

IN THE MATTER: of the Resource Management Act 1991
(**RMA**)

AND

IN THE MATTER: of Proposed Plan Change 94 (Washer
Road Business Park) to the Western
Bay of Plenty District Plan under
Schedule 1 of the RMA.

STATEMENT OF EVIDENCE OF NATHAN TE PAIRI – PLANNING

1 July 2022

EXECUTIVE SUMMARY

Having read the s.42 report, relevant submissions and evidence on proposed Plan Change 94 (the Plan Change), I do not oppose the plan change.

However, in reaching this conclusion, I consider additional provisions are required to manage the effects arising from the Plan Change. In reaching this conclusion, I rely on the evidence of Mark Townsend (water quantity), Sue Ira (water quality), Keith Hamil (ecology) and Mark Ivamy (natural hazards).

In summary, the provisions require the following:

- A new objective and policy that requires the preparation of a comprehensive Stormwater Management Plan:
 - (i) to ensure stormwater mitigation to be determined for entire site before subdivision occurs and prior to obtaining a discharge consent;
 - (ii) treatment train methods, including at-source controls including rain gardens or swales, and water recycling options for the development site;
 - (iii) appropriate design parameters to guide the design of the mitigation measures; and
 - (iv) management of hazardous substance contaminants from high-risk activities.
- Various provisions to manage water quality and achieve the objectives of the NPS-FM;
- Provisions to manage hazardous substances;
- A new rule to manage flood risk to buildings and, a corresponding definition for 'Functionally Compromised'; and
- Provisions to ensure the SMP is implemented and downstream flood risk is not increased.

In my view, such provisions are the most efficient and appropriate method to provide certainty that the Plan Change manages increases flood risk in the downstream on infrastructure and buildings in Te Puke catchment. Further, I consider the provisions would manage effects on water quality in the Ohineangaanga Stream.

Therefore, subject to the above suggested planning provisions, I consider the Plan Change would:

- give effect to Policies IR1B (precautionary approach), IR 5B (cumulative effects) and NH 4B

(managing risk) of the Bay of Plenty Regional Policy Statement (BOP RPS).

- implement Method 18 (structure planning) by requiring an SMP.
- give effect to the NPS-FM, in particular, Policies 3 and 6, and would not be inconsistent with the Regional Natural Resources Plan.

The policy and planning provisions that I refer to in this evidence are set out in Appendix 1.

INTRODUCTION

Qualifications and experience

1. My full name is Nathaniel George Te Pairi. I have held the position of Planner at the Bay of Plenty Regional Council (**Regional Council**) since August 2019.
2. I have 16 years' experience as a planner in New Zealand and the United Kingdom on a range of large scale residential and commercial consenting projects for the London Borough of Tower Hamlets. I also prepared recommendation reports on behalf of the Planning Decisions Team for the London Olympic Games in 2012. I have completed a recognised planning qualification.
3. I can confirm I have expertise in policy planning having worked on the Auckland Unitary Plan for Auckland Council on a range of topics and have assisted in preparation of spatial planning processes as precursor to structure planning.
4. Since joining the Regional Council I have worked in the planning related matters to natural hazards, stormwater management and implementation of NPS-FM on structure plans. I currently lead the implementation of the council's Regional Policy Statement and to a lesser extent, the Regional Natural Resources Plan in changes to city and district plans in Tauranga City, the Rotorua Lakes District and Western Bay of Plenty District. I also led a review of the natural hazard provisions in the Regional Policy Statement in 2020 to 2021.
5. On related matters, I have provided planning evidence on behalf of the Regional Council on Plan Change 2 Pukehangi Heights (PC 2) to the Rotorua District Plan, and on Proposed Plan Change 27 to the Tauranga City Plan. As part of my involvement in PC 2, I assisted with the development of provisions to address stormwater management and these were endorsed by the Independent Commissioners in the Decision.
6. I am an associate member of the New Zealand Planning Institute and have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014 and agree to comply with it.
7. I confirm that the issues addressed in this statement of evidence are within my area

of expertise, except where I state I am relying on the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my expressed opinion.

Background

8. Proposed Plan Change 94 (**PC94**) seeks to rezone Rural land to Industrial on Washer Road in Te Puke.
9. PC94 did not include provisions to manage stormwater effects and was notified without the benefit of an ecology report or a risk assessment as required by the Bay of Plenty Regional Policy Statement (**RPS**).
10. The catchment area downstream of Te Puke is highly sensitive to increases in stormwater run-off which is linked to cumulative effects of urban development and increased impermeable surfaces in the township. In addition to this, the Regional Council operates a pumping scheme in the lower catchment to protect rural landowners and their operations, consistent with its obligations under drainage and flood protection legislation.
11. Western Bay of Plenty District Council (**WBOPDC**) and Regional Council have agreed to jointly fund and develop a model to inform and explore options to address existing flood issues.
12. Following completion of the model in Te Puke, the Regional Council's priority will be to ensure both the efficiency and levels of service of the existing flood scheme are maintained and to ensure the day-to-day operations of rural occupiers downstream are not compromised. For this reason, a precautionary approach is considered appropriate.
13. Regional Council raised in its submission of 4 February several outstanding concerns relating to:
 - a. Natural hazards and the need for a risk assessment in accordance with Appendix L of the RPS.
 - b. Adequacy of the proposed sizing of the stormwater mitigation and the level of attenuation to ensure that run-off from the site is not increased,

consistent with the natural hazard and cumulative effects provisions in the RPS. Issues relating to the loss of storage in the floodplain were also raised.

- c. The absence of an ecological assessment to identify the values of the Ohineangaanga Stream and the need to consider the directions in the National Policy Statement for Freshwater Management (**NPS-FM**) as well as the Regional Natural Resources Plan (**RNRP**) and RPS around loss of value. Stormwater mitigation measures including water sensitive urban design and a full treatment train approach were sought, as well as location of stormwater management devices outside the 100-year ARO floodplain to avoid resuspension.
 - d. The storage of hazardous chemicals; and
 - e. The location of any landscape buffer away from the toe of the stopbank and the importance of ensuring that final details of the buffer are reserved to ensure access and stability of the stopbank and bridge.
14. Regional Council has had an opportunity to review further information provided by the applicant including an ecology report (27 May) and a memo and emails addressing stormwater and water sensitive design measures (17 June) and, subsequent statements by Richard Coles and Peter Moodie.
15. As a result of that review, the Regional Council considers that the submission points listed above have largely been addressed or can be with the inclusion of provisions that will ensure they are addressed as part of future consenting processes.
16. The provisions being proposed on behalf of the Regional Council are set out in '**PLANNING PROVISIONS**' towards the end of this statement and, reflect the advice that I have received from the Regional Council's technical experts.
17. The key relief sought in the proposed provisions is to secure a comprehensive stormwater management to integrated into the structure plan and prior to subdivision and, to inform future consenting processes. These recommended provisions have not yet been discussed in detail with the Applicant and so I am not aware whether they will be accepted.

18. The key outstanding issue is the extent to which the plan change can mitigate stormwater to avoid an increase in risk off-site, including to flood protection assets in the Te Puke Flood Protection Scheme. A further risk assessment is sought alongside full details of mitigation to manage volume and peak to satisfy the requirements of the natural hazard provisions in the RPS, specifically, Policy NH 4B
19. A further issue relates to the extent to which the Plan Change gives effect to the NPS-FM. I have addressed the Policy context in my statement and relied on Sue Ira with regards to appropriate mitigation of the potential effects arising from future Industrial Uses. This is addressed in detail by Sue Ira for the Regional Council.

Scope of evidence

20. My evidence will focus on the Planner's Report topics, which correlate to the matters raised in the Regional Council's submission. Specifically, I will address:
 - a. Topic 2: Structure Plan Map
 - b. Topic 4: Stormwater
 - c. Topic 6: Natural Hazards
 - d. Topic 7: Freshwater and Ecology
21. I have prepared a set of recommended provisions to address the majority of the concerns raised by the Regional Council. These would need to accompany (relatively minor) revisions to the Structure Plan. These are needed to ensure consistency with the RPS and the NPS-FM with regards to managing water quality and volume stormwater effects.
22. In reaching this conclusion, I note this assessment has not been considered by the applicant and is not required by the WBOPDC Operative District Plan 2012. To this end, the Regional Council has offered these conditions as a means to enable the rezoning to industrial land in Te Puke subject to provisions to manage the related effects. This is discussed further in the following sections of this report.
23. In preparing my evidence I have relied on the evidence of Sue Ira, Keith Hamill, Mark

Townsend and Mark Ivamy. I have reviewed the Application, the relevant supporting technical assessments, the submissions relating to the issues that Regional Council raised in its submission, and the evidence filed by the Applicant. I respond to that evidence where the matters raised are relevant to my area of expertise.

RESPONSE TO PLANNER'S REPORT

Topic 2: Structure Plan Map

24. As a general point, I support the use of a structure plan in this instance. This is consistent with Policy UG 4A and Method 18 (structure planning) of the RPS which requires the preparation of structure plans for all large-scale land use changes to ensure:
- a) *co-ordinated development through integrated provision of infrastructure;*
and
 - b) *integrated management of related environmental effects.*
25. Specifically, Method 18 requires structure plans to:
- (i) *Show how any adverse effect of increased stormwater runoff is to be mitigated;*
and
 - (ii) *Show how other adverse effects on the environment and infrastructure are to be avoided, remedied or mitigated.*
26. As the Business Park will be subdivided in the future, I also considerate it necessary that the cumulative effects of the stormwater be managed in an integrated and comprehensive manner at the structure plan stage.
27. In terms of the most recent version of the Structure Plan Map¹ itself, I seek the following amendments:
- (i) remove the annotations sizing of the 'extended detention volume: 2287m³' as this has not yet been agreed by Mark Townsend on behalf of the Regional Council; and

¹ *Washer Road Business Park" Plan Change Structure Plan: circulated in the bundle of evidence for the applicant on 28/06/2022*

(ii) annotate the vegetation buffer as 'indicative' alongside the stop bank and reserve future details in the SMP.

28. The Planner's Report has recommended that the vegetation buffer be relocated on the map to the west of the stop bank. As the asset owner of the stop bank, Regional Council needs to retain the ability to approve the final location of the buffer if it is proximate to the stop bank. As detailed in Regional Council's submission, this is for access and bank stability reasons and to ensure future planned upgrades are not prevented. Mr Townsend refers to the need for this in his evidence.
29. The relocation of the buffer to outside of the toe of the stop bank is supported. However, details the final location of the buffer and the proposed drainage swale, need to be finalised with the Regional Council and included as part of detailed design (and noting that Bylaw Authority is likely to be required).
30. I consider this can be addressed as part of the SMP to ensure the matters are considered comprehensively, as follows:

Details of the proposed vegetation buffer and associated works on the stop bank to ensure:

(i) access is provided to the stop bank to the satisfaction of the Bay of Plenty Rivers and Drainage Department; and

(ii) the stability of the stop bank and bridge can be is maintained to the satisfaction of the Bay of Plenty Rivers and Drainage Department.

Topic 4: Stormwater

31. The Planner's Report acknowledges the concerns raised regarding stormwater and recommends that the applicant provide a further assessment including liaising with the Regional Council.
32. Mr Townsend explains in his evidence that the flood carrying capacity of the lower reaches of the Ohineangaanga Stream and surrounding land is "over-allocated", meaning that no additional flow should be allowed to enter the stream until downstream levels have dropped. If this does not occur, the integrity of the flood

protection assets and other infrastructure downstream will continue to be affected from the cumulative increases.

33. As the council already operates a pumping scheme and manages a flood scheme in the lower half of catchment to protect the operations of local farmers, I consider it appropriate to have regard to Policy IR 1B (precautionary approach) of the RPS and Policy IR 5B of the Regional Policy Statement gives regard to Cumulative effects of a proposal to:

(h) increased risk from natural hazards;

(j) effects on the function, efficiency and safety of infrastructure; and

(k) social and economic well-being.

34. On this basis and, the advice of Mark Townsend with regards to the Ohineangaanga Stream being 'at-capacity', I consider it appropriate to require the increase in peak flows arising from the plan change be managed entirely within the Business Park without reliance on downstream solutions.

35. Further information was provided to Regional Council on 15 and 17 June to address outstanding matters relating to volume, water quality and increased risk on the flood protection assets. This was followed by a further assessment was provided by Peter Moodie with regards to stormwater mitigation.

36. In response, Mark Townsend for Regional Council has confirmed that the loss of storage on the flood plain would be negligible. However, Mr Townsend does not support the extent of proposed stormwater mitigation by the applicant which, in his view, is sized to address water quality measures only but not the increase in peak flows.

37. Mr Townsend further recommends:

(i) that mitigation of increased stormwater runoff is provided by detaining the increased runoff flow (peak discharge) so that the post-development peak discharge for the 100-year return period storm be limited to 80% of the pre-development peak discharge;

38. As the site is relatively flat and does not appear to be obviously constrained, I consider there are a range of options that could be considered by the applicant to

address this matter.

39. In response to the above matters raised by Mr Townsend, I consider the above can be addressed by way of specific planning provisions by way of Stormwater Management Plan (SMP). This is addressed in detail later in this statement under **'PLANNING PROVISIONS'**.

Topic 6: Natural Hazards

40. The s.42a report notes the receipt of a risk assessment prepared by the applicant in accordance with Appendix L of the RPS. I rely on the evidence of Mark Ivamy as to the appropriateness of the risk assessment in accordance with Appendix L.
41. I note that the s.42a report or planning assessment has not addressed whether the proposal satisfies Policy NH 4B of the RPS.
42. This matter is addressed by Mark Ivamy and Mark Townsend for the Regional Council and their recommendations to require a Stormwater Management to manage volume and peak flows both within the development site and outside of the development site. On this basis, Mr Townsend is satisfied that there no increase in downstream risk.
43. Specifically, Mark Ivamy recommends a new definition for Functionally Compromised and a new rule to manage flooding for buildings. He also supports a future risk assessment to ensure further risk does not eventuate once details of mitigation to manage volumes and peak flows are known when the SMP is prepared.
44. Therefore, I consider that the proposal would address the requirements of Policy NH 4B of the Regional Policy Statement.

Topic 7: Freshwater and Ecology

Relevant Policy Considerations

45. The NPS-FM requires that freshwater quality within a region must be maintained or improved and places a focus on water quality, water quantity and integrated management of freshwater.

46. The sole objective of the NPS-FM requires the management of resources in a way that prioritises:
- (a) the first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
47. This hierarchy of obligations sits within the “fundamental concept” of Te Mana o Te Wai. This is a new approach to management of our resources that is water-centric.
48. Of note, the first obligation, the health of water bodies is a prerequisite to the third obligation being to the ability of communities to provide for their economic well-being. This is particularly relevant to the consideration of this plan change.
49. To implement this objective, I consider Policies 3 and 6 of the NPS-FM to be particularly relevant to the Plan Change. Applied in context, these policies seek to:
- (i) avoid loss of the extent and values of the Ohineanganga Stream to the extent practicable; and
 - (ii) ensure freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
50. As required by s.74 and s.75 of the RMA, the Plan Change must give effect to the NPS-FM and must not be inconsistent with the regional plan. This includes Policies IM P1A² of the RNRP which further implements Policy 6 of the NPS- FM.
51. In considering the plan change, the effects of post development stormwater discharges from the anticipated industrial land uses are a particularly relevant consideration given the adjacency of the Ohineanganga Stream to the plan change area.
52. In addition to the requirements of the NPS-FM, Policy IR 5B(b) and (f) of the RPS provides a basis to require land use provision to manage cumulative effects arising from the following:

² These policies were inserted into the RNRP as required by s.55(4) of the RMA and was operative as of 29 March 2021.

- (d) Incremental degradation of water quality from point source and non-point source discharges including urban stormwater; and*
- (e) Adverse impacts on coastal processes, resource or value, biodiversity and ecological functioning.*

Consideration of the Plan Change and NPS-FM

- 53. The s.42a report acknowledges that freshwater management is not resolved and has deferred the matter to the applicant to address.
- 54. An ecological assessment has been completed and I understand that Keith Hamill for the Regional Council agrees with the conclusion of the assessment that the values of the Ohineangaanga Stream are high.
- 55. In terms of appropriate mitigation, Sue Ira recommends the provision of site-specific pollution plans be prepared as well as site-wide provisions for swales and/or other at source treatment devices to be prepared as part of the Stormwater Management Plan to comprehensively manage the water quality effects arising from the plan change on the Ohineangaanga Stream. I support Sue Ira's recommendations to manage the stormwater mitigation measures for the plan change.
- 56. For the reasons stated above, I consider that the provisions could adequately manage the water quality effects resulting from the Plan Change, subject to the requirement to prepare a comprehensive Stormwater Management Plan before subdivision occurs.
- 57. On this basis, I consider that the Plan Change would give effect to Policies 3 and 6 of the NPS-FM and Method 18 and, Policies IR 1B and IR 5B of the RPS, and would not be inconsistent with Policies IM P1A³ of the RNRP.

RESPONSE TO APPLICANT'S EVIDENCE

- 58. I have read the evidence of Richard Coles and Peter Moodie for Plan Change 94.

³ *These policies were inserted into the RNRP as required by the clauses from the National Policy Statement for Freshwater Management 2020 without a plan change process and were operative as of 29 March 2021.*

59. I support the intention of the relief to stage implementation but consider much greater certainty is necessary to ensure the objectives of the proposal can be implemented.
60. For these reasons, I do not support use of discretionary activity status for staging⁴ or, general reliance on the district plan to manage the effects of the Plan Change. I do not consider that an adequate assessment of how that might be achieved is provided by Mr Coles.
61. Instead, I consider a Stormwater Management Plan is a necessary and appropriate method for a range of reasons, including in order to provide certainty. This is discussed in detail under Topic 4 (stormwater).

Water Sensitive Design

62. Mr Coles refers to the recommendations of the ecology report prepared by Boffa Miskell to address water quality. However, these are not offered in the form of provisions to address Regional Council's original submission points (94 (3) and (4)) to the plan change and to thereby, give effect the NPS-FM.
63. In lieu of any provisions he considers a resource consent would adequately manage water quality. I do not agree. The evidence of Sue Ira, in particular, explains the shortcomings associated with relying on a resource consent process to manage cumulative water quality effects. I support provisions to manage water quality in the SMP for the Plan Change.
64. In paragraph 27 of his statement, Mr Coles refers to 12.4.5 of the District Plan and a service plan to manage water quality. He also considers that flexibility be retained to specify providers of stormwater solutions.
65. This matter is also addressed in my statement in paragraph 71-72 below and in the evidence of Sue Ira. As an expert in water quality, I support her views. Also, as the district plan has not been updated to give effect to the NPS-FM (2020), it is more important to look directly back to its terms for direction. As noted elsewhere, the NPS-FM proposes a fundamentally different approach to the protection of streams and wetlands and therefore the WBOP DP cannot be relied on as the most

⁴ Appendix 14: Proposed amendments to the operative Western Bay of Plenty District Plan

appropriate method to achieve the purpose of the Act where it relates to freshwater and its interface with land use and development.

66. As such, I do not consider the methods preferred by Mr Coles to be the most appropriate.

Hazardous substances

67. At paragraph 26, Mr Coles also refers to the existing rule framework (Chapters 9 and 21) in the WBOP District Plan to manage hazardous substances on land zoned Industrial. Sue Ira addresses this in her evidence. I agree with her conclusion that the current District Plan provisions are not adequate to address the potential for effects or to give effect to higher order policy direction around protection of waterways. I have proposed provisions, with her input, that require the preparation of plans to address the risk of hazardous substance discharge.

Reliance on discharge consents to manage stormwater volume effects

68. I disagree with Mr Coles view that discharge consents alone could address stormwater effects. I do not consider that a discharge consent would appropriately manage the effects from PC94 because:
- a. It is not sufficiently prescriptive to respond to the particulars of the site or necessarily, the effects arising from the entire plan change area or the wider catchment.
 - b. It would not provide certainty that the effects identified at the plan change would be addressed once implemented later in the development process.
 - c. It would not provide certainty that stormwater mitigation be implemented as anticipated at the structure plan.
 - d. It should not be relied upon as a means to determine the sizing of stormwater infrastructure or other necessary mitigation for the plan change.
 - e. It may not be an appropriate mechanism to manage stormwater if changes to ownership occur and piecemeal stormwater solutions eventuate.

69. To provide certainty for all, particularly future landowners and operators and existing downstream users in the catchment, I consider that a fully integrated and stormwater management approach should be secured via a Stormwater Management Plan.

PLANNING PROVISIONS

70. In my view, a site-wide Stormwater Management Plan is a necessary and appropriate method to:

- (a) ensure that the cumulative effects of the plan change can be managed in an integrated manner. This is to ensure the social and economic well-being of downstream users from the cumulative effects of flooding.
- (b) ensure adequate space is provided for the entire structure plan area prior to subdivision occurring, and to provide certainty that the effects of land use change are managed at the structure plan stage.
- (c) provide certainty for all parties including the community and the councils, future occupants and downstream occupiers and farmers before the structure plan is implemented;
- (d) avoid the potential for future occupiers or local authorities to inherit the future costs to manage stormwater. In my view, this I clearly the obligation for the structure plan to satisfy; and
- (e) To manage unforeseen implementation issues that can occur with piece-meal solutions to stormwater management.

71. In response to the recommendations of Mark Townsend, Mark Ivamy and Sue Ira, I consider it appropriate to guide the detailed design of the stormwater mitigation and manage water in an integrated way and other related considerations in an integrated way.

72. In considering the SMP as a method to achieve the relevant objectives of the NPS-FM and the RPS, I do not consider the provisions in the Western Bay of Plenty District Plan in themselves, are appropriate methods to manage the water quality and effects arising from this particular plan change.

73. This is primarily because,

- (i) The WBOPDC Operative District Plan 2012 has not been updated to give effect to the directives of the NPS-FM or the Regional Policy Statement with regards to natural hazards⁵.
- (ii) This means that it cannot be relied on to implement the NPS-FM and manage water quality anticipated by the NPS-FM. Regard must be had directly to the NPS-FM and (to a lesser extent) the RNRP with regards to water quality and the Regional Policy Statement to managing the effects of the increase run-off and peak flows;
- (iii) The methods listed in 12.4.10 of the WBOP DC (Structure Plans – Stormwater General) are too general and do not specifically manage the issues raised by the natural hazard provisions in the Regional Policy Statement, or the NPS-FM.

In my view, further adaption of these methods to 'fit' the plan change would be inefficient and not assist plan users in implementing the various provisions of the Structure Plan. In this case, I suggest a SMP is both a clean and precise way of providing for certainty that stormwater quality and quantity can be managed once the plan change is implemented.

74. Without an SMP, I cannot support the Plan Change and consider that it would not accord with the intention of Method 18, would not give effect to RPS Policies IR 1B, IR 3B and IR 5B to give regard to cumulative effects in contributing to increased risk from natural hazards⁶, nor would it give effect to Policy NH 4B.

PROPOSED PROVISIONS

- (i) New provisions to ensure the water quality is managed within the Business Park.

NEW Objective - Water quality:

⁵ See the effect of Policy NH 8A of the RPS which require all district plans to address natural hazard risk at the time of review.

Water quality is managed within the Washer Road Business Park to avoid loss of values to the Ohineangagna Stream.

NEW Policy - Water quality:

Stormwater quality effects are mitigated by ensuring any new Buildings are constructed with inert roofing materials or require treatment via water quality treatment devices to be designed in accordance with BOPRC Stormwater Management Guidelines (Guideline Document 2012/01, updated as at December 2015).

NEW Rule – Inert roof materials:

All new Buildings shall be constructed with inert roofing materials or require treatment via water quality treatment devices to be designed in accordance with BOPRC Stormwater Management Guidelines (Guideline Document 2012/01), updated as at December or future equivalent.

NEW Rule - Hazardous substances and flood risk:

The proposal shall ensure that hazardous substances are not stored within the 1% AEP floodplain and are protected from flooding, spillage and leakage should a flood hazard event occur.

Reasons: Avoid loss of values to the Ohineangaanga Stream, particularly post development stormwater effects arising from the anticipated industrial land uses as required by Policy 3 and 6 of the NPS-FM, Policy IM P1A of the RNRP and Policy IR 5B of the RPS.

- (ii) New rule and corresponding definition for functionally compromised to ensure that flood risk is managed

NEW RULE - Managing flood risk for new buildings

Any new Building or Structure in the Washer Road Business Park shall not be Functionally Compromised in a 1% AEP event including a RCP⁷ 8.5 climate change projection to 2130 except for buildings or structures that have a gross floor area less than 20m² at ground floor level.

Reason: The operative rules for flooding in the WBOPDP (i.e. 2% AEP without consideration for climate change) would not achieve low risk at the development

⁷ Representation Concentration Pathway

site, in all cases, as required by Policy NH 4B of the BOP Regional Policy Statement. This is addressed by Mark in his statement.

NEW DEFINITION: Functionally compromised

'Functionally compromised': When a building cannot continue to be used for its intended use after a flood event based on the extent of likely damage from the effects of ponding and overland flow paths and impact on normal business functioning.

Reason: The WBOP Model identifies that both ponding and overland flow paths exist on the site. It is considered necessary to define the extent to which new commercial buildings may reasonably be affected by the 1% AEP flooding event. This provides for the reasonable use of land while providing for the appropriate management of natural flood risk.

- (iii) New objectives and policy that requires the preparation of a comprehensive Stormwater Management Plan to manage stormwater quality and quantity for the Business Park before and prior to obtaining a discharge consent and before subdivision occurs.

NEW Objective: Stormwater Management – Washer Road Business Park

'Cumulative stormwater effects arising from increased volume and peak flows and water quality effects are managed in an integrated manner solely within the Washer Road Business Park without the need to rely on upstream or downstream detention options'.

Reason: To manage increases in cumulative flood risk arising from the plan change are managed in an integrated manner at structure plan stage and within the development site as required by Policies NH 4B, IR 5B of the RPS and, to implement Method 18.

NEW Policy: Stormwater Management Plan

Manage the cumulative stormwater quality and quantity effects within the Washer Road Structure Plan and on the downstream environment through a Stormwater Management Plan (SMP) for the entire Business Park area. The SMP is to be certified by Western Bay of Plenty District Council prior to the applicant obtaining a discharge permit, and prior to any subdivision. Certification is to confirm that the SMP includes:

Reason: To manage increases in cumulative flood risk arising from the plan change are managed in an integrated manner at structure plan stage and within the development site as required by Policies NH 4B, IR 5B of the RPS and, to implement Method 18 and avoid losses to the Ohineangaanga Stream as result of plan change as required by Policy 3 and 6 of the NPS-FM and Policy IM P1A of the RNRP.

(iv) Further parameters are considered necessary to guide the preparation of the stormwater mitigation. These include:

- i. Confirmation that peak discharges for the post-development 1% AEP (100-year) are limited to 80% of the pre-development peak discharge through the provision of attenuation, unless the model referred to in (iii) shows that hydraulic neutrality can be achieved otherwise (in accordance with BOP Hydrological and Hydraulic guidelines (4.9 Stormwater mitigation) and BOP Stormwater Guidelines (7.1.1 Preventing existing flooding problems from getting worse).*
- ii. Consideration of the intended scale, nature and form (including ground levels) of the commercial area and the interaction of the identified flood extents and proposed stormwater mitigation measures. This includes consideration of any necessary earthworks and intended subdivision within the Structure Plan area;*

Reasons: To give effect to Policies IR 1B, IR 5B and NH 4B of the Regional Policy Statement. The specific reasons these standards are addressed in the evidence of Mark Townsend.

(v) Specific information requirements for the design details of the stormwater measures:

Details of stormwater quality and quantity mitigation measures for the entire Washer Road Structure Plan area. Details shall include:

- a. The size of detention, location, configuration of the outlet structures, discharge locations, and hydraulic performance of the on-site stormwater management devices;*

b. The size of channels/swales and the related erosion protection measures for overland flow paths (on-site) including for the receiving waterways immediately downstream;

c. Design and sizing information to manage water quality treatment wetlands and associated devices in accordance with BOPRC Stormwater Management Guidelines (Guideline Document 2012/01, or any subsequent replacement guideline for at-source controls, and water recycling options in areas zoned Commercial in parallel to the preparation the discharge consent;

d. Preparation of site-specific pollution management plans for all high-risk industrial facilities (Schedule 21 in the WBOPDP) to outline good onsite management practices to minimise the risk of discharge of environmentally hazardous substances; and

f. Details of the proposed vegetation buffer and other related works that ensure:

(i) access is provided to the stop bank to the satisfaction of the Bay of Plenty Rivers and Drainage Department Bay of Plenty Regional Council; and

(ii) the stability of the stop bank and bridge is maintained to the satisfaction of the Rivers and Drainage Department of the Bay of Plenty Regional Council.

Reasons: To provide certainty that the stormwater mitigation measures by implement the directives of the NPS-FM and RPS and IR 5B of the RPS. These reasons for these measures are elaborated further in the evidence of Sue Ira and Mark Townsend for the Regional Council.

(vi) **NEW provisions – (Stormwater Management Plan (SMP) Compliance:**

NEW Performance standards:

(i) Stormwater management solutions for subdivisions must be consistent with the SMP approved by Western Bay of Plenty District Council for the Washer Road Business Park to ensure an integrated approach is taken to stormwater management; and

(ii) Stormwater management solutions for subdivisions must be prepared by a suitably qualified and experienced practitioner.

Reason: To provide certainty that subsequent subdivision stage accords with the SMP and implements Policy IR 5B of the RPS to ensure cumulative effects arising from the plan change are managed within the development site.

CONCLUSION

75. Subject to the relief sought in the Proposed Provisions above, I consider that the plan change would give effect to relevant provisions in the NPS-FM RPS and the RNRP and address the submissions identified in the original submission for the Bay of Plenty Regional Council.

APPENDIX 1: Relevant Provisions.

Bay of Plenty Regional Council.

Policy IR 2B: Having regard to the likely effects of climate change

Recognise and provide for the predicted effects of climate change having particular regard to:

- (a) Predicted increase in rainfall intensity, taking account of the most recent national guidance and assuming a minimum increase in the annual mean temperature of 2°C by 2090 (relative to 1990 levels); and
- (b) Predicted increase in sea level, taking into account the most recent national guidance and the minimum sea-level rise projections in Policy NH 11B.

Explanation

Known risks associated with climate change are to be considered in association with the planning of subdivision, use and development. Climate change effects should be considered in association with resource consents and plan change processes. Adaptation and forward planning is necessary to mitigate or avoid risks associated with climate change.

National guidance figures in Policy IR 2B are from the Ministry for the Environment guidance manual on climate change, 'Preparing for Climate Change - a guide for local government in New Zealand (2008)', from available data at the time. The 2oC increase in annual mean temperature is a mid-level projection of future temperature changes and may be refined in future.

Table reference: Objective 11, Method 3

Policy IR 3B: Adopting an integrated approach

Adopt an integrated approach to resource management that:

- (a) Recognises the interconnected nature of natural and physical resources, including as they adjust to changes;
- (b) Recognises the multiple values of natural and physical resources;
- (c) Responds to the nature and values of the resource and the diversity of effects (including cumulative and reverse sensitivity effects) that can occur;
- (d) Seeks to maximise benefits by considering opportunities to align interventions (including regulatory and non-regulatory) and/or to achieve multiple objectives;
- (e) Encourages developments, activities or land-use changes to:
 - 1 Provide for the relationship between land use and water quality and quantity
 - 2 Recognise the advantages and constraints of land use capability;
 - 3 Provide for infrastructure and;
 - 4 Benefit the economic wellbeing of communities.
- (f) Takes a long term strategic approach which recognises the changing environment and changing resource use pressures and trends;
- (g) Applies consistent and best practice standards and processes to decision making; and
- (h) Recognises different community values and social needs;

and regards these as positive effects.

Explanation

Integrated resource management requires a holistic view that looks beyond organisational, spatial or administrative boundaries. For integrated management to be effective and efficient it requires a coherent and consistent approach and that agencies or organisations involved in resource management work together in a collaborative manner. This is because there is overlap in the functions of local authorities and also resources and issues that cross jurisdictional boundaries.

Sustainable land management requires integrating the development and use of the land with the attributes of its wider environment: the availability of water and its capacity to receive contaminants without adverse effects, the ability of the land to retain its physical qualities while supporting the use, and recognition of and provision for the wider environment within which the activity occurs.

*Table reference: Objectives 10, 11 and 14, Methods 3, 9, 11, 41, 47 and 70**

Policy IR 5B: Assessing cumulative effects

Give regard to the cumulative effects of a proposed activity in contributing to:

- (a) Incremental degradation of values of sites identified as having high natural character (in accordance with Policies CE 2B and CE 8B);
- (b) Incremental degradation of matters of significance to Māori including cultural effects (in accordance with Policy IW 5B);
- (c) Incremental degradation of water quality from point source and non-point source discharges including urban stormwater;
- (d) Inefficient use of space associated with sprawling or sporadic new subdivision, use or development;
- (e) Incremental degradation of scenic values, amenity, open space, recreation and the general use and enjoyment by the public;
- (f) Adverse impacts on coastal processes, resource or values, biodiversity and ecological functioning;
- (g) The availability of freshwater resources;
- (h) Increased risk from natural hazards;
- (i) The loss of versatile land for rural production activities;
- (j) Effects on the function, efficiency and safety of infrastructure; and
- (k) Social and economic wellbeing.

Explanation

Policy IR 5B recognises that it is often the cumulative effects of a variety of processes and activities (both natural and human induced) that have significant impacts on a range of regionally significant resource management issues. For example, impacts on the natural character of the coastal environment, wetlands, lakes and rivers and their margins. Also, the effects of urbanisation

outside urban limits or zones can adversely impact on the ability to undertake rural production activities which should be a predominant land use in rural areas. In the case of natural character, cumulative effects should be considered when making decisions on any activity in the coastal environment, wetlands, lakes and rivers and their margins to ensure that natural character, open space and amenity values are not incrementally degraded. This will allow opportunities for restoration to be considered in places which, although compromised, are not considered to be degraded beyond repair.

Table reference: Objectives 10 and 11, Methods 3 and 10

Policy NH 4B: Managing natural hazard risk on land subject to urban development

Require a Low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) by controlling the form, density and design of:

- (a) Greenfield development;
- (b) Any urban activity within the existing urban area that involves the construction of new and/or additional buildings or reconstruction of or addition to existing buildings (including any subdivision associated with such activities); and
- (c) Rural lifestyle activities;

except that a Low level of risk is not required to be achieved on the development site after completion of the development where the development site is located within a natural hazard zone of Low natural hazard risk and that natural hazard zone will maintain a Low level of natural hazard risk after completion of the development.

Explanation

In general, the purpose of Policy NH 4B is to ensure that wherever and whenever new urban development (or redevelopment) occurs it is designed and built to achieve Low natural hazard risk. This applies regardless of whether a plan specifically provides for the activity or not.

Importantly, the policy requires consideration of natural hazard risk at the scale of the "development site". That term is defined and confines the consideration of risk to that area of land where development is proposed.

Consideration at the site scale avoids the risk associated with new development being distorted by an existing level of risk that might exist elsewhere in the natural hazard zone.

An important exception to that general policy approach is that a Low level of risk need not be achieved on a development site as a result of development provided that after completion of the development the risk level within the natural hazard zone remains Low. This can only be achieved within a natural hazard zone that has a pre-existing natural hazard risk that is Low. It means that on some development sites achieving a Low level of risk may not be necessary. This provides an element of flexibility to future land development and is consistent with Policy NH 3B and the explanation of that policy as set out in this Statement.

Options for reducing natural hazard risk may take many forms. Some potential risk reduction measures are set out in Appendix M.

Requiring new development or redevelopment to achieve a Low level of risk will, over time, reduce aggregate risk over a natural hazard zone that may be subject to risk that exceeds the Low level.

City and district councils and the Regional Council will need to either require those undertaking development or redevelopment of land to undertake risk management as part of that development process (consistent with Policy NH 4B) or ensure development achieves low natural hazard risk through the provisions of district and regional plans (consistent with Policy NH 12A).

There may be extraordinary circumstances where new development (or specific urban activities within such development) can appropriately be subject to greater than Low natural hazard risk. Those situations are addressed by Policy NH 6B.

Table reference: Objective 31, Methods 3, 18 and 23A

Policy NH 9B: Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use before Policies NH 7A and NH 8A have been given effect to

Before a district or, where applicable, regional plan gives effect to Policies NH 7A and NH 8A, assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix L where:

- (a) The subdivision of land or the change or intensification of land use is proposed to occur on an urban site of 5 ha or more; or
- (b) The relevant consent authority considers risk assessment appropriate having regard to:
 - (I) the nature, scale and/or intensity of the activity,
 - (II) the location of the development site relative to known hazards,
 - (III) the cumulative effect on risk of developments on sites less than 5 ha,
 - (IV) the nature and extent of any risk assessment that may be required under, or incorporated within, the operative district or regional plan,

except that the obligation to assess the risk of the natural hazard under this policy shall not arise where the risk derives from a geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods.

Explanation

Although Policy NH 8A requires risk assessment in the context of the development of district plans (and any regional plan controlling land use), there are other circumstances when it is appropriate to assess natural hazard risk. Policy NH 9B defines the circumstances when risk assessment for a development proposal is appropriate in the interim period before district and regional plans give effect to policies NH 7A and NH 8A ("the interim period").

The scale and the nature of development are important as they determine the potential consequences of a hazard event. For that reason, Policy NH 9B applies a threshold test of developments or redevelopment on sites of 5 ha or more. Moreover, such developments represent a significant change to the urban environment and offer an opportunity to "design-in" measures that can achieve a Low level of natural hazard risk.

While large-scale development proposals ought to involve an assessment of natural hazard risk as a matter of course, there may well be other smaller scale developments that should also be subject to risk assessment in the interim period. Policy NH 9B should not foreclose the opportunity for city

and district councils to exercise discretion at the time of any resource consent application, notice of requirement or private plan change to require an assessment to be undertaken under Appendix L. Policy NH 9B (b) sets out the matters that will be relevant for a city or district council to consider when deciding whether to exercise that discretion.

Policy NH 9B also provides that risk assessment does not need to be undertaken when the natural hazard is managed under section 2.4 in this Statement. Note that section 2.4 and its associated Geothermal Resources Policies and Methods do not manage non-geothermal hazard risks to which a geothermal system, by its location, might be susceptible (e.g. tsunami or flooding). Those non-geothermal risks require assessment under this policy.

<p><i>Table reference: Objective 31, Methods 3, 18 and 23A</i></p>

Method 18: Structure plans for land use changes

Prepare structure plans for all large-scale land use changes to ensure:

- Coordinated development through the integrated provision of infrastructure; and
- Integrated management of related environmental effects.

Structure plans shall, as appropriate and applicable:

- (a) Identify land which is to be used or developed for urban purposes;
- (b) Identify intensification areas;
- (c) Show proposed land uses, including:
 - (i) Arterial and collector roads, rail and network infrastructure
 - (ii) Residential, commercial and business centres
 - (iii) Schools
 - (iv) Parks
 - (v) Land required for recreation
 - (vi) Land to be reserved or otherwise set aside from development for environmental protection purposes
 - (vii) Appropriate infrastructure corridors
 - (viii) Community, health and social service facilities, including those necessary to cater for an ageing population.

- (d) In respect of proposed land uses (see (c) above), demonstrate the live-work-play principle to development;
- (e) Show how the target yields set out in Policy UG 4A will be met;
- (f) Identify all existing and consented, designated or programmed infrastructure and infrastructure corridors;
- (g) Identify infrastructure requirements, including the provision of and responsibility for that infrastructure;
- (h) Identify all known contaminated sites that land to be used for urban purposes may contain and show how adverse effects from contaminated land are to be avoided, remedied or mitigated;
- (ha) Identify all known natural hazards that land to be used for urban purposes may be subject to, or contain, and show how low natural hazard risk is to be maintained or achieved;
- (i) Identify significant cultural, natural and historic heritage features and values and show how they are to be protected;
- (j) Identify significant view shafts to be maintained and enhanced through the avoidance of inappropriate development;
- (k) Show how any adverse effect of increased stormwater runoff is to be mitigated;
- (l) Show how other adverse effects on the environment and infrastructure are to be avoided, remedied or mitigated;
- (m) Show how provision has been made for public transport, cycleways and pedestrian connections;
- (n) Document consultation undertaken with persons (including tangata whenua) affected by or interested in the proposed land uses, and any response to the views of those consulted;
- (o) Show how the sequencing of urban growth requirements detailed in Policy UG 6A will be achieved;
- (p) Include Urban Design Plans which:
 - (i) Apply and demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) Key Urban Design Qualities;
 - (ii) Outline the urban design objective and rationale;
 - (iii) Provide an analysis of context;
 - (iv) Provide a site analysis; and
 - (v) State design outcomes for the proposed development.

“As appropriate and applicable” is intended to allow the content of a structure plan to be tailored to the nature and scope of the development proposal to which it relates and, to give effect to this Method, District plans can identify methods

for assessing which of the above matters must be addressed, in light of the particular scope of the proposed land use change and its environmental effects. *Implementation responsibility: Regional council, city and district councils.*

Regional Natural Resources Plan: rules	
<p>DW R21</p>	<p>Restricted Discretionary – Discharge of Stormwater to Surface Water</p> <p>The discharge of stormwater to surface water, or to land where the discharge enters surface water, where the rate of discharge is greater than 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm) is a restricted discretionary activity subject to the following conditions:</p> <ul style="list-style-type: none"> (a) The suspended solids concentration of the discharge shall not be greater than 150g/m³, except where a 10 minute duration 10% AEP storm event (10 year return period storm) is exceeded. (b) The discharge shall be substantially free of grease, oil, scums and foam. (c) The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored. (d) The discharge shall not cause or induce erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: <ul style="list-style-type: none"> (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (e) The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person. (f) The discharge shall not contain hazardous substances, or substances that are toxic to aquatic ecosystems (as measured relative to the ANZECC Guidelines for Fresh and Marine Water Quality, 200025). (g) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. (h) The discharge shall not cause a conspicuous change in the colour of the receiving waters. (i) Where the discharge is to a part of a receiving water body that is classified as Water Supply, the discharge shall not contain any substance that renders the water unsuitable for treatment (equivalent to coagulation, filtration, disinfection and micro-filtration) for human consumption. <p>This activity is also subject to the requirements of the rules in the Rotorua Lakes section of this regional plan.</p> <p>The Regional Council restricts its discretion to the following matters:</p> <ul style="list-style-type: none"> (a) Management and maintenance of the stormwater system to achieve the rule conditions. (b) Measures to avoid, remedy or mitigate the adverse effects of the stormwater discharge on: <ul style="list-style-type: none"> (i) Erosion or land instability. (ii) Water quality. (iii) Flooding of land owned or occupied by another person.

	<ul style="list-style-type: none"> (iv) Aquatic ecosystems, indigenous flora and fauna, and the migration of fish species. (v) Users of the water body, including recreational use. (vi) Sites of significance to tangata whenua. (c) The administrative charges under section 36 of the Act. (d) Monitoring requirements.
<p>DW R23</p>	<p>Restricted Discretionary – Discharge of Stormwater to Land Soakage The discharge of contaminated stormwater to land soakage, where the rate of discharge is greater than 125 litres per second for a 10 minute duration 10% AEP storm event (10 year return period storm) is a restricted discretionary activity subject to the following conditions:</p> <ul style="list-style-type: none"> (a) The discharge shall not contain any hazardous substances. (b) The discharge shall not contain any wastes (including, but not limited to, wastewater or condensates) from a trade or industrial process. (c) The discharge shall not contain any stormwater from a timber preservation site, timber treatment site, or a site where chemically treated timber is stored. (d) The discharge shall not cause or induce land erosion to the bed or banks of any surface water body, or to land, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes: <ul style="list-style-type: none"> (i) Instability of land or the banks of the surface water body. (ii) Scour to the bed of the surface water body. (iii) Damage to the margins or banks of the surface water body. (e) The discharge shall not cause nor contribute to flooding or ponding on any land or property owned or occupied by another person. <p>This activity is also subject to the requirements of the rules in the Rotorua Lakes section of this regional plan. The Regional Council restricts its discretion to the following matters:</p> <ul style="list-style-type: none"> (a) Management and maintenance of the stormwater system to achieve the conditions. (b) Measures to avoid, remedy or mitigate the adverse effects of the stormwater discharge on: <ul style="list-style-type: none"> (i) Erosion or land instability. (ii) Flooding of land owned or occupied by another person. (iii) Indigenous flora and fauna. (iv) Sites of significance to tangata whenua. (c) The administrative charges under section 36 of the Act. (d) Monitoring requirements.
<p>DW R8</p>	<p>Discretionary - Discharges to Water or Land Any:</p> <ol style="list-style-type: none"> 1 Discharge of a contaminant to water. 2 Discharge of water to water. 3 Discharge of a contaminant onto or into land in circumstances which may result in the contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water. 4 Discharge of a contaminant from any industrial or trade premises onto or into land. <p>That is not:</p> <ul style="list-style-type: none"> (a) Permitted by a rule in this regional plan. (b) Permitted by a rule in any other Bay of Plenty regional plan.

- (c) Prohibited by a rule in this regional plan.
- (d) Restricted discretionary status by a rule in this regional plan.
- (e) Controlled status by a rule in this regional plan.

Is a discretionary activity.

This activity is also subject to the requirements of the rules in the Rotorua Lakes section of this regional plan. All discharges to surface water that are discretionary under this rule will be assessed against the Water Quality Classification of the receiving water body (refer to Schedule 9 and the Water Classification map). Resource consent applicants who seek to exceed the relevant Water Quality Classification standards must provide evidence in their application to demonstrate how the adverse effects of the proposed activity will be avoided, remedied or mitigated to be consistent with IM O3.

Advisory Note

- 1 Cleanfill sites that do not discharge leachate or contaminants to land are included in the definition of 'earthworks' and addressed by rules in the Land Management section of this regional plan.
- 2 If a resource consent applicant is unable to avoid, remedy or mitigate adverse effects on the environment, and does not meet IM O3, the resource application is likely to be publicly notified and/or consent may be declined.
- 3 The application of fertiliser is permitted under DW R11 subject to compliance with the conditions of the Rule. If the application does not comply with DW R11, a resource consent is required under DW R8. The Regional Council prefer resource users to comply with DW R11 rather than apply for a resource consent.

National Policy Statement for Freshwater Management 2020

August 2020

1.3 Fundamental concept – Te Mana o te Wai Concept

- (1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
- (2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

Framework

- (1) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.
- (2) The 6 principles are:
 - (a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
 - (b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
 - (c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
 - (d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
 - (e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
 - (f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation. 6 National Policy Statement for Freshwater Management 2020
 - (f) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

1.7 Application of section 55(2A) of Act

(1) The changes to regional policy statements and regional plans required by the following provisions of this National Policy Statement are amendments referred to in section 55(2) of the Act (which, because of section 55(2A) of the Act, means that the changes must be made without using a process in Schedule 1 of the Act):

- (a) clause 3.22(1) (Natural inland wetlands)
- (b) clause 3.24(1) (Rivers)
- (c) clause 3.26(1) (Fish passage).

(2) See clause 4.3(3) about changes that merely update wording or terminology.

Part 2: Objective and policies

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems
- (b) second, the health needs of people (such as drinking water)
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with

Policy 9. The habitats of indigenous freshwater species are protected

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement

3.5 Integrated management

(1) *Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:*

- (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and
- (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and
- (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and
- (d) encourage the co-ordination and sequencing of regional or urban growth.

(2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:

(a) the use and development of land on freshwater; and

(b) the use and development of land and freshwater on receiving environments.

(3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

(4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

Part 1

Interpretation and application

best practicable option, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

- (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- (b) the financial implications, and the effects on the environment, of that option when compared with other options; and
- (c) the current state of technical knowledge and the likelihood that the option can be successfully applied

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:
- (g) the protection of protected customary rights:
- (h) the management of significant risks from natural hazards.

Section 6(f): inserted, on 1 August 2003, by [section 4](#) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 6(g): replaced, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

Section 6(h): inserted, on 19 April 2017, by [section 6](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
 - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
 - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
 - (a) the provisions and objectives of the amending proposal; and
 - (b) the objectives of the existing proposal to the extent that those objectives—
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.
- (4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in [Schedule 1](#), the evaluation report must—
 - (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of [Schedule 1](#); and
 - (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
 - (a) as soon as practicable after the proposal is made (in the case of a standard, regulation, national policy statement, or New Zealand coastal policy statement); or
 - (b) at the same time as the proposal is notified.
- (6) In this section,—

objectives means,—

 - (a) for a proposal that contains or states objectives, those objectives;
 - (b) for all other proposals, the purpose of the proposal

proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

Section 32: replaced, on 3 December 2013, for all purposes, by [section 70](#) of the Resource Management Amendment Act 2013 (2013 No 63).

Section 32(3): amended, on 19 April 2017, by [section 14\(1\)](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(4): amended, on 19 April 2017, by [section 14\(2\)](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(4A): inserted, on 19 April 2017, by [section 14\(3\)](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(5)(a): amended, on 24 October 2019, by [section 125](#) of the Statutes Amendment Act 2019 (2019 No 56).

Section 32(5)(b): amended, on 19 April 2017, by [section 14\(4\)](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 32(6) **proposal**: amended, on 19 April 2017, by [section 14\(5\)](#) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Bay of Plenty Regional Natural Resources Plan - Freshwater Management update
March 2021

Change/Update	Provisions Affected
<p>Amendments required by clauses 3.22(1), 3.24(1) and 3.26(1) of the National Policy Statement for Freshwater Management 2020</p>	<ul style="list-style-type: none"> • BW Chapter - New passage of fish objective BW 03A <u>BW 03A The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.</u> • IM Chapter - New loss of river extent and values policy IM P1A <u>IM P1A The loss of river extent and values is avoided, unless the council is satisfied:</u> (a) <u>that there is a functional need for the activity in that location; and</u> (b) <u>the effects of the activity are managed by applying the effects management hierarchy.</u> <u>For the purposes of this policy, effects management hierarchy and loss of value have the meaning given by the National Policy Statement for Freshwater Management 2020.</u> • WL Chapter - New natural inland wetlands policy WL P13 <u>WL P13 The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:</u> (a) <u>the loss of extent or values arises from any of the following:</u> (i) <u>the customary harvest of food or resources undertaken in accordance with tikanga Māori</u> (ii) <u>restoration activities</u> (iii) <u>scientific research</u> (iv) <u>the sustainable harvest of sphagnum moss</u> (v) <u>the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</u> (vi) <u>the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</u> (vii) <u>natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</u> (b) <u>the Regional Council is satisfied that:</u> (i) <u>the activity is necessary for the construction or upgrade of specified infrastructure; and</u> (ii) <u>the specified infrastructure will provide significant national or regional benefits; and</u> (iii) <u>there is a functional need for the specified infrastructure in that location; and</u> (iv) <u>the effects of the activity are managed through applying the effects management hierarchy.</u> <u>For the purposes of this policy, effects management hierarchy, loss of value, natural inland wetland, specified infrastructure and restoration have the same meaning as defined in the National Policy Statement for Freshwater Management 2020.</u>
<p>Amendment required by National Policy Statement for Freshwater Management 2014 (as amended in 2017)</p>	<ul style="list-style-type: none"> • DW Chapter - DW P6 (Policy 43A) amended by removing the word 'secondary' and updating the note <u>DW P6 (Policy 43A) When considering any application for a discharge the consent authority must have regard to the following matters:</u> (a) <u>the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and</u> (b) <u>the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided; and</u> (c) <u>the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their contact with fresh water; and</u>

	<p>(d) <i>the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their-contact with fresh water resulting from the discharge would be avoided.</i></p> <p><i>This policy applies to the following discharges (including a diffuse discharge by any person or animal):</i></p> <p>(a) <i>a new discharge; or</i> (b) <i>a change or increase in any discharge –</i> <i>of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.</i></p> <p><i>Paragraph 1 parts a. and b. of this policy do not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011.</i></p> <p><i>Paragraph 1 parts c. and d. of this policy do not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect on 1 August 2014.</i></p> <p>Note: <i>This policy was inserted to meet the requirements of the National Policy Statement for Freshwater Management 2011.</i></p> <p>Note: <i>This policy was amended to meet the requirements of the National Policy Statement for Freshwater Management 2014 and National Policy Statement for Freshwater Management 2014 (amended in 2017).</i></p>
Amendment required by the National Planning Standards 2019	<ul style="list-style-type: none"> • Definition of Terms - new term 'functional need' inserted <i>Functional need</i> - <i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</i>
Consequential amendments	<ul style="list-style-type: none"> • Conversion Index for Provisions updated

