan.
- The draft Declaration Plan was scheduled to go before Cabinet in June 2022. If approved, the draft would then go out for public consultation. The final Declaration Plan was scheduled for approval in December 2022.

In Response to Questions

- He Puapua had a clear alignment to Regional Council's Māori Engagement Policy.
- Regional Council would have a better understanding of the expectations of regional councils once the feedback from the targeted engagement with iwi entities was released in March 2022.
- Regional Council's action plan for the Māori Partnerships Programme would be discussed at a Komiti Māori Workshop scheduled for 23 February 2022. The draft Declaration Plan and what it would mean in terms of cost and capability within iwi and hapū could be considered as part of that discussion.

Items for Staff Follow Up

- Attachment Two - Summary of upcoming legislative and Government policy changes, to be updated to include information on Marine Protection Rules.

- Timeline for when Climate Change impacts on consents from the National Emissions Reduction Plan will occur to be provided to Councillors.
- Hard copies of Attachments Two and Three to be provided to those Councillors that had requested them.

Resolved

That the Strategy and Policy Committee:

1. **Receives the report, Operating Environment.**

Thompson/von Dadelszen
CARRIED

Regulatory Policy

4.2 Essential Freshwater Policy Programme: 2022 deliverables and update on proposed national regulations

Presented by: Julie Bevan, Policy and Planning Manager, and Nicola Green, Principal Advisor Policy and Planning

Presentation: Essential Freshwater Policy Programme - 2022 Deliverables and Update on Proposed National Regulations: Objective ID A4034892

Key Points:

- The main focus of the Essential Freshwater Policy Programme (EFPP) for 2022 would be setting the vision and the development of outcomes, targets and limits, and the rule framework for the methods to achieve them.
- Some online engagement as well as some targeted stakeholder and community engagement would occur this year. Key community engagement would take place in 2023.
- Key risks for the delivery of the programme included national delays and uncertainties, and capacity and capability issues.
- Amendments to the National Environmental Standards for Sources of Human Drinking Water (NES-DW) was currently out for public consultation. Staff were preparing a submission. Submissions closed on 6 March 2022. The draft submission would be shared with Councillors for comment.

In Response to Questions

- The approach of co-governance bodies for each freshwater management unit could potentially develop out of the draft long term visions for freshwater process; however, this might be difficult to achieve within the current timeframes.
- Regional Council had some resourcing to assist iwi with their involvement in vision setting. Progress was being made but it was at differing levels for different iwi and hapū.
- Whilst the main community engagement would not occur until 2023, Regional Council aimed to start to get the issues out to the public this year as technical research work became available.
- Unregistered water suppliers would be required to register with Taumata Arowai.

- The implications for what was being proposed for freshwater was common across all regional councils and staff were currently in discussion with the Ministry for the Environment regarding this.

Key Points - Members:

- The capacity and capability issues for tangata whenua were real and risked the ability for quality input. A focussed effort was required to get them to a place where there was a sense of a level playing field.

Resolved

That the Strategy and Policy Committee:

- 1 Receives the report, Essential Freshwater Policy Programme: 2022 deliverables and update on proposed national regulations .**

**Thompson/Winters
CARRIED**

5. Public Excluded Section

Resolved

Resolution to exclude the public

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

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution	When the item can be released into the public
1.1	Plan Change 13 Update	Withholding the information is necessary to maintain legal professional privilege.	48(1)(a)(i) Section 7 (2)(g).	the Environment Court releases its final decision on Plan Change 13.

- 2 That Rachael Zame, Legal Counsel Cooney Lees Morgan, be permitted to stay in the public excluded section of the meeting due to their knowledge of the matter under discussion, being item 9.1 – Plan Change 13 Update.**

**Thompson/Thurston
CARRIED**

6. Public Excluded Business Transferred into the Open

6.1 Resolution transferred into Open section - Item 1.1 Plan Change 13 Update

Following discussion of Item 1.1 Plan Change 13 Update in the Public Excluded section of the meeting, the Strategy and Policy Committee resolved that resolution two for that item be moved into the Open section of the meeting:

Resolved

That the Strategy and Policy Committee:

- 1 Transfers resolution 2 of item 1.1 - Plan Change 13 Update, into the Open section of the meeting:**

That the Strategy and Policy Committee:

- 2. Instructs legal counsel acting for the Regional Council in the matter of Plan Change 13 to support the Environment Court's use of s293 RMA.*

Thompson/McDonald
CARRIED

11.30 am - the meeting closed.

CONFIRMED

Cr Paula Thompson
Chairperson, Strategy and Policy Committee



Report To: Strategy and Policy Committee

Meeting Date: 3 May 2022

Report Writer: Julie Bevan, Policy & Planning Manager

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

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

Operating Environment

Executive Summary

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

It covers:

- RPS Change 5 Kaituna River Update
- National Adaptation Plan for responding to climate change risks
- Government Reforms and Change Proposals
- Three Waters Reform Update
- Upcoming Legislative and Government Policy Changes and Potential Impacts
- Strategy and Policy Committee Tentative Work Programme

Recommendations

That the Strategy and Policy Committee:

1 Receives the report, Operating Environment.

1. Introduction

This report provides a briefing on the range of Government reforms and legislative change proposals that might impact on the future scale and scope of our work. Also included in the report is a summary of the Strategy and Policy Committee Tentative Work Programme 2022 which sets out the process stages for proposed changes to Regional Policy Statement (RPS) and Regional Natural Resources Plan (RNRP) changes to ensure that Councillors are aware of the upcoming reporting and decision making programme.[Insert text]

1.1 Alignment with Strategic Framework

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

The delivery of RPS and RNRP Changes are an integral part of the Long Term Plan's Regional Planning activity which sets Council's strategic planning and policy direction. The RPS identifies how the integrated management of the region's natural and physical resources is to be managed by establishing policy direction for regional and district plans. The RNRP is focussed on promoting the sustainable management

of air, land, water and geothermal resources, achieving integrated management and improving environmental quality in the Bay of Plenty Region.

2. Operating Environment

2.1 RPS Change 5 Kaituna River Update

Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement was notified for public submissions on 29 June 2021. 15 submissions and 8 further submissions were received. As Proposed Change 5 (Kaituna River) 'relates to freshwater' it must follow the freshwater planning process provisions set out in Section 80A and Part 4 of Schedule 1 to the Resource Management Act 1991.

The Chief Freshwater Commissioner at the time, Professor Peter Skelton, appointed Antoine Coffin as the Freshwater Commissioner for the freshwater hearings process. Council staff have now met with the Freshwater Commissioner to discuss details of the hearing. The hearing is scheduled for 11 – 13 October and will be held in the BOPRC Council Chambers. The freshwater hearings panel consists of Antoine Coffin (Chair), Councillor Andrew von Dadelszen (Council nominee) and Rawiri Faulkner (iwi nominee).

2.2 National Adaptation Plan for responding to climate change risks

The Government is developing a National Adaptation Plan to respond to the most significant risks posed by climate change in Aotearoa New Zealand. The plan is needed as our weather is more turbulent and less predictable. Climate change is causing increased temperatures, rising sea levels and changing rainfall patterns. It is also affecting native species and ecosystems both on land and in our freshwater bodies and oceans.

The findings and recommendations of the First National Climate Change Risk Assessment were released in 2020. [First national climate change risk assessment for New Zealand | Ministry for the Environment](#)

In April and May 2022, the Ministry for the Environment plans to hold engagement on:

- a draft National Adaptation Plan — that sets out the direction for how we will adapt to the unavoidable impacts of climate change as a nation over the next six years.
- proposals for managed retreat. Managed retreat is an approach to reduce or eliminate exposure to intolerable risk, which enables people to strategically relocate assets, activities, and sites of cultural significance (to Māori and non-Māori) away from at-risk areas within a planned period.

The draft National Adaptation Plan will include actions individuals and organisations can take to adapt to climate change. For example:

- building sea walls and other structures to prevent flooding
- considering where new buildings are put
- making sure systems are in place so we can recover from extreme weather events

- considering where the best places are for certain types of horticulture and agriculture.

2.3 Government Reforms and Change Proposals

2.3.1 Resource Management Reforms Update

Over the past few months the Ministry for the Environment (MfE) have undertaken targeted engagement with iwi/Māori, local government and key stakeholders on the key components of the future resource management system. Ministers are still to make decisions on key parts of the system design following on from the engagement process. Focus will then shift towards drafting the legislation.

MfE expect the two new Bills, the Spatial Planning Bill and the Natural and Built Environments Bill will be introduced into Parliament later in 2022. The select committee process which follows will be the next opportunity for the public and stakeholders to have their say.

2.3.2 Resource Management Amendment Act Update

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (the Act) passed into law on 20 December 2021. This Act amends the Resource Management Act 1991 (RMA) by bringing forward and strengthening the National Policy Statement on Urban Development (NPS-UD) with the intent to help to increase housing supply in urban areas where it is needed the most.

The Act requires medium density residential standards (MDRS) for specified urban areas, to enable a wider variety of housing choice. These standards will enable people to develop up to three dwellings on each site, each being up to three storeys, without needing to apply for a resource consent. This is provided all other rules and standards in relevant plans have been complied with.

The Act introduces a new planning process that supports councils to implement the intensification policies from the NPS-UD. This is called the Intensification Streamlined Planning Process (ISPP). The ISPP is based on the existing streamlined planning process under the RMA but is intended to be faster and easier for councils, and less costly over the medium to long-term. The ISPP enables the intensification outcomes of the NPS-UD to be achieved at least a year earlier than they would have been without the new Act.

On 14 March 2022 an Order in Council was made to incorporate Rotorua Lakes Council in the requirements of the Amendment Act. This change would introduce an Order in Council for requiring Rotorua District Council to undertake an intensification streamlined planning process under the Resource Management Act 1991.

The Act requires councils in the greater urban areas of Auckland, Hamilton, Tauranga, Wellington, Christchurch, and Rotorua Lakes district to apply the MDRS to most of their existing residential areas as part of their plans from August 2022.

2.3.3 Three Waters Reform Update

Government is progressing reforms so that three waters services will be provided by four publicly-owned water service entities from July 2024. These reforms are to ensure public health and wellbeing, environmental outcomes, economic growth and job creation, housing and urban development, adaptation to the impacts of climate change, building resilience to natural hazards, and upholding iwi/Māori rights and interests relating to water services.

The Government has proposed that the three waters services in the 'Three Waters Reforms' are the council-owned infrastructure network and processes used to treat, transport, and discharge drinking water, wastewater and stormwater. They are proposing to shift the current 67 council-owned and operated three waters services into four new publicly-owned entities to manage the future delivery of these services

These new entities will:

- be publicly-owned by councils on behalf of communities, with strong protections against any future privatisation
- have joint strategic direction and oversight through Regional Representative Groups made up of local government and mana whenua to ensure the entities are driven by community expectations and priorities
- be financially separate from councils with a greater ability to borrow to fund long-term infrastructure
- have independent competency-based boards that will run the day-to-day management of the entities and oversee the maintenance and renewal of this infrastructure

The Government has recently established three working groups that will advise on further refinements to the Government's reform proposals in early 2022:

- The Working Group on Representation, Governance and Accountability – this group released its report on 9 March and the recommendations are being considered by the Government
- The Planning Technical Working Group that will focus on how the Three Waters Reforms interact with the future resource management system
- Rural Supplies Working Group which will focus on how the new entities will work together with rural suppliers and communities to achieve service outcomes

The papers and recommendations of these working groups can be read here: <https://www.dia.govt.nz/three-waters-reform-programme-working-groups>

These reforms will be implemented through a series of legislation that is expected to be introduced to Parliament in mid-2022. The Government will consider the recommendations of the above working groups in drafting this legislation. Once the Bill is introduced the public, including councils, iwi/hapū, community groups and individuals, will be able to submit their views on the reform proposals through written and oral submissions to the Select Committee.

The Department of Internal Affairs have indicated that the Government will also continue working closely with mana whenua, local government and the water industry in the establishment of and transition to the new entities which would go live on 1 July 2024.

2.4 Upcoming Legislative and Government Policy Changes and Potential Impacts

Monitoring is continuing of Central Government's extensive policy programme. An analysis of the potential implications is provided in Attachment One.

2.5 Strategy and Policy Committee Tentative Work Programme

The tentative regulatory work programme for the Strategy and Policy Committee Meetings and Workshops for 2022 - 2024 are set out in Attachment Two.

The work programme will be updated once further national direction is received and the delivery timeframes are confirmed.

3. Considerations

3.1 Risks and Mitigations

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

3.2 Climate Change

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

3.3 Implications for Māori

The RMA processes, RPS Changes and Plan Changes indicated in this report all involve consideration of implications for Māori, engagement and consideration of iwi planning documents.

3.4 Community Engagement

The RMA processes, RPS Changes and Plan Changes discussed in this report all involve consideration of community engagement undertaken through those processes.

3.5 Financial Implications

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

4. Next Steps

Given the unprecedented nature and timing of reform it is essential that Regional Council continues to focus on delivery. Delivery of the Long Term Plan will be important, particularly key projects such as Essential Freshwater.

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

The Strategy and Policy Committee Tentative Workstream Programme will be updated and reported to the Strategy and Policy Committee at relevant Committee Meeting and Workshops throughout 2022.

Attachments

Attachment 1 - Upcoming Legislative and Government Policy Changes and Potential Impacts [↓](#)

Attachment 2 - Strategy and Policy Committee Tentative Work Programme [↓](#)

Summary of key current/upcoming Legislative and Government Policy changes and potential impacts

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
Resource Management Reforms				
Natural and Built Environment Act	<ul style="list-style-type: none">Te Oranga o te Taiao will be included in the Act’s purposeStrengthening limits for the natural environmentAchieving positive outcomesManaging environmental effectsProviding clear national directionConsolidating plansImproving provision of housing and infrastructure	<ul style="list-style-type: none">Formal Submission to NBA Bill in 3rd quarter 2022No expectation of change to NPS-FM programme.Timeframe for One Regional Plan (ORP) not yet clarified.Preparation of ORP will require integration, connection and collaboration with all TA policy/planning teams across the regionImplications from ‘Joint Committee’ structure/role/funding/legal status etc.Lack of information currently about consents/compliance/transitional provisions and timeframes	Intention is the NBA to be introduced to parliament in 3 rd quarter of 2022	Intention is the NBA to be passed before the end of the current Parliamentary term September 2023
Strategic Planning Act	Will mandate regional spatial strategies (RSS) – focus on major issues and opportunities for a region. RSSs will: <ul style="list-style-type: none">set long-term objectives for urban growth and land-use changehelp ensure development and infrastructure is coordinatedhelp identify areas to be protected from inappropriate development or changesupport development capacity and infrastructure provisionsupport climate change mitigation and adaptation, and natural hazard risk reduction.	<ul style="list-style-type: none">Formal Submission to SPA Bill in 3rd quarter 2022The RSS will need to be delivered prior to the ORP.Preparation of RSS will require integration, connection and collaboration with all TLA policy and planning teams across the regionFocus is mainly on urban development this could have implications for the extensive areas in the region that are not urban	Intention is the SPA to be introduced to parliament in 3 rd quarter of 2022	Intention is the NBA to be passed before the end of the current Parliamentary term September 2023
Climate Adaptation Act	This Act will support New Zealand’s response to the effects of climate change. It will address the complex legal and technical issues associated with managed retreat and funding and financing adaptation.	Council will have to have regard to National Adaptation Plan and Emissions Reduction Plan in regional planning, including freshwater management planning, so may impact on NPSFM implementation. Potential requirement to undertake regional risk assessments and adopt a regional adaptation plan?	Consultation on the CAA expected to be held in combination with National Adaptation Plan consultation	Intention that legislation bill will be introduced to Parliament in early 2023 and enacted in 2024
National Planning Framework	Under the NBA, the new National Planning Framework (NPF) will provide strategic and regulatory direction from central government on implementing the new system.	The ORP (under the NBA) must give effect to the direction in the NPF therefore potentially the development of the ORP won’t be able to commence until the NPF is developed		Current information is that the development of the NPF won’t commence until the NBA is enacted (mid/late 2023)

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
RMA climate change amendments	Cabinet has agreed to delay the enactment of climate change amendments to the RMA from 31 December 2021 to 30 November 2022	The delay of these amendments allows time to develop options for managing other greenhouse gas emissions (other than greenhouse gases emissions from industrial process heat) in the short term		
Resource Management Amendment Act (Enabling Housing Supply and Other Matters)	Amendment Act (passed into law on 20 December 2021) requires amendment to planning documents to enable intensification of residential development and include the new medium density residential standards (MDRS) set out in the new legislation	BOPRC are providing support to TCC, WBOPDC and RLC on natural hazards planning for implementing the Act	Councils are required to notify plan changes for an Intensification Planning Instrument (IPI) by August 2022	
Water Reforms				
Three Waters	Local level data and information and Cabinet decisions on boundaries of large water services providers were released June 2021. Government recently established three working groups that will advise on further refinements to the Government's reform proposals in early 2022.	<ul style="list-style-type: none"> • Increase in Regional Council regulatory role • Possible RNRP changes to implement the NES Drinking Water • Increased science/modelling and regulation including compliance monitoring – funding and resourcing implications 	These reforms will be implemented through a series of legislation that is expected to be introduced to Parliament during 2022.	
Water Services Entities Bill	This Bill establishes the entities and their coverage, their powers, and aspects of the governance framework.	No response proposed	The Water Services Entities Bill expected to go to Select Committee in mid-2022. Submissions on the Bill can be lodged at that time and will be considered by the Select Committee.	Three waters services will be provided by four publicly-owned water service entities from July 2024.
Water Services Act 2021 Enacted 4 October 2021 OIC November 2021	The Act aims to ensure that drinking water suppliers provide safe drinking water to consumers; and implements reforms to improve the regulation and performance of wastewater and stormwater networks.	Regional Councils to assess the effectiveness of regulatory and non-regulatory interventions to manage risks or hazards to source water in their region at least once every 3 years; and publish information on source water and resources to manage risks and hazards to source water.		
Local Government Reforms				
Arewa ake te Kaupapa – Raising the platform Future for Local Government	Initial focus how local government will be a key contributor to the wellbeing and prosperity of New Zealand and an essential connection to communities in the governance of New Zealand in the future.	Potential impact on core services, range of functions and structure of Council. Is likely to create new governance arrangements. Implications for connecting review with community voice.	Draft report and recommendations to be issued for public consultation - 30 September 2022 (delayed)	Review presents final report to the Minister and Local Government New Zealand – 30 April 2023

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
			until after local body elections)	
Climate Change				
Climate Change Response Act	Ancillary policy The Government is required to set out policies and strategies to meet emissions budgets and make progress towards our 2050 emissions reduction targets.		National Adaptation Plan: • Consultation April/May 2022 • Adoption August 2022 Emissions budgets and ERP to be adopted by end of May 2022 (delayed from Dec 2021)	
Transitioning to a low-emissions and climate-resilient future Discussion Document	The ERP will set the country’s direction for climate action through to 2035, and it will require action across a range of areas to reduce greenhouse gas emissions. The discussion document describes existing actions we have committed to and sets out new proposed actions to further reduce emissions.	An opportunity to shape the Emissions Reduction Plan.	The first Emissions Reduction Plan (required under the CCRA), setting out how climate targets will be met, is due to be published by the end of May 2022	
A guide to Local Climate Change Risk Assessment	A standard approach to local risk assessments and supporting decision-making on adaptation with flexibility for reflecting local values. Broadly consistent with the National Climate Change Risk Assessment Framework.			
National Planning Direction				
NPS Freshwater & NES Freshwater	<ul style="list-style-type: none">NPS Freshwater to be implemented through RPS Change and RNRP Plan Changes by Dec 2024 (BOPRC decisions is to implement by July 2024)Upcoming changes to the NPS and NES possible (Wetlands, Freshwater Farm Plans).Consultation on exposure draft of NES Wetlands Definition amendments and draft Freshwater Farm Plan regulations was undertaken in Aug/Sept 2021	Changes to regulations and NPS FM - extended scope of wetland policies to enable a wider range of activities. Increased monitoring. If there is a short timeline to implement the updated NES this will require reallocation of resources currently working on NPSFM implementation which could affect NPSFM timeline delivery.	NES and NPS Freshwater changes re wetlands gazetted. Freshwater Farm Plan regulations gazetted.	
NES Drinking Water	The National Environmental Standard for Sources of Human Drinking Water (NES DW) amendments are part of the drinking water regulatory reforms being progressed through the Three Waters Review.	Possible RNRP changes to implement the NES Drinking water. Introduction of source protection zones will require substantial science and mapping. The amended NES-DW would require the following from regional councils:	The Ministry for the Environment has begun public consultation on proposed changes to the National Environmental Standard for Sources of	

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
		<ul style="list-style-type: none"> Mapping Source Water Risk Management Areas (SWRMAs) for all registered water supplies in their region and updating regional plans. Updating operational procedures to ensure the NES-DW is being applied to applicable consenting/compliance decisions Informing and educating resource users of the requirements of the NES-DW 	Human Drinking Water (NES-DW).	NES-DW Gazetted likely later in 2022
NPS Urban Development	NPS-UD 2020 contains objectives and policies that councils must give effect to in their resource management decisions	RPS changes to implement the NPS UD	Implementation of NPS-UD by July 2022	
NPS Highly Productive Land	Public consultation undertaken in late 2019	Identification and mapping of HPL Probable RPS changes to implement the NPS HPL – funding estimated in cabinet paper of \$1.5M on average for each regional council for the RPS Change	Awaiting final decision on proposed NPS-HPL	
NPS Indigenous Biodiversity	Under development, not finalised or in effect	Feedback on the NPSIB exposure draft will be required May possibly mean additional RNR Plan Changes, need to align with the freshwater work programme	Awaiting NPSIB - exposure draft	
NES Air Quality	The aim of amendments is to better control the release of fine particles into our air. The proposed amendments will also include controls on mercury emissions.	May possibly mean an RNR Plan Change to align with the NES AQ amendments Potential for additional regulations required for Rotorua	Proposed NES AQ amendments expected to be released early 2022	
NES and NPS on industrial greenhouse gas emissions	Consultation took place in April/May 2021 National Direction planned to be in place when greenhouse gas considerations under the RMA come into force (effective from 31 December 2021)	Greenhouse gas emissions will be a policy/ consenting consideration Cabinet has agreed to delay the enactment of climate change amendments to the RMA from 31 December 2021 to 30 November 2022		
NES for wastewater discharges and overflows	Under development. The proposed standards are part of the three waters regulatory reforms being progressed through the Three Waters Review.	Depending on timing, we may need to align NPSFM implementation plan changes to these new regulations. Consents and compliance would need to apply these regulations.		
NES for storing tyres outdoors	The standards provide nationally consistent rules for the responsible storage of tyres and are the responsibility of regional councils Was gazetted in May 2021 and in force from 20 August 2021	Can charge for compliance monitoring of permitted activities Could introduce more stringent controls than in the NES – would require a change to the RNR Plan		

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
Biosecurity				
Biosecurity 2025 Direction Statement	Biosecurity 2025 Direction Statement provides the direction New Zealand's biosecurity system needs to take over the next 10 years to make it more resilient and future-focused.	Implementation Plan will subsequently be developed Regional councils have a statutory role to lead pest management in their regions	Second progress review in 2022	
Conservation				
Comprehensive conservation legislation review <i>On Hold</i>	DOC Roadmap launched at the end of 2021; it has been developed to work towards future comprehensive reforms of the Conservation legislative framework (total of 24 Acts) - including Marine Protected Areas Reform)	The Minister has acknowledged that given the Government reforms underway at the moment, the comprehensive reform won't be starting now. This ensures that tangata whenua and stakeholders have the capacity to engage at a later time.		
Wildlife Act 1953 review	The Wildlife Act is to be reviewed in its entirety taking a holistic approach, and updated to reflect: ToW principles and customary use; Climate Change; current science; and a new protected species list (including protected plants).		DOC to engage during first quarter of 2022, on species protection reform	
Aquaculture				
	<ul style="list-style-type: none"> The draft New Space Plan (NSP) under the Maori Commercial Aquaculture Claims Settlement Act 2004 A proposed framework for managing open ocean aquaculture An Investment Road Map for accelerating NZ's aquaculture. 	Proposals to improve the management of aquaculture as part of the reform of Aotearoa/New Zealand's resource management system Potential for a regional agreement for aquaculture space within the Bay of Plenty		
Waste				
Te kawhe i te haepapa para - Taking responsibility for our waste	<ul style="list-style-type: none"> National Waste Strategy will set the direction and guide investment to address waste and resource recovery challenges Review and replacement of the Waste Management Act and the Litter Act, to ensure the necessary tools to support the delivery of a new waste strategy and the transformation of the waste sector. Public consultation on a draft National Waste Strategy undertaken October/November 2021 	<p>Potential for changes to our current core role and responsibilities - as the issues and options for developing new waste legislation raises the local government roles in the waste system and the balance between local and regional. Specifically:</p> <ul style="list-style-type: none"> Who has responsibility for planning, service delivery, regulatory activities (i.e. licensing), and enforcement of different obligations? Which elements of compliance, monitoring and enforcement should be the responsibility of which parts of government? 		

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
Infrastructure				
Rautaki Hanganga o Aotearoa – Draft New Zealand Infrastructure Strategy	<ul style="list-style-type: none">Describes the infrastructure issues NZ is facing including long term challenges like climate change and our growing population, and opportunities from changing technology.A living document to be updated every five years.		<ul style="list-style-type: none">Final report due with Minister by end of March 2022	
Covid-19				
Covid-19 Response (Management Measures) Legislation Bill	<ul style="list-style-type: none">This omnibus bill makes amendments to assist the Government and New Zealanders to more effectively manage and recover from the impacts of COVID-19.First Bill reading on 29/09/2021 - Finance and Expenditure Select Committee.	Change in statutory timeframes given the likely impacts of COVID-19 including: Triennial local elections could be delayed; statutory timeframes for key climate change policy decisions could be extended; and more streamlined process for MfE to extend the requirement for regional policy statements to be updated in accordance with national planning standards to May 2024.		
Civil Defence Emergency Management Act review	This work is part of the Emergency Management System Reforms (Ministerial review of the CDEM sector)	The new Emergency Management Act is expected to include changes to local government CDEM obligations	Draft Bill to be presented to the House	New Emergency Management Act
National CDEM Plan Order in Council Review	This work is part of the Emergency Management System Reforms (Ministerial review of the CDEM sector)	The updated Order in Council is expected to include revised roles and responsibilities for CDEM Group Members	Draft Order in Council to be presented to the House	New National CDEM Plan and supporting rules expected
National Disaster Resilience Strategy Road Map	This work is part of the Emergency Management System Reforms (Ministerial review of the CDEM sector). The NDRS includes ambitious objectives for New Zealand’s Resilience	The implications from the NDRS road map are currently unclear, however we can expect these will create requirement for		
Other				
Targeted Engagement with Regional and Local Authorities about Modernising the Emergency Management Framework	National Emergency Management Agency - Trifecta Review: The Programme brings together three projects: <ul style="list-style-type: none">a new Emergency Management Billreview of the National Civil Defence Emergency Management Plan (CDEM Plan) and accompanying Guidea Roadmap for the National Disaster Resilience Strategy	Engagement on direction for CDEM Bill and Regulations. Targeted engagement with local government.	Feedback 21 January to 11 February 2022	

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
Local Government (Pecuniary Interests) Amendment Bill	Submissions closed 23 November 2021	Private Member's Bill that amends the Local Government Act to require elected members of local authorities to submit a return of their pecuniary interests shortly after election, and yearly after that.		
Fluoridation of Drinking Water Amendment Bill	Making the Director General of Health responsible for the fluoridation decision	No response proposed		
Proposed Product Stewardship Regulations – Tyres and large batteries	Ministry for Environment Submissions 16 December 2021 Draft regulatory requirements for tyres and large batteries	No response proposed		
Pae Ora (Healthy Futures) Bill	Health Select Committee Bill giving effect to decisions to abolish the District Health Boards and establish Health NZ and the Māori Health Authority.	No response proposed		
Economic Regulation of Three Waters	Discussion document seeking views on the economic regulation (consumer protection) of water, wastewater and stormwater services.	No response proposed		
Local Electoral Amendment Bill	Bill into House early 2022 Bill gives effect to Government decisions regarding Māori wards and constituencies (to take effect in 2025) and selected other procedural measures.	Not yet analysed		
New WHO air quality guidelines	Updated guidance released 22 September 2021 MfE response via NES will determine impact on functions	Not yet analysed		
Maritime Transport (MARPOL Annex VI) Amendment Act 2021	Became an Act on 15 November 2021 allowing rules to be made. Proposed Marine Protection Rule Part 199: Prevention of Air Pollution from Ships (the proposed rules) Consultation closed 4 August 2021 Likely to come into effect first quarter of 2022	Link to offset management (Mt Maunganui)		
Marine Protection Rules				
Driving Change: Reviewing the	Discussion document on possible changes intended to improve the RUC system and support the uptake of low carbon vehicles:	No response proposed		

Legislation/ Government Policy Changes	Description	Implications	Timeline of Key Dates	
			2022	2023
Road User Charges System	<ul style="list-style-type: none">• how RUC might be used to charge for greenhouse gas emissions and other factors beyond damage to the roads• how light Electric Vehicles (EVs) owners can transition into paying RUC when the exemption for EVs ends in March 2024;• how RUC's compliance regime can be improved.			
Natural Hazards and Insurance Bill	This bill replaces the Earthquake Commission Act 1993. Overarching objectives of the changes are to enable better community recovery from natural hazards.	No response proposed (from BOPRC)		
Proposed changes to Environmental Reporting Act	Central Government is proposing amendments to the Environmental Reporting Act 2015 to strengthen reporting on the environment.	No response proposed. Sector submissions being supported.		
Forestry ETS Discussion Document	<ul style="list-style-type: none">• Public discussion document on proposed changes to ETS.• Specific consideration of inclusion/exclusion of permeant exotic forests.	Submission being made. Analysis of linkages to emission mitigation opportunities and Council's freshwater objectives. Consideration of impact of forestry on rural landscape (specifically a district issues)		

Strategy and Policy Committee			
Tentative Regulatory Policy Work Programme 2022- 2024			
Additional informal meetings will be scheduled to provide briefings and discussions on a range of non-decision-making matters as required.			
Meeting 3 May	Workshop 21 June	Meeting 18 August	Meeting 27 September
Regulatory Policy Reports			
EFPP Update implementing NPSFM - research, science, planning work continuing	EFPP Update implementing NPSFM Draft issues and options for consultation (RPS freshwater changes, and RNRP Integrated Management, Beds of Water Bodies and Wetlands chapters) Update on Freshwater Farm Plan regulations	EFPP Update implementing NPSFM Draft issues and options for consultation (Discharges chapter and FMU water quality)	EFPP Update S&P Committee Draft issues and options for consultation (Water Quantity chapter and FMU water quantity) Communications and engagement plan for 2023
RPS Change 6 NPS UD confirm draft Change 6 and Section 32 report for inclusion in SPP application to MfE		PC11 Geothermal S&P approves draft SMP and plan change for consultation and engagement.	RPS Change 6 NPS UD Approves proposed change for public notification (subject to Minister’s direction on SPP application being received)
RPS Change 5 Kaituna River Process Update	Rotorua Air Quality Action Plan Review (and future policy)	PC13 Air Quality - Update	PC 18 Mount Maunganui Air Shed Consultation and development of proposed plan change if PC13 has become Operative
	Possible Items: <ul style="list-style-type: none">National Policy Statement for Indigenous Biodiversity - exposure draft and initial implementation plan updateNational Environmental Standards for Air Quality Update (<i>assuming gazettal is prior to Committee Meeting</i>)National Policy Statement for Highly Productive Land Update (<i>assuming gazettal is prior to Committee Meeting</i>)	Possible Item: <ul style="list-style-type: none">National Policy Statement for Indigenous Biodiversity Update (<i>assuming gazettal is prior to Committee Meeting</i>)	Possible Items: <ul style="list-style-type: none">National Environmental Standards for Sources of Human Drinking Water Update (<i>assuming gazettal is prior to Committee Meeting</i>)Natural and Built Environments Bill and Strategic Planning Bill – expected to be introduced to Parliament

2023	2024	Legend
Jan - Dec	Jan - Dec	
EFPP - Consultation on issues and options with community and stakeholders and RPS change and RNRP plan change drafting	EFPP - S&P Committee approves proposed changes to RNRP & RPS for notification. Council nominates 2 hearing panel members	Essential Freshwater Policy Programme (EFPP)
PC11 - Submissions, hearings, panel recommendations, Council decisions and appeals	RPS - Full review process commences for chapters not already reviewed through the NPSFM process	RNRP PC11 Geothermal (PC11)
PC 18 - Submissions, hearings, panel recommendations, Council decisions and appeals	NPStds - RPS complies with structure, format, definitions requirements by May 2024	RPS Change 6 NPS Urban Development (RPS Change 6 NPS UD)
RPS Change 5 - Council decision to accept / reject the freshwater hearing panel recommendation and notify Change 5 decision		RNRP Plan Change 18 Mt Maunganui Air Shed (PC18)
Natural and Built Environments Act (NBA) and Strategic Planning Act (SPA) - expected to be passed into law in this parliament term		RNRP PC13 Air Quality (PC13)
		RPS Change 5 Kaituna River (RPS Change 5)
		National Planning Standards (NPStds)
		Rotorua Air Quality Action Plan



Report To: Strategy and Policy Committee

Meeting Date: 3 May 2022

Report Writer: Ruth Feist, Senior Urban Planner

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

Purpose: For the Committee to confirm Draft RPS Change 6 (NPS-UD) and Section 32 report for inclusion in the Streamlined Planning Process application to the Minister of the Environment.

Draft RPS Change 6 (NPS-UD)

Executive Summary

- At the Strategy and Policy Committee workshop on 29 March, it was requested that Draft RPS Change 6 (NPS-Urban Development) and Section 32 report be brought to the 3 May meeting to confirm the documents prior to being lodged with the Minister for the Environment as part of the Streamlined Planning Process (SPP) application.
- The Committee is asked to confirm draft RPS Change 6 for the SPP process, noting there may be changes as a result of an assessment against the NPS-UD by Ministry for the Environment officials.
- The documentation will then be lodged with the Ministry for the Environment for consideration.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Draft RPS Change 6 (NPS-UD).**
- 2 Confirms Draft Change 6 (NPS-Urban Development) to the Bay of Plenty Regional Policy Statement and the Section 32 report to be included in the Streamlined Planning Process application to the Minister for the Environment.**
- 3 Notes that there may be further changes to Draft Change 6 (NPS-Urban Development) to the Bay of Plenty Regional Policy Statement and the Section 32 report as a result of assessment by Ministry for the Environment officials before it is formally lodged in the Streamlined Planning Process application.**
- 4 Notes that if there are significant changes to Draft Change 6 (NPS-Urban Development) to the Bay of Plenty Regional Policy Statement from the**

assessment, that staff will seek direction from the Committee Chair on appropriate next steps.

1. Introduction

At the Strategy and Policy Committee workshop on 29 March, the Committee requested that Draft Change 6 (NPS-Urban Development) to the Bay of Plenty Regional Policy Statement (RPS Change 6) and Section 32 report be brought to the 3 May meeting. This was to confirm the documents prior to being lodged with the Minister for the Environment as part of the Streamlined Planning Process (SPP) application.

Draft RPS Change 6 and the Section 32 report will be discussed at an informal briefing prior to the meeting. Any final amendments will be made after the informal briefing, and the documents tabled at the 3 May meeting.

For clarity:

- The Committee is asked to confirm draft RPS Change 6 for the SPP process, while noting there may be further changes as a result of assessment by Ministry for the Environment officials (refer to Section 2.2 for further information).
- The documentation will be lodged with the Ministry for the Environment for consideration.
- Once the Minister's direction has been received on the SPP, Proposed RPS Change 6 will be brought to the Committee to be adopted for public notification.

1.1 Legislative Framework

The Streamlined Planning Process (SPP) is in accordance with the Resource Management Act (RMA), Schedule 1, Part 5. Clause 75 of Part 5 specifies the contents of application for direction. Ministry for the Environment staff have specified that the SPP application is to include Draft RPS Change 6 and the Section 32 report.

1.2 Alignment with Strategic Framework

A Vibrant Region

We contribute to delivering integrated planning and growth management strategies especially for sustainable urban management.

RPS Change 6 implements the requirements of the National Policy Statement on Urban Development 2020, and contributes to Council's functions and responsibilities for sustainable urban management.

1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected

<input type="checkbox"/> Environmental	<input checked="" type="checkbox"/> Cultural Medium - Positive	<input checked="" type="checkbox"/> Social Medium - Positive	<input checked="" type="checkbox"/> Economic Medium - Positive
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By implementing the NPS-UD, RPS Change 6 is expected to contribute to social, cultural and economic benefits particularly in terms of meeting the government's urban housing objectives. The addition of a new Te Tiriti o Waitangi policy in relation to urban development is expected to clarify the obligations for developers and resource management planning decisions around Te Tiriti principles.

RPS Change 6 does not affect any existing RPS policies to achieve sustainable management of the environment.

2. Draft RPS Change 6

2.1 Previous direction

The Strategy & Policy Committee has previously provided direction on RPS Change 6:

16 February 2021 (meeting)

- Agreement (in principle) to use SPP to implement responsive planning requirements of the NPS-UD.
- Direction focus only on what Council must do to implement the NPS-UD due to the implication of RM Reform.

21 September 2021 (workshop)

- Key development principles:
 - Achieve the objectives of the NPS-UD.
 - Te Tiriti of Waitangi principles, and implement Policy 9 NPS-UD.
 - Changes will be kept to a minimum and limited to what's required to give effect to the NPS-UD and preserve the majority of the existing RPS Urban and Rural Growth Management provisions intact.
- Scope of RPS Change 6:
 - New policy – Te Tiriti o Waitangi principles
 - New policy – intensification
 - New policy – responsive planning
 - Delete Appendices C, D and E
 - Update outdated references

27 September 2021 ('deep dive' workshop)

- Policy discussion and direction on:
 - Responsive planning provisions
 - Intensification (higher density urban development)

- Te Tiriti o Waitangi principles policy

27 October 2021 (meeting)

- Approved the SPP application

29 March 2022 (workshop)

- Policy discussion and direction on draft policies:
 - Policy UG 7A - responsive planning provisions
 - Policy UG 7Ax - higher density urban development
 - Policy UG 22B - Te Tiriti o Waitangi principles
- Direction to bring Draft RPS Change 6 and the Section 32 report to 3 May meeting to confirm documents prior to being lodged as part of SPP application.

In addition, an informal briefing session was held on 28 April 2022 to discuss Draft RPS Change 6 and the Section 32 report to clarify any final amendments prior to the 3 May meeting.

2.2 Version of RPS Change 6 and Section 32 report to be lodged with SPP application

Draft RPS Change 6 and the Section 32 report, as tabled at the meeting on 3 May, will continue to be subject to change as a result of engagement with Ministry for the Environment (MfE) officials before these can be finalised and formally lodged with the Minister as part of the Streamlined Planning Process application. It is not known if any changes will be made, or the extent of possible changes. MfE officials will likely assess draft RPS Change 6 for compliance with the requirements of the NPS-UD.

If there are significant changes from MfE officials after the Strategy & Policy Committee on 3 May, staff will consult with the Committee Chair to determine appropriate next steps.

3. Considerations

3.1 Risks and Mitigations

Risks and mitigations around the Streamlined Planning Process have previously been reported to the Committee (refer to report to 27 October 2021, Attachment 4).

3.2 Climate Change

There are no direct implications from climate change on the RPS change. Any new urban development will be required to comply with the RPS Natural Hazard provisions and have regard to the effects of climate change. The NPS-UD requires urban environments to support reductions in greenhouse gas emissions, and be resilient to the likely current and future effects of climate change (NPS-UD Policy 1 (e) and (f)).

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 NPS UD 2020 requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. This includes Policy 9 which requires taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), in relation to urban environments, must:

- a) Undertake effective involvement and consultation with hapū and iwi that is early, meaningful and, as far as practicable, in accordance with tikanga Maori;
- b) Take into account hapū and iwi values and aspirations for urban development;
- c) Provide opportunities for Maori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Maori and issues of cultural significance; and
- d) Operative in a way that is consistent with iwi participation legislation.

RPS Change 6 includes a new policy (replacement Policy UG 22B) to implement NPS UD Policy 9 requirements.

Engagement with iwi/hapū has included:

- Sent further information to iwi/hapū on draft RPS Change 6, with offer to meet to discuss detail (correspondence over November-December 2021). Staff have progressed discussion with members of SmartGrowth Combined Tangata Whenua Forum on matters related to the RPS, but outside the scope of RPS Change 6.
- Organised zui engagement opportunities for iwi/hapū on version 1.13 of RPS Change 6, focusing on those iwi/hapū with urban environments in their respective rohe (i.e. those who will be affected by the provisions). A zui was held 17 March.
- Staff presented to the SmartGrowth Combined Tangata Whenua Forum on 12 April.
- Iwi and hapū directly affected by RPS Change 6 (i.e. with urban environments in their rohe) have also be contacted again after 17 March to ensure they have necessary information and with an offer to meet if they are interested.

3.4 Community Engagement



CONSULT **Whakauiuia**

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

Consultation has occurred with iwi/hapū, Territorial Authority staff, and other key stakeholders. Feedback received has been incorporated into Draft RPS Change 6.

3.5 Financial Implications

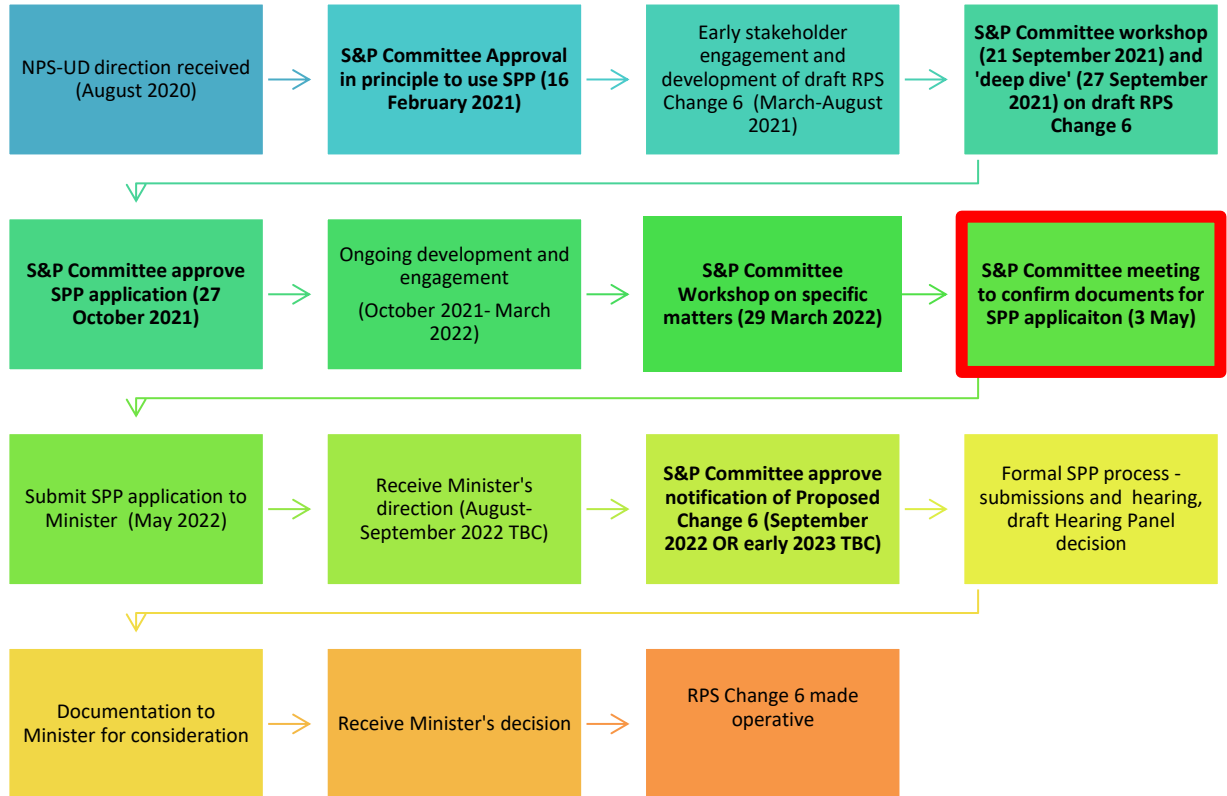
There are no material unbudgeted financial implications and this fits within the allocated budget.

4. Next Steps

The next steps are shown in the diagram below.

The key step after the 3 May meeting is to lodge the SPP application (including requirement documentation) with the Ministry for the Environment.

Once the Minister's direction has been received, Proposed RPS Change 6 and the Section 32 report can be brought to the Strategy & Policy Committee to approve for public notification. At this time, matters relating to the Independent Hearing Panel will also be brought to the Committee.





Report To:	Strategy and Policy Committee
Meeting Date:	3 May 2022
Report Writer:	Nicola Green, Principal Advisor, Policy & Planning
Report Authoriser:	Namouta Poutasi, General Manager, Strategy & Science Julie Bevan, Policy & Planning Manager
Purpose:	To update the Strategy and Policy Committee on Essential Freshwater Policy Programme implementation progress.

Essential Freshwater Policy Programme Update

Executive Summary

The Essential Freshwater Policy Programme to implement the National Policy Statement for Freshwater Management 2020 is progressing according to the agreed plan. However, several risks have become issues and these will mean that draft policy options for community engagement will be incomplete when brought to the Strategy and Policy Committee in June, August and September. Staff will continue to work to address gaps in late 2022 and early 2023 so they can still be part of the 2023 tangata whenua and community engagement topics.

Recommendations

That the Strategy and Policy Committee:

- 1 Receives the report, Essential Freshwater Policy Programme Update.**

1. Introduction

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

This report provides and update on implementation progress, and on pending changes to national regulations relating to freshwater management.

1.1 Legislative Framework

This EFPP specifically implements the NPSFM, and also the requirement under the Resource Management Act 1991 (RMA) to review provisions in regional plans every 10 years. The RMA has specific Freshwater Planning Process provisions, and section 80A(4) requires Council to notify RPS and RNRP changes that fully implement the NPSFM by 31 December 2024.

1.2 Alignment with Strategic Framework

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

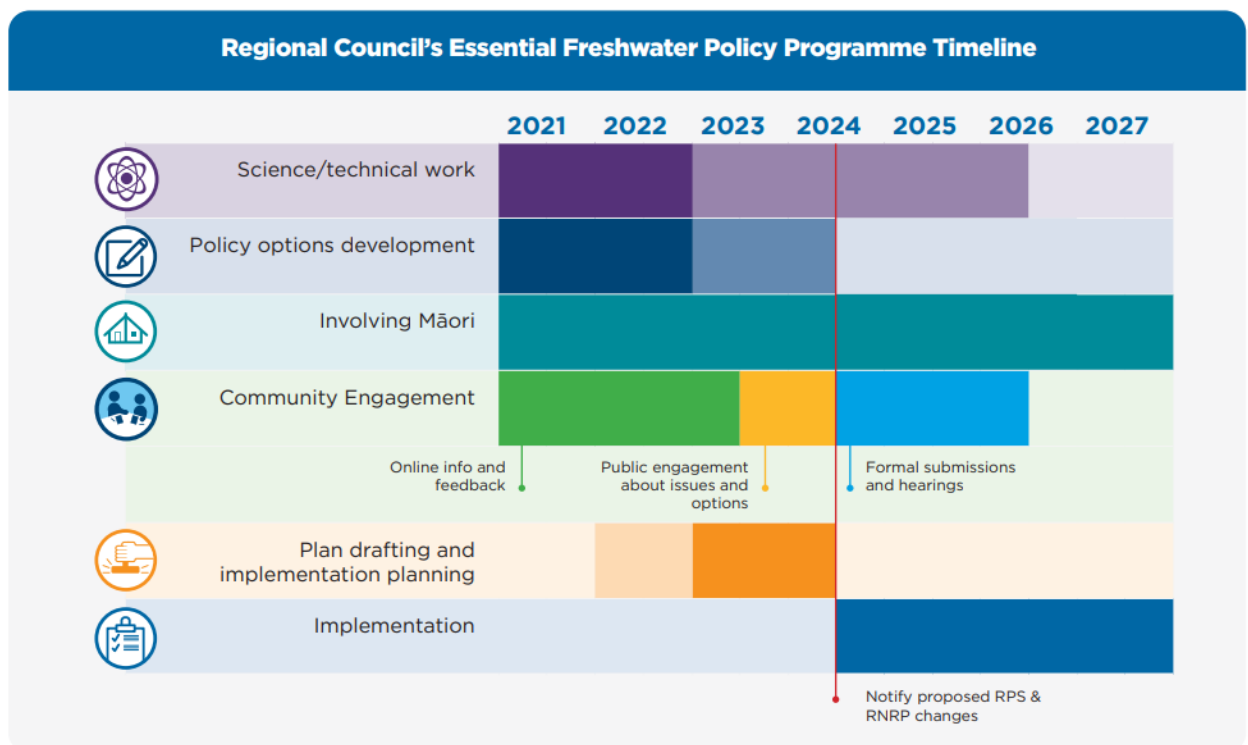
1.2.1 Community Well-beings Assessment

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

There are no immediate effects of this report on the four community well-beings. However, the EFPP will deliver new regional policies and rules that primarily will provide for the wellbeing of the freshwater bodies and freshwater ecosystems and also greater provision for cultural values (e.g. Mahinga Kai). There are likely to be social and economic implications of these policy and regulatory changes, the nature of which will be assessed before proposed changes are publicly notified in 2024.

2. Programme implementation update

The EFPP continues to be implemented according to the agreed programme plan illustrated in the figure below.



Notes: Dark coloured blocks show when the bulk of work occurs. Light coloured blocks show activity continuing.
RPS = Regional Policy Statement & RNRP = Regional Natural Resources Plan

Staff still intend to report draft policy change options that would be the subject of community engagement throughout 2023, to upcoming Strategy and Policy Committee meetings as outlined in the table below. For clarity, no decisions on those options will be sought, only confirmation that the topics need to be discussed with the community. The scope and complexity of this draft plan content and policy options is quite large, so staff are seeking to hold informal workshops to familiarise Councillors with, and discuss the material prior to the June, August and September meetings.

Strategy and Policy Committee Meeting	Topic
June 2022	RPS freshwater amendments, RNRP Integrated Management, Beds of Water Bodies, and Wetlands chapters
August 2022	Discharges Water/Water Quality (region wide chapters and FMUs)
September 2022	Groundwater and Surface Water Quantity (region-wide chapters and FMUs). Communications and Engagement Plan for 2023

There will be policy review and development gaps that will continue to be worked on for the remainder of 2022 and reported to the post-election Strategy and Policy Committee as soon as possible. These delays are largely unavoidable. At this stage we anticipate these gaps will include the following:

- Freshwater Farm Plan provisions that integrate with new Freshwater Farm Plan regulations, because those regulations will not be gazetted until late in 2022 and staff will not see an exposure draft until after mid-year.
- Specific Mātauranga Māori input for each Freshwater Management Unit;

- Groundwater quantity limits and management options for Tauranga Moana FMU, because the groundwater model is still in development.
- Water quality limits and management options may not have been developed for every FMU. However draft objectives and target setting options will be available.

3. Changes to national regulations for freshwater

Table 1 outlines upcoming legislative, regulatory and policy changes specifically relating to freshwater management and affecting this work programme.

BOPRC submissions were lodged regarding Freshwater Farm Plan, Intensive Winter Grazing, Wetland and Stock Exclusion regulations. Announcements as to gazettal documents and dates are expected in mid-late 2022.

Table 1: Upcoming national changes relating to freshwater

Instrument/change	Release Dates
Freshwater Farm Plan regulations	Consultation completed in 2021. Likely gazettal no longer early-mid 2022, but likely in late 2022. Regional sector participating in several workstreams.
Amendments to Stock Exclusion regulations	Consultation completed in 2021. Likely gazettal mid 2022.
Amendments to the intensive winter grazing regulations (within the National Environmental Standards for Freshwater).	Consultation completed in 2021. Final drafting checks in progress. Gazettal date imminent. Changes are intended to come in to force 1 May 2022.
Amendments to wetland provisions in the National Environmental Standard for Freshwater regulations (NESF) and NPSFM to amend definitions and provide a consenting pathway for urban development and infrastructure, waste management, and quarrying.	Consultation completed in 2021. Likely gazettal no longer early 2022, but likely mid-late 2022. Regional sector participating in discussions about potential changes to the regulations in relation to the coastal marine area.
Amendments to the National Environmental Standards for Sources of Human Drinking Water 2007 (NES-DW)	Public consultation closed 6 March 2022. Likely gazettal mid-late 2022.

4. Considerations

4.1 Risks and Mitigations

There are several risks for the EFPP as a whole, which have previously been reported to the Risk and Assurance Committee. Some of these have become issues for the work programme. An updated schedule of these is attached (Attachment 1).

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.

4.3 Implications for Māori

As reported previously, freshwater is a taonga for tangata whenua. The NPSFM clearly sets out increased expectation of the active involvement of tangata whenua in freshwater management, and provision for cultural values and Mātauranga Māori. Council staff continue to invite and support iwi and hapū involvement to the extent they want to be involved, or have capacity to be involved.

Several iwi are now participating in the development of a long term vision for freshwater in Freshwater Management Units.

4.4 Community Engagement

Throughout this year, we will provide information for the public, deliver online engagement on vision and outcomes, and aim to develop community interest and readiness to engage on policy options that affect them in 2023.

The WET (water quality reporting tool) has now been launched, a Freshwater Flash was released in March and Participate Bay of Plenty community engagement on Vision and Outcomes will be launched by the time of this meeting.

4.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget. The EFPP is within budget this year.

5. Next Steps

1. Promote public participation in the Participate Bay of Plenty engagement on long term visions for freshwater.
2. Continue to invite and support involvement of tangata whenua in development of long term visions for freshwater and environmental outcomes. Continue to support various iwi led projects to advance their input and advice into this work programme.
3. Schedule and hold a series of informal workshops with Councillors to familiarise them with the policy options material that will be brought to June, August and September meetings.
4. Continue to progress key policy workstreams at pace, including surface water quantity, groundwater quantity, water quality and ecosystem health in Freshwater Management Units.

Attachments

Attachment 1 - Essential Freshwater Policy Programme: Key Risks [↓](#)

Attachment 1: Essential Freshwater Policy Programme – Substantial Risks

Topic	Risk	Mitigation Actions	Likelihood	Impact	Total
National/Strategic					
Replacement of the RMA	If the Natural and Built Environment Act is enacted before hearings on our NPSFM plan changes, this may require rework of policy position and plan provisions at a very late stage. Note the draft Treaty of Waitangi clause will give further weight to policy provisions in the NPSFM concerning kaupapa Māori.	The Minister for the Environment has directed councils to implement the NPSFM now, and stated the requirements would be carried over in to the NBA/national planning framework. Provide feedback on the NBA seeking specific clarification that this new act will not apply to freshwater planning instruments notified by 2024 in accordance with the RMA.	3	3	9
National Freshwater Farm Plan regulations will be gazetted in late 2022	The biggest risk is that the FWFP regulations are not workable, efficient or useful. The delay in gazettal creates delays for BOPRC's NPSFM implementation programme, causing plan development to extend in to the planned community engagement period (which may shorten some community engagement). The regulations will have implications for how regional rules and standards are drafted in 2022 and 2023, and for council's consenting, compliance and land management teams.	Provide feedback on discussion documents in July and August. Amend issues and options papers and drafting in late 2022 and early 2023. Develop regulation implementation programme in late 2022 and early 2023.	4	4	16 (change to red)
Science Advisory Panel review of Overseer released. In response, government has promised amendments to	The OVERSEER amendment and risk based tool are delayed and therefore cannot be relied upon and/or these tools cannot be used in a plan change for farm scale nutrient allocation. This risk could potentially affect the future of Lake Rotorua Nutrient Plan	Assess and respond to implications as soon as these reports are released. Consider and progress draft policy options that do not rely on these tools.	5	5	25

Topic	Risk	Mitigation Actions	Likelihood	Impact	Total
OVERSEER and a new risk based tool in late 2022.	change rules as well as new regulation for other parts of the region.				
Amendments to NESF and NPSFM wetland provisions will be gazetted in mid to late 2022 (6 -12 months later than anticipated)	Policy and rule direction shifts, requiring amendment to working draft policy issues and options paper for Wetlands, can't be completed until late 2022/early 2023	Submissions and advice on government drafts. Amend policy issues and options paper once changes are gazetted. Do not progress external discussions on policy issues and options paper until 2023.	4	3	12
Environmental					
Water quality in rivers, lakes, wetlands, estuaries and harbours	Water quality continues to degrade and intensification of current land use occurs prior to 2024 resulting in larger and more costly improvement requirements. Ability to deliver policy framework and limits that effectively maintain or improve water quality is compromised by data gaps and short time frames.	Communicate early high level messaging that Good Management Practice will be a minimum requirement. Continue to invest in non-statutory effort in focus catchments. Deliver plan changes with best information available and apply a suitably precautionary policy approach. Temporary national regulation will control large scale conversions to more intensive land use.	4	4	16
Water quantity allocation	Water is allocated in the interim between now and 2024, possibly resulting in over-allocation under new limits that get set.	Deliver a surface water accounting tool to inform consenting. Consents officers will use best information available to inform resource consent decision making, taking a precautionary approach to providing for the wellbeing of freshwater bodies.	3	4	12
Māori Partnerships					
Tangata whenua do not have capacity or capability to engage or provide information	2024 deadline means plan change may have to go ahead while relationships, capacity and	Endeavour to spread resourcing and support appropriately to build capacity and capability across tangata whenua.	5	5	25

Topic	Risk	Mitigation Actions	Likelihood	Impact	Total
relating to Te Mana o Te Wai, Mātauranga Māori, Māori values, (including mahinga kai) or interests	<p>capability are still developing. This may undermine relationships.</p> <p>Three Waters and resource management reforms will place additional pressure on staff trying to focus engagement on the NPSFM.</p>	<p>Draft RPS and RNRP to enable development of future direction and frameworks where they cannot be delivered by 2024.</p> <p>Frame up discussions that take into account changes to legislation but emphasise that the NPSFM will not be affected by the proposed reforms. Te Mana o Te Wai will remain intact and part of the reform process going ahead.</p> <p>Progress collective options for engagement.</p>			
Central government is still progressing key discussions on Māori Rights and Interest in Freshwater. It is unclear when government decisions will be made.	This uncertainty also makes it difficult to clarify and land relationships and policy position with tangata whenua. Any policy position set may need to change.	<p>Take a long term view of developing relationships in good faith with tangata whenua.</p> <p>Communicate that Regional Council can only implement policy from central government, and cannot respond to rights and interests that extend beyond those provided for under the RMA and the NPSFM 2020, until they are provide for in new legislation.</p> <p>Apply a multifaceted approach to tangata whenua engagement. For example, this can include: basic information provision to all; engagement in sub-regional hui; engaging with iwi and hapū in ways appropriate to them; and encouraging collaboration between iwi and hapū where possible.</p> <p>Ensure no alignment with one iwi or hapū to the exclusion of another who expresses interest.</p> <p>Accept we will have a multitude of inputs to work through, as well as gaps, and challenges to our approach. Record and respond to these.</p>	4	4	16

Topic	Risk	Mitigation Actions	Likelihood	Impact	Total
Community and Stakeholder Relationships					
Tangata whenua, key stakeholders, the community have widely varying wants and expectations relating to freshwater management.	<p>We do not meet key stakeholder, community and tangata whenua engagement expectations.</p> <p>Proposed plan change content does not meet tangata whenua, stakeholder, and/or community expectations, resulting in a high number of substantial submissions.</p>	<p>Seek advice and feedback in accordance with the agreed engagement approach. Demonstrate and communicate how that has been considered.</p> <p>Council will have to make decisions that appropriately deliver on obligations. Accept all parties will not all agree with all elements.</p> <p>Submissions will be heard by the Freshwater Hearings Panel.</p>	5	5	25
Legislated obligations					
Timeframe for delivery – notify a proposed RPS change and proposed RNRP change by July 2024 (December 2024 is the statutory deadline).	<p>Timeframe for delivery compromises robust planning process and quality of the proposed RPS and RNRP change.</p> <p>Work programme delays compromise ability to meet the deadline, e.g., due new government policy and regulations, shortage of specialist resources, procurement delays.</p>	<p>Programme is as well resourced and actively managed to stay on track.</p> <p>Accept that best information available and plan change delivered may not be able to be as detailed or advanced as would be ideal.</p>	4	5	20
Data gaps and uncertainties	Lack of data/data gaps causes substantial uncertainty for policy making (and for resource consenting), affecting effectiveness of policy.	Progress with best information available (as required by the NPSFM). Policy options will reflect the level of certainty and information available. Apply a precautionary approach to giving effect to NPSFM objectives and policies.	4	4	16
Regional sector collaboration is seeking to progress tools and information that assist the sector with NPSFM implementation.	<p>Resources invested in regional sector and national collaboration do not directly assist BOPRC to deliver its obligations, and cause duplication of effort.</p> <p>Each regional council approaches aspects of NPSFM implementation quite differently.</p>	<p>Key contacts will be involved in useful national collaboration work.</p> <p>Continue to actively share with and seek feedback from regional councils.</p>	4	3	12

Topic	Risk	Mitigation Actions	Likelihood	Impact	Total
		Review early Freshwater Hearings Panel decisions and amend policy framework in response.			
Decision making	Decision making delays during programme delivery compromise ability to deliver plan changes on time.	Regular updates to Councillors. Workshops before decision making meetings to ensure Committee has a clear understanding and is decision ready. Additional workshops for incoming councillors after 2022 elections on progress and decisions to date, and obligations.	4	4	16
Specialist expertise and resourcing					
Loss of key staff or consultants prior to Freshwater Hearings Panel deliberations	Loss of detailed knowledge of planning and technical topics that is needed to deliver and then defend plan changes. This may be difficult to address given current shortfalls in freshwater expertise across the regional sector nationally.	Maintain a focus on staff wellbeing and support. To the extent possible, ensure that more than one person is aware of proceedings on each topic. Ensure staff save all work in progress in a form that is accessible to others in the organisation.	3	4	12