

BEFORE THE IHP

**TOPIC: Proposed PC 92 - Enabling housing supply to the Western Bay
of Plenty District Plan**

UNDER the Resource
Management Act 1991

IN THE MATTER of submissions and
further submissions

BETWEEN **BAY OF PLENTY
REGIONAL COUNCIL**

Submitter

A N D **WESTERN BAY OF
PLENTY DISTRICT
COUNCIL**

Respondent

STATEMENT OF EVIDENCE OF NATHAN TE PAIRI

DATED: 25 AUGUST 2023

PLANNING

STATEMENT OF EVIDENCE OF NATHAN TE PAIRI

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 ('the Regional Council') since August 2019.
2. I have 17 years' experience as a planner in New Zealand and the United Kingdom. I have completed a recognised planning qualification (Bachelor of Planning – Auckland University: 2000). I am an associate member of the New Zealand Planning Institute.
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 (rural urban boundary, residential zones and special purpose 'precinct' areas). I have also assisted in the preparation of spatial planning processes as a precursor to structure planning.
4. Since joining the Regional Council, I have worked on planning matters related to stormwater management, natural hazards and implementation of the National Policy Statement-Freshwater Management ("**NPS-FM**") in structure plan processes. I also led a review of the natural hazard provisions in the Bay of Plenty Regional Policy Statement ("**RPS**") from 2020 to 2021.
5. I have provided planning evidence on behalf of Regional Council on PC 2 (Pukehangi Heights) to the Rotorua District Plan, and PC 27 to the Tauranga City Plan as well as two smaller scale plan changes, Plan Changes 93 and 94 to the Western Bay of Plenty District Plan.
6. As part of my involvement in PC 2 I assisted to develop provisions to address the cumulative effects of stormwater management, including the use of stormwater management plans which were endorsed by the Independent Commissioners in the Decision.
7. I am also leading the Regional Council's pre-application input into the structure plans being prepared for Tauriko West and the Stage 4 extension to the Tauriko Business Park in Tauranga City.

Background

8. I prepared the submission on behalf of the Regional Council for Plan Change 92 (“**PC 92**”) to the Western Bay of Plenty District Plan (“the Plan”), with input from the various experts being called by the Regional Council.
9. I attended pre-hearing meetings with Western Bay of Plenty District Council on 24th of January and 27th of February 2023 on stormwater related matters and engaged with staff at WBOPDC on amendments to stormwater management provisions prior to the hearing.
10. I also have been involved in the development of the Ōmokoroa Structure Plan since June 2021.
11. At that time, the NPS-FM had not been considered in the draft Plan Change for the Stage 3, including the preparation of a Catchment Management Plan (CMP) to inform that process.
12. A CMP was subsequently developed by WBOPDC in collaboration with the Regional Council to support PC 92. Throughout that time, independent water quality consultant Susan Ira provided water quality and integrated stormwater management advice for the Regional Council.
13. My expert opinion covers the subject area of planning policy. Where I have not expressly stated in this evidence the reasons why I disagree with other experts or submitters in relation to more minor matters, that should not be interpreted as agreement.
14. I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2023 and I agree to comply with it. 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 evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my expressed opinion.
15. My evidence should be considered together with the evidence of **Ms Susan Ira, Ms Marlene Bosch, Ms Kathleen Thiel-Lardon, Mr Mark Townsend, and Mr Keith Hamill.**

Scope of evidence

16. My planning evidence sets out the relief sought by the Regional Council in response to the s.42a report. I confirm that I have read the relevant documentation for PC 92.
17. Having read and considered the s.42a report and amended planning provisions and zone changes, my evidence covers the submission points where I support the proposed provisions as amended, and other consequential matters of concern to the Regional Council, where relevant to my policy and planning expertise.

OVERVIEW

18. The main points I wish to bring to the Panel's attention are:
 - (i) I support the intent and scope of PC 92, in particular the amendments to Rule 12.4.5.17 and other consequential changes.
 - (ii) These further amendments would provide greater clarity and enable wider integration across the Plan. The aim of these amendments is to ensure:
 - (i) stormwater management is enabled in an integrated manner;
and
 - (ii) cumulative effects on the receiving environment are managed.Specifically, these changes relate to Chapters 14A (Ōmokoroa and Te Puke Medium Density zone) – which manages land use and, Chapter 12 (subdivision and development) – see Paragraph 19 below.
 - (iii) The basis for these changes is supported by:
 - (a) s.80E of the Resource Management Act (RMA) with regards to stormwater management;
 - (b) s.31 of the RMA;
 - (c) the RPS; and

(d) the NPS-FM.

- (iv) For the purposes of Stage 3 for the Ōmokoroa Structure Plan - which enables zoning, I support the Natural Open Space zone as the most appropriate method to protect freshwater ecological corridors, amongst other constraints¹, and to implement the directions of the NPS-FM.

Specifically, this relates to the application of the Natural Open Space zone (Chapter 24) in Stage 3 and provisions for that zone.

- (v) Kathleen Thiel-Lardon recommends a catchment-wide analysis prior to subdivision and development is undertaken to avoid potential piecemeal outcomes and, to assess and, if required, a response to manage cumulative flooding effects which may result in increased flooding risk to the railway infrastructure in sub-catchment N1 over time.

To this end, I recommend further discussions are undertaken with representatives from Kiwirail, BOPRC and WBOP engineers and planners to provide a response for the IHP's consideration.

Specific changes to provisions

19. I generally support the recommendations in the s.42a report subject to the following further amendments to:

Chapter 12 (Subdivision and Development):

- Policy 12.2.2.7
- Rule 12.4.5.17
- NEW Explanatory Note

Chapter 14A (Ōmokoroa and Te Puke Medium Density Residential):

- Issue 6
- Objective 14A.2.1.7
- Policy 14A.2.2.7
- 14A.7.1(l)

¹ See Objectives and Policies for the Natural Open Space zone (Chapter 24)

Chapter 24 (Natural Open Space):

- Policy 24.2.2.3
- Matters of Discretion 24.5.2

20. A summary of the changes from the notified provisions, the s.42a report and the relief sought is provided in **Appendix 1**.
21. Subject to the resolution of the above, no objection is raised to change the activity status of Rules 12.4.5.11² and 24.3.4³ from non-complying to discretionary in the s.42a report.
22. The reason for this position is that I consider the above recommended changes to the objective and policies would provide for a more robust framework for the improved consideration of discretionary activities.

Zone changes – Natural Open Space

23. I support the recommended changes in the s.42a report to the Natural Open Space zone ("**NOS zone**"), subject to the refinements⁴ set out in the statement of Keith Hamill (ecology)⁵.

² Non-compliance with the structure plan

³ Subdivision and development that is not in general accordance with the structure plan

⁴ Figure 7 of Keith Hamill's statement – included in this statement under 'Planning Maps - Ōmokoroa Zoning'; see paragraph 74 onwards

⁵ Natural Open Space zone at Lot 3 DP 28670, 467E Ōmokoroa Road and, 51 Francis Road

RESPONSE TO THE S.42A REPORT

Relevant Statutory Considerations

24. As set out in the legal submissions for the Regional Council, PC 92 must give effect to the NPS-FM and the RPS.
25. The s.42a report addresses the relevance of the NPS-FM and the RPS, including RPS Method 18 (structure plans) and, s.31 of the RMA.
26. I generally agree with the scope and assessment of those relevant statutory considerations⁶ for PC 92. I also consider that interim changes are appropriate in response to the NPS-FM.
27. I have also attached (see **Appendix 2**) Policies in the RPS that direct councils to consider the effects of development in the Coastal Marine Area ("**CMA**"). These policies are particularly relevant to Stage 3 of the Ōmokoroa Structure Plan and ensuring the effects of subdivision and development on the receiving environment are managed.
28. In a similar regard, RPS Policies IR 5B, and the NPS-FM also place an emphasis on protecting the receiving environment but do not apply strictly to the CMA.

SECTION 12 - SUBDIVISION AND DEVELOPMENT

29. As stated previously, I have been involved in pre-hearing discussions with WBOPDC planning staff on the stormwater management provisions in Section 12 of the Plan. Overall, I support the intent of the amended provisions in the s.42a report subject to the following amendments.

Topic 1: Objective 12.2.1.6

30. I support the amendments to consider a wider range of matters, as identified in the s.42a report, to ensure an integrated management approach to subdivision and development and, as an interim response to the NPS-FM.

⁶ Section 12: Topic 19; pg. 61

31. Appropriately, this would include consideration of matters relating to the effects of design and layout resulting from infrastructure provision and subdivision on the receiving environments, including scour and effects on water quality. In this case, I have not sought amendment with regard to the *natural and built* environment as this is qualified under my recommendations to Policy 12.2.2.7 below.

Topic 1: Policy 12.2.2.7

32. I support the amendments to consider a wider range of matters on the receiving environment, including scour, as identified in the s.42a report.
33. 'Receiving environment' is an undefined term in the Plan. To implement RPS Objective 31⁷ which promotes a risk-based approach, I consider it appropriate to distinguish 'increases in risk' from 'flooding effects' on adjoining land.

*Avoid increased flooding effects on the receiving environment including **property and, to ensure no increases in flooding risk to people, and buildings.***

34. I also consider it appropriate to specify the method as to how subdivision and development would demonstrate consistency with the relevant CMP. To this end, I suggest the following amendment to clarify how this method is achieved⁸:

*Demonstrate consistency with, or achieve better outcomes than, the objectives, methods and options of the relevant Catchment Management Plan **through stormwater management plans**⁹.*

Topic 11: Rule 12.4.5.17 (stormwater management plans - Te Puke and Ōmokoroa)

⁷ Objective 31 – avoidance of mitigation of natural hazards by managing risk for people's safety and protection of lifelines infrastructure.

⁸ This is linked directly to 12.4.5.17 as a method to support integrated management

⁹ See Rule 12.4.5.17

35. I note that the submission on the behalf of the Regional Council sought specific relief¹⁰ for Ōmokoroa Stage 3 to use stormwater management plans (SMPs) to take an integrated management approach to stormwater management at subdivision stage.
36. Having read the s.42a report on Topic 11 and considered the proposed amendments to Rule 12.4.5.17, I support the wider use of SMPs to manage the cumulative effects of stormwater in the Te Puke and Ōmokoroa Medium Density areas at subdivision stage.
37. The evidence of Susan Ira, water quality expert, and Marlene Bosch, Principal Advisor, Consents, for the Regional Council, sets out the importance and efficacy of SMPs in taking an integrated approach to stormwater management.
38. They also identify the shortcomings of taking a non-integrated approach and relying on piecemeal consenting processes to manage the cumulative effects of stormwater. I rely upon their technical and planning evidence in support of the use of SMPs as developed for PC 92 in consultation with WBOPDC.
39. Although on a separate matter (Topic 19), the policy basis for an integrated management approach is helpfully set out in the s.42a report¹¹. Of particular relevance is the commentary¹² on s.31 of the RMA which provides scope for the functions of territorial authorities to:
- ‘... review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of the land and associated natural and physical resources of the district.’*
40. For these reasons, I support the recommendation to formalise the requirement for an SMP as captured by Rule 12.4.5.17 to manage the

¹⁰ See 25.13 of the Regional Council’s original submission

¹¹ See Chapter 12: Topic 19 - pages 62 to 64

¹² See last paragraph of Page 62 of the s.42a report Chapter 12 (subdivision and development)
– Topic 19.

effects of subdivision and development on receiving environments in an integrated manner.

41. In my view, I consider SMPs would support the greater provision of housing while enabling appropriate stormwater management to achieve hydraulic neutrality¹³ through redevelopment processes enabled by PC 92.
42. Further, I consider it would implement RPS Method 18 (structure plans) for Stage 3 of Ōmokoroa.

Topic 11: 12.4.5.17 Clause (a) – Attenuation

43. The Regional Council's original submission sought deletion of the attenuation standards from Rule 12.4.5.17(a).
44. Following further discussions with WBOPDC staff and advice from consent planners, water quality advisors and engineers for the Regional Council, I have changed my position.
45. I now consider an attenuation standard should be considered alongside the other water quality, ecology and design matters set out in Rule 12.4.5.17(b) as part of the SMP.
46. The technical basis for the design standard for attenuation in Rule 12.4.5.17(a) is set out in the evidence of Kathleen Thiel-Lardon for the Regional Council¹⁴.
47. I seek a minor amendment to qualify the undefined term 'receiving environment' to align with the amendments to Policy 12.2.2.7 above for the same reasons and, as follows:

*“...except where it can be demonstrated that there will be no increase in flooding effects on the receiving environment including **property and, avoids increases in flooding risk to people and buildings.**”*

¹³ s.80E(2)(f) of the RMA (as amended)

¹⁴ see RPS Policy and Explanation for IR 2B requires subdivision and plan changes to recognise and provide for climate change.

Topic 11: Rule 12.4.5.17 - Clause (b)

48. I support the amended wording of Rule 12.4.5.17(b), in particular, wording that requires SMPs to be designed in accordance with the objectives, methods and options of the relevant catchment management plan.
49. This would provide reasonable certainty that the anticipated methods of the relevant catchment management plans are implemented to ensure stormwater management and land use occurs in an integrated manner.
50. From an integrated management and water quality perspective, Susan Ira supports the range of matters identified in Rule 12.4.5.17(b)¹⁵. I rely on her evidence as to the appropriate identification and scope of those matters to be considered as part of the SMP.

Topic 19: Integrated management

51. The s42a report accepts RPS Method 18 and the NPS-FM, s31 of the RMA are relevant to PC 92 but differs in terms of understanding integrated management extent.
52. The need for better linkages is recognised (see Topic 11 and changes to Rule 12.4.5.17). In response to the s.42a report, I agree that the Plan should not introduce a rule that would fetter a statutory discretion. Therefore, I consider an Explanatory Note would support the aim of integrated management and, the implementation of the relevant CMPs, in particular for Stage 3 of the Ōmokoroa Structure Plan.
53. This would inform Council and applicants when s.91 may be used to ensure resource consent applications are considered in parallel to support the integrated outcomes anticipated by the CMP through Rule 12.4.5.17.
54. For these reasons, I consider the following Explanatory Note would support the integrated management outcomes promoted by Rule 12.4.5.17;

¹⁵ See para. (v) on Page 4 of Susan Ira's statement.

***Explanatory note:** The concurrent preparation and lodgement of resource consent applications to the District and Regional Councils is recommended to implement the integrated management outcomes anticipated by the relevant Catchment Management Plan through Rule 12.4.5.17 relating to stormwater management plans.*

Topic 20: Sub-catchment N1 - risk to infrastructure

55. Kathleen Thiel-Lardon (engineering) for the Regional Council does not consider that the cumulative impacts of subdivision and development on the railway infrastructure in sub-catchment N1 has been fully addressed in the s.42 report or, is managed by Rule 12.4.5.17.
56. RPS policies direct proposed activities to have regard to the effects on the function, efficiency and safety of infrastructure¹⁶ and, to¹⁷protect the national and regional strategic transport network.
57. In my view, the increases in risk to regionally important infrastructure is a resource management issue that should be primarily addressed in the structure plan but still linked to the comprehensive stormwater consent. This is because the effects and increases in risk arise primarily as a result of the land use change and subdivision enabled by PC 92.
58. In reaching this position, I have considered the extent to which existing methods would otherwise address this matter including Rule 12.4.5.16¹⁸ of the Plan.
59. While the Rule does provide for some discretion for Kiwirail to approve additional stormwater discharge through the existing culvert,

¹⁶ See RPS Policy and Explanation of IR 5B(j)

¹⁷ See RPS Policy and Explanation of UG 1A

¹⁸ No additional stormwater is to be discharged into the rail corridor or designation without the prior approval from the Railway Owner or Operator.

it does not require an assessment of cumulative flooding effects of subdivision and development in sub-catchment N1 as a result of the land-use change.

60. Moreover, I consider that a discharge consent would not appropriately assess the increases in risk, particularly as land in the sub-catchment is owned by a number of parties and piece-meal outcomes could occur. For avoidance of doubt, these concerns do not alter my general support of Rule 12.4.5.17 and my proposed amendments.

SECTION 14A (ŌMOKOROA AND TE PUKE – MEDIUM DENSITY RESIDENTIAL)

61. As explained by Susan Ira¹⁹; over time and as development within a catchment increases, small increases in flow or contaminants collectively combine to give a noticeable and cumulative effect.
62. She further identifies that Water Sensitive Design (“WSD”) is an internationally accepted approach as a way of managing risks and cumulative effects of stormwater discharges and, Ms Ira fully supports²⁰ amendments to Rule 12.4.5.17(b) to introduce WSD in both Te Puke and Ōmokoroa.
63. To better integrate the amendments to Section 12 (subdivision and development) and in response to the revised Significant Issues for Chapter 14A (Ōmokoroa and Te Puke Medium Density Residential), I propose further amendments to the land use provisions in Chapter 14A.

Topic 1: Issues, objectives and policies

64. I have read the revised Significant Issues in Chapter 14A, I consider Significant Issue 6 to be particularly relevant to the scope of the Regional Council submission.
65. I support the intent of the Issue. However, I consider further drafting would

¹⁹ See para. 54 of her statement

²⁰ See para. 39 of her statement

clarify implications of the issue and, as a result of recommendations to Chapter 12 (including Rule 12.4.5.17) with regards to the consideration of effects on the receiving *natural and built* environment.

Urban development creates large areas of impermeable surfaces increasing stormwater run-off that can lead to flooding and the carrying of pollutants. These changes have implications for water quality and quantity effects and increases in flood risk on the receiving environment.

The modification of the landform can also adversely affect natural processes and the cultural values of the land.

Objective 14A.2.1.7

66. In response to the above changes and as a result of amendments in Chapter 12 (Objective 12.2.2.7 and Rule 12.4.5.17 in particular) I recommend the following changes:

Maintenance and enhancement of the stormwater management functions of both the natural and built stormwater network and, management of flooding risk and effects on the receiving environment.

69. I consider these changes to be a complimentary *land use* response to the *subdivision* Objective and overall, would better support an integrated approach to the management of stormwater and flood risk.

Policy 14A.2.2.7

67. Susan Ira comprehensively addresses the benefits and increasing application of WSD or similar methods, such as low impact urban design, to manage the cumulative effects of urban stormwater in both brownfield and greenfield contexts.
68. Rule 12.4.5.17 (subdivision and development) specifically refers to WSD, as does the comprehensive stormwater consent²¹ for Te Puke to manage

²¹ Ref: 67481

cumulative stormwater effects in the catchment.

69. WSD is also identified as a key objective in the CMP for Stage 3 of the Ōmokoroa Medium Density area.
70. For these reasons, I consider it is appropriate for Policy 14A.2.2.7 to make specific reference to WSD, as is the means by which the lower order provisions rely on (Rule 12.4.5.17 and see Matters of Discretion 14A.7.1(l)) to implement the objectives of relevant CMPs and, to achieve the overarching stormwater objectives²² in the Plan in Te Puke and Ōmokoroa.

*Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure **including water sensitive design** and, how high-quality urban design outcomes are being achieved.*²³

Definitions, Activity Lists and Standards

68. Changes to the impervious surfaces rule and consequential amendments are addressed in the evidence of Susan Ira and Mark Townsend for the Regional Council.

Matters of Discretion

70. I have read the s.42a report and support, what appears to be, a replacement of 14A.7.1(xi) with 14A.7.1(l) (Integrated Stormwater Management Design) as part of an urban design assessment.
71. However, to complement the approach captured by Rule 12.4.5.17(b)(ii) i.e. to identify and incorporate best practicable options for WSD, I recommend the same approach in 14A.7.1(l). I also recommend these options are informed by the relevant CMP as follows:

²² See Objectives 12.2.2.7 and 14A.2.1.7

²³ If accepted by the Panel, further amendments to the Explanations of the Chapter 12 and 14A may assist.

Integrated Stormwater Management Design

- i. *Providing Identify and incorporate best practicable options for water sensitive ~~urban~~ design including the retention of permeable areas and the treatment of stormwater in accordance with the relevant catchment management plan.*

72. I consider these changes to be a complimentary *land use* response to the *subdivision* Rule 12.4.5.1.7 and overall, would better support an integrated approach to stormwater management.
73. Having regard to 14A.7.1(l) (Integrated Stormwater Management Design) (ii) and (iii), I do not consider a risk response is required as these matters require attenuation to be managed to pre-development levels.

Planning Maps - Ōmokoroa

74. I support the amendments²⁴ to the Natural Open Space zone (“**NOS zone**”) as identified in the s.42a report, subject to the further amendments identified in the evidence of Mr Hamill to 51 Francis Road, Lot 3 Lot 3 DP 28670 and 467E Ōmokoroa Road.
75. Mr Hamill recommends very minor changes to the NOS zone on 51 Francis Road and I support these in advance of what was identified in the s.42a report²⁵.

Lot 3 DP 28670 and 467E Ōmokoroa Road

76. The s.42a report recommended changes to the extent of the Natural Open Space zone (see **Figure 1**) on the above subject properties.

²⁴ See s.42a report (Ōmokoroa Zoning)

²⁵ See Figure 2 of his statement.



Figure 1: Extent of NOS zone as amended in the s.42a report.

77. Mr Hamill (ecology) for the Regional Council recommends a number of further minor changes to protect a contiguous ecological corridor (see **Figure 3** below) between Lot 3 DP 28670 and 467E Ōmokoroa Road and, Mangawhai Bay.
78. Mangawhai Bay is identified as an Indigenous Biological Diversity Area²⁶ (see **Figure 2** below) in the Bay of Plenty Regional Coastal Environment Plan ("RCEP").



Figure 2: Location of the IDBA B10 (Mangawhai Estuary)

²⁶ Ref: IDBA B9 and B10 in the Bay of Plenty Regional Coastal Plan – Appendix 2



Figure 3: The spatial recommendations sought by Mr Hamill (in yellow).²⁷

79. In his evidence, Mr Hamill specifically identifies the values²⁸ and the specific reasons for the inclusion of the headwaters (see orange in **Figure 3** above) which includes a stream upland of the raupo wetland as part of a contiguous corridor that extends down to Mangawhai Bay²⁹. He also identifies the need for buffers from the effects from the proposed adjoining and existing industrial zoning³⁰.
80. Relying on his evidence and having regard to the objectives and policies for the NOS zone, I consider the NOS zone is the most appropriate response to protect the values and extent of the stream, amongst other constraints identified in the s.42a report, which is part of contiguous corridor (see **Figure 3** above) that extends into the CMA and, to manage the effects identified by Mr Hamill.
81. In my view, the extension of the NOS zone to include the headwaters and other amendments is the most appropriate method to give effect to the NPS-FM for the Plan Change; in particular, Policies 3 and 7;

(Policy 3); “*The loss of river extent and values is avoided to the extent*

²⁷ See Figure 7 of Keith Hamill’s statement

²⁸ Para. 25 of Keith Hamill’s statement

²⁹ Para. 26 of Keith Hamill’s statement

³⁰ Para. 27 of Keith Hamill’s statement

practicable" and

(Policy 7); *"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."*;

82. The area of land that Mr Hamill recommends the NOS be extended (to protect the headwaters of the ecological corridor on Lot 3 DP 28670) lies within an area identified by Designation - D234 (for stormwater purposes). However, I note that the NOS zone has otherwise been applied to most of the extent of the D234 which extends down to the Mangawhai estuary (as recommended in the s.42a report – See **Figure 1** above).
83. In this regard, I agree with reporting planner that the land subject to designation should be treated as if the designation were not in place for the purposes of applying the NOS zone, as I understand the designation (D234) has not yet been implemented.
84. While I agree the final shape would result in an irregular development platform, I do not consider there are sufficient reasons to not give effect to the NPS-FM and, to include the headwaters within the NOS zone as recommended by Mr Hamill.

SECTION 24 - NATURAL OPEN SPACE

85. No objection is raised to the proposed changes in the s.42a report with the exception of Policy 24.2.2.3 and 24.5.2³¹.

Topic 1 – Policy 24.2.2.3

86. For Policy 24.2.2.3, I recommend the following:

*'Control activities to avoid adverse effects on **freshwater and coastal ecology** and the functioning of stormwater system,*

³¹ Scope provided for under sub point 25.48

including streams, wetlands, natural gully network and the coastal interface ...'

87. These changes reflect amendments³² to the Explanation of the zone to refer to *ecological matters*. In my view, the inclusion of such features as *freshwater and coastal ecology*, and *wetlands and streams*, is supported by the identification of ecological features in the gully systems³³ and, in adjacent coastal areas³⁴ to, Stage 3 of the Ōmokoroa Structure Plan. I consider these changes give effect to the NPS-FM, Policies 3, 6 and 7 in particular.

Topic 2: Matter of Discretion – 24.5.2

88. I rely on the evidence of Mr Hamill where he recommends that *hydrology is* included as an indicator of stream health and, alongside ecological effects in consideration of resource consent applications in the NOS zone. As such, I recommend the following change to 24.5.2 as follows:

The potential adverse effects on the natural character, ecological, hydrological, cultural, recreational and amenity values of the area and how these may be avoided, remedied or mitigated.

Conclusion

89. From a planning perspective, I support the PC and integrated management framework to manage the effects of stormwater on the natural and built receiving environment, subject to the amendments summarised in **Appendix 1** of this Statement.
90. Kathleen Thiel-Lardon recommends a catchment-wide analysis prior to subdivision and development is recommended to avoid potential piecemeal outcomes and, to assess and, if required, a response to manage cumulative flooding effects which may result in increased flooding risk to the railway infrastructure in sub-catchment N1 over time. To this end, I recommend

³² Para 1 page 7 of the s.42 report – Chapter 24 (Natural Open Space zone)

³³ See Catchment Stormwater Management Plan for Stage 3 (August 2022), including Page 11 – Figure 7.2 and the Conceptual Water Sensitive Design Plan (February 2020).

³⁴ which are identified as Indigenous Biological diversity Areas in the Regional Coastal Environment Plan.

further discussions are undertaken with representatives from Kiwirail, BOPRC and WBOP engineers and planners to provide a response for the IHP's consideration.

Dated 25th August 2023

Nathan Te Pairi

Appendix 1: Changes sought by BOPRC in evidence – record of changes

Changes sought by BOPRC in evidence – record of changes

Notified	Changes in the s.42a report	Evidence in response
Policy 12.2.2.7		
<p>Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off.</p>	<p>Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off. discharge, including practices which:</p> <ul style="list-style-type: none"> • Avoid increased flooding effects on the receiving environment including people, property and buildings; • Incorporate water sensitive urban design and water quality; • Avoid, remedy or mitigate further erosion and scour effects. • Demonstrate consistency with, or achieve better outcomes than, the objectives, methods and options of the relevant Catchment Management Plan. 	<p>Subdivision and development practices that take existing topography, drainage and soil conditions into consideration with the aim of minimising the effects of stormwater run-off. discharge, including practices which:</p> <ul style="list-style-type: none"> • Avoid increased flooding effects on the receiving environment including people, property and, <i>to ensure no increases in risk to people and buildings;</i> • Incorporate water sensitive urban design and water quality; • Avoid, remedy or mitigate further erosion and scour effects. • Demonstrate consistency with, or achieve better outcomes than, the objectives, methods and options of the relevant Catchment Management Plan <i>through stormwater management plans.</i>
Rule 12.4.5.17		
<p>In Ōmokoroa and Te Puke in the Medium Density Residential, Commercial and Industrial Zones, the following requirements shall be met.</p> <p>a. All new subdivisions shall be designed for attenuation of the 50% AEP and 1% AEP flood events to pre-development levels except where it can be demonstrated that there will be no increased adverse downstream flooding effects on the receiving environment.</p> <p>b. All works shall be in accordance with the Ōmokoroa Peninsula</p>	<p>For subdivision and development in the Ōmokoroa and Te Puke Medium Density Residential, Commercial and Industrial Zones, all stormwater systems shall:</p> <p>(a) Be designed for attenuation of the 50% and 10% AEP critical storm events to predevelopment peak stormwater discharge and the 1% AEP critical storm event to 80% of the pre-development peak discharge except where it can be demonstrated that there will be no increased adverse flood effects on the receiving environment.</p> <p>All stormwater attenuation shall be designed to take into account up to date national guidance for climate change over the next 100</p>	<p>For subdivision and development in the Ōmokoroa and Te Puke Medium Density Residential, Commercial and Industrial Zones, all stormwater systems shall:</p> <p>(a) Be designed for attenuation of the 50% and 10% AEP critical storm events to predevelopment peak stormwater discharge and the 1% AEP critical storm event to 80% of the pre-development peak discharge except where it can be demonstrated that there will be no increased adverse flood effects on the receiving environment <i>and, avoids increases in flooding risk on people and property.</i></p> <p>All stormwater attenuation shall be designed to take into account up to date national guidance for climate change over the next 100 years for sea level rise and rainfall intensity.</p>

<p>Stormwater Management Plan and Te Puke Stormwater Management Plan and shall incorporate water sensitive urban design practices (such as swales, wetlands and pervious pavement) as far as practicable to maintain and/or enhance predevelopment hydrology and quality.</p> <p>c. Inert exterior building materials only shall be used (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to ensure no off-site adverse effects.</p> <p>d. The construction plans for any instream works identified in the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan shall be provided to the Regional Council prior to construction commencing in order to obtain confirmation that they comply with the provisions of the stormwater discharge consent for Ōmokoroa.</p> <p>e. An erosion and sedimentation control plan for any instream capital works required by the Ōmokoroa Peninsula Stormwater Management Plan or Te Puke Stormwater Management Plan, and stormwater discharge consent, shall be provided to the Regional Council prior to construction commencing in order to obtain confirmation that it complies with the provisions of the latest Guidelines for Erosion and Sediment Control for Earthworks.</p>	<p>years for sea level rise and rainfall intensity.</p> <p>(b) Be designed in accordance with the objectives, methods and options of the relevant Catchment Management Plan and:</p> <p>I. Prioritise options which avoid degradation and the loss of extent and value of natural water bodies, freshwater ecosystems and the receiving environment by modification or discharges;</p> <p>II. Identify and incorporate best practicable options for water sensitive urban design identified in the relevant Catchment Management Plan to manage the effects on pre-development hydrology and water quality;</p> <p>III. III. Exterior building materials shall be inert (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to avoid off-site effects; IV. Include details of the proposed stormwater management system such as:</p> <ul style="list-style-type: none"> • Methods and options to minimise stormwater runoff and contaminants. • Location, sizing and design of the proposed stormwater systems. • Details of construction including the management of effects on the receiving environment. • Maintenance and operational requirements for the stormwater system. <p>The information required in (a) and (b) above shall be provided in the form of a Stormwater Management Plan (SMP).</p>	<p>(b) Be designed in accordance with the objectives, methods and options of the relevant Catchment Management Plan and:</p> <p>I. Prioritise options which avoid degradation and the loss of extent and value of natural water bodies, freshwater ecosystems and the receiving environment by modification or discharges;</p> <p>II. Identify and incorporate best practicable options for water sensitive urban design identified in the relevant Catchment Management Plan to manage the effects on pre-development hydrology and water quality;</p> <p>III. Exterior building materials shall be inert (e.g., no unpainted zinc or copper products that would result in soluble metals becoming entrained in stormwater) unless additional treatment is provided to avoid off-site effects; IV. Include details of the proposed stormwater management system such as:</p> <ul style="list-style-type: none"> • Methods and options to minimise stormwater runoff and contaminants. • Location, sizing and design of the proposed stormwater systems. • Details of construction including the management of effects on the receiving environment. • Maintenance and operational requirements for the stormwater system. <p>The information required in (a) and (b) above shall be provided in the form of a Stormwater Management Plan (SMP).</p>
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<p>f. The stormwater reserve areas at Ōmokoroa are shown on the Planning Maps and described in more detail in the Ōmokoroa Peninsula Stormwater Management Plan.</p>		
<p>NEW Explanatory Note to support Rule 12.4.5.17</p>		
<p>n/a</p>	<p>n/a</p>	<p><i>The concurrent preparation and lodgement of resource consent applications to the District and Regional Councils is recommended to implement the integrated management outcomes anticipated by the relevant Catchment Management Plans through Rule 12.4.5.17 relating to subdivision stormwater management plans.</i></p>
<p>Chapter 14A: <u>NEW</u> Significant Issue 6</p>		
<p>Not clear exactly which the NEW Significant Issue in 14.1 that 14A is linked to.</p>	<p><i>Urban development creates large areas of impermeable surfaces increasing stormwater run-off that can lead to flooding and the carrying of pollutants.</i></p> <p><i>The modification of the landform can adversely affect natural processes and the cultural values of the land.</i></p>	<p><i>Urban development creates large areas of impermeable surfaces increasing stormwater run-off that can lead to flooding and the carrying of pollutants. These changes have implications for water quality and quantity effects on the receiving environment.</i></p> <p><i>The modification of the landform can also adversely affect natural processes and the cultural values of the land.</i></p>
<p>Objective 14A.2.1.7</p>		
<p><i>Maintenance and enhancement of the stormwater management</i></p>	<p><i>Maintenance and enhancement of the stormwater management</i></p>	<p><i>Maintenance and enhancement of the stormwater management functions of both the natural and</i></p>

<i>functions of both the natural and built stormwater network</i>	<i>functions of both the natural and built stormwater network</i>	<i>built stormwater network and, management of flooding risk and effects on the receiving environment.</i>
Policy 14A.2.2.7		
	<i>Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure and, how high-quality urban design outcomes are being achieved.</i>	<i>Require proposals of four or more residential units on a site to provide integrated assessments which fully assess how the land is to be used effectively and efficiently, how the relevant requirements of the structure plan are met including provision of infrastructure including water sensitive design and, how high-quality urban design outcomes are being achieved.</i>
Matter of Discretion: 14A.7.1(l)(i)		
Previously 14A.7.1(ix) – subsequently replaced by 14A.7.1(l)	<i>Providing water sensitive urban design including the retention of permeable areas and the treatment of stormwater.</i>	Providing <i>Identify and incorporate best practicable options for water sensitive urban design including the retention of permeable areas and the treatment of stormwater in accordance with the relevant catchment management plan.</i>
Chapter 14A: Definitions, Activity Lists and Standards		
No changes are sought to the definition of ‘Net site area’ in response to the s.42a report.		
Changes to the Natural Open Space zone - Ōmokoroa Stage 3		
See Ōmokoroa Plan Change 92 Map ’ as it relates to Lot 3 DP 28670 and 467E Ōmokoroa Road	See s.42a report ‘ Ōmokoroa Zoning ’ ‘Ōmokoroa Plan Change Proposed Zoning Map – 11 August 2023’.	See Figure 7 of the statement of Keith Hamill (ecology) for the Regional Council for Lot 3 DP 28670 and 467E Ōmokoroa Road in reference to ‘Ōmokoroa Plan

		Change Proposed Zoning Map – 11 August 2023’.
See Ōmokoroa Plan Change 92 Map’ as it relates to 51 Francis Road	See s.42a report ‘Ōmokoroa Zoning’ ‘Ōmokoroa Plan Change Proposed Zoning Map – 11 August 2023’.	See Figure 2 of the statement of Keith Hamill (ecology) for the Regional Council for 51 Francis Road in reference to ‘Ōmokoroa Plan Change Proposed Zoning Map – 11 August 2023’.
Policy 24.2.2.3		
Notified in a different format – 24.2.2.1, 24.2.2.2, and 24.2.2.6	<i>‘Control activities to avoid adverse effects on and the functioning of stormwater system, including natural gully network and coastal interface ...’</i>	<i>‘Control activities to avoid adverse effects on freshwater and coastal ecology and the functioning of stormwater system, including streams, wetlands, natural gully network and the coastal interface ...’</i>
Matter of Discretion 24.5.2		
Originally – 24.5.2 (a) The potential adverse effects on the natural character, ecological, cultural, recreational and amenity values of the area and how these may be avoided, remedied or mitigated.	The potential adverse effects on the natural character, ecological, cultural, recreational and amenity values of the area and how these may be avoided, remedied or mitigated.	The potential adverse effects on the natural character, ecological, hydrological , cultural, recreational and amenity values of the area and how these may be avoided, remedied or mitigated.
Non statutory amendments - Proposed Te Puke Stormwater Management Guidelines – See evidence of Sue Ira (Appendix B)		
The document erroneously refers to “impermeable paving” in one of the bullet points and this should be changed to: <i>“impermeable pavement will also be encouraged”</i> .	No change	The document erroneously refers to “impermeable paving” in one of the bullet points and this should be changed to: <i>“impermeable pavement will also be encouraged”</i> .

Updates are sought to include the Te Puke Stormwater Management Guidelines.		Updates are sought to include the Te Puke Stormwater Management Guidelines.
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Appendix 2: Relevant Statutory provisions

National Policy Statement for Freshwater Management (2020)

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 (including 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.

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.

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.

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- (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.

Bay of Plenty Regional Policy Statement (2016)

Objective 31 – relates to Natural Hazard Risk

Table 10a Natural hazards objectives and titles of policies and methods to achieve the objectives.

Objectives	Policy titles	Page no.	Method titles	Implementation	Page no.	
Objective 31 Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities	Policy NH 1B: Taking a risk management approach	168a	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	173	
	Policy NH 2B: Classifying risk	168a	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	173	
	Policy NH 3B: Natural hazard risk outcomes		168b	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	173
				Method 18: Structure plans for land use changes	Regional council, city and district councils	176
				Method 23B: Investigate and apply measures to reduce natural hazard risk	Regional council, city and district councils	179
				Method 73: Provide information and guidance on natural hazards	Regional council, city and district councils	186d
				Method 74: Collaborate to establish natural hazard risk	Regional council, city and district councils	186d
	Policy NH 4B: Managing natural hazard risk on land subject to urban development		168c	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	173
				Method 18: Structure plans for land use changes	Regional council, city and district councils	176
				Method 23A: Review hazard and risk information	Regional council, city and district councils	178
	Policy NH 5B: Avoiding increasing and encouraging reducing natural hazard risk in the coastal environment		168c	Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or replacing plans	Regional council, city and district councils	173
				Method 18: Structure plans for land use changes	Regional council, city and district councils	176
				Method 23B: Investigate and apply measures to reduce natural hazard risk	Regional council, city and district councils	179



RPS Policy IR 2B

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 2°C increase in annual mean temperature is a mid-level projection of future temperature changes and may be refined in future.

<i>Table reference: Objective 11, Method 3</i>

RPS Policy IR 5B (cumulative effects)

- (c) Encouraging all parties undertaking resource use, development and protection activities to consult with others who may be affected.

Explanation

Consultation is the process by which those contemplating undertaking an activity, or implementing a management regime, exchange information about the proposal and its effects with those who may be affected. An outcome of consultation is that decision-makers are able to consider all relevant factors in coming to a resource management decision. While those participating in consultation must allow other parties sufficient time to respond, they are also obliged to avoid unreasonable delay. Timely and effective consultation leads to better decisions and can result in overall efficiencies for participants.

Consultation involves a genuine invitation to give advice and a genuine consideration of that advice. Sufficient information and time should be provided for the consulted party to be adequately informed, to appraise the information and make useful responses. The party obliged to consult should keep its mind open, being ready to change.

Table reference: Objectives 12, 13 and 14, Methods 3, 40, 41, 42 and 44

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 IR 6B: Promoting consistent and integrated management across jurisdictional boundaries

Provide for the integrated management of the region's natural and physical resources, particularly geothermal systems, infrastructure, catchments at risk and the coastal environment, across agencies and jurisdictional boundaries by:

- (a) Recognising the extent of the coastal environment and managing it on an integrated basis by using consistent provisions across the mean high water springs boundary;

RPS Method 18 (structure plans)

- (a) Promote and do not compromise an integrated and sustainable use of infrastructure and services and community facilities such as schools, libraries and public open space;
- (b) Do not compromise the implementation of the development strategy described in Policy UG 4A;
- (c) Are consistent with the purpose and principles of the Act;
- (d) Do not adversely affect marae or papakāinga areas nearby;
- (e) Meet the review conditions of Method 14 for the subject area;
- (f) Are triggered by a situation where there is insufficient development capacity in other parts of the sub-region;
- (g) Are prompted by a situation where the development strategy prescribed in Policy UG 4A has failed in its intended purpose; and
- (h) Reflect territorial authority decisions on plan changes or structure plans that require minor amendments to the urban limits line.

Implementation responsibility: Regional council

Method 17: Identify and manage potential effects on infrastructure corridors

In consultation with relevant infrastructure owners and operators, identify infrastructure corridors (including associated buffers where appropriate) and establish objectives, policies and methods to manage potential effects on the long term planning of the maintenance, operation and upgrade of their infrastructure, as well as to encourage its efficient use.

Vegetation to be planted around electricity lines, including within electricity transmission corridors, should be selected and/or managed so that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Implementation responsibility: Regional, city and district councils.

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;

RPS Method 18 (structure plans) continued

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| <p>(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;</p> | <p>(v) State design outcomes for the proposed development.</p> |
| <p>(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;</p> | <p>“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.</p> |
| <p>(i) Identify significant cultural, natural and historic heritage features and values and show how they are to be protected;</p> | <p><i>Implementation responsibility: Regional council, city and district councils.</i></p> |
| <p>(j) Identify significant view shafts to be maintained and enhanced through the avoidance of inappropriate development;</p> | <p>Method 19: Provision of infrastructure outside of structure plan areas</p> |
| <p>(k) Show how any adverse effect of increased stormwater runoff is to be mitigated;</p> | <p>Require new urban development proposals outside of structure plan areas to demonstrate that the infrastructure required to service such development is or will be available at the time development occurs and that appropriate consultation with the relevant infrastructure providers has occurred.</p> |
| <p>(l) Show how other adverse effects on the environment and infrastructure are to be avoided, remedied or mitigated;</p> | <p><i>Implementation responsibility: Regional council, city and district councils.</i></p> |
| <p>(m) Show how provision has been made for public transport, cycleways and pedestrian connections;</p> | <p>Method 20: Plan provisions enabling efficient operation and growth of rural production activities</p> |
| <p>(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;</p> | <p>Include plan provisions which will enable the efficient operation and growth of rural production activities.</p> |
| <p>(o) Show how the sequencing of urban growth requirements detailed in Policy UG 6A will be achieved;</p> | <p><i>Implementation responsibility: Regional, city and district councils.</i></p> |
| <p>(p) Include Urban Design Plans which:</p> | <p>Method 21: Monitor surface water quality in relation to at-risk triggers</p> |
| <p>(i) Apply and demonstrate adherence to the New Zealand Urban Design Protocol (March 2005) Key Urban Design Qualities;</p> | <p>Regularly monitor the quality of surface freshwater bodies not identified as being at risk. Assess the results of that monitoring against the provisions of sections 70 and 107 of the Act, any relevant national instruments, the Regional Water and Land Plan, and the results of previous monitoring. Where a water body’s assessment indicates that</p> |
| <p>(ii) Outline the urban design objective and rationale;</p> | |
| <p>(iii) Provide an analysis of context;</p> | |
| <p>(iv) Provide a site analysis; and</p> | |

RPS Policies CE 9B and 10B (coastal)

would be inappropriate.

Explanation

Policy CE 8B recognises that in some areas natural character has been mapped and directs decision-makers to consider the appropriateness of development having regard to Policy CE 2B and local-scale considerations. Part (a) applies only to the mapped areas.

The policy identifies particular elements, features and patterns which, if present, in the coastal environment require a higher level of protection from development in terms of avoidance, remediation or mitigation of adverse effects. This policy will ensure that subdivision, use and development are appropriate for the characteristics of the area and will not result in significant adverse effects on the natural character of the coastal environment.

Objective 6 and Policy 7 of the NZCPS 2010 recognise that there are competing needs in managing activities in the coastal environment. The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits. Sub-paragraph (d)

3. 09 and 7

Policy CE 9B: Safeguarding the life-supporting capacity of coastal ecosystems

Safeguard the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:

- (a) Any area within the inter-tidal or sub-tidal zone that contains unique, rare, distinctive or representative marine and avian species or habitats;
- (b) Areas used by marine mammals as breeding, feeding or haul-out sites;
- (c) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species or any life stage of species listed as threatened or at risk by the Department of Conservation;
- (d) Any areas that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as estuaries, lagoons, coastal

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wetlands, dunelands, rocky reef systems and salt marshes;

- (e) The integrity, functioning and resilience of physical and ecological processes; and
- (f) Promoting water quality in the coastal marine area that sustains healthy aquatic ecosystems.

Explanation

Many threats to the life-supporting capacity of coastal ecosystems result from the cumulative impacts of land use activities which cause increased, sedimentation and nutrient loading into receiving coastal water bodies including harbours and estuaries. Adverse effects include degrading water and habitat quality for aquatic life, altering species composition, detrimental effects on the life supporting capacity of marine ecosystems and the ability of the ecosystem to adapt to pressures (including the likely pressures from climate change).

This policy describes habitats that are particularly sensitive to development pressures. Because some of these areas straddle the land and water interface, they will need to be controlled through both regional and district plans.

Monitoring of the harbour provides information on what normal ecosystem processes would look like, thus allowing for action to address any adverse effects.

Table reference: **Objective 2, Methods 3, 34, 37, 49, 53, 55, 59, 60, 62, 65, 71 and 72**

enter water, including discharges to existing and new stormwater infrastructure;

- (d) Minimising the risk of releasing contaminants and avoiding releasing discharges from contaminated land;
- (e) Adopting water-sensitive design and management principles;
- (f) Adopting on-site management techniques that will improve the quality of stormwater and/or wastewater prior to discharge;
- (g) Establishing, replacing, retaining and/or enhancing riparian and catchment vegetation for the purpose of promoting setbacks and ecological buffer areas around wetland areas; and
- (h) Assessing treatment alternatives for discharges and adopting the best practicable option for treatment.

Explanation

A high standard of water quality is essential to maintain the health of ecosystems in the coastal marine area. This policy means that discharges, after reasonable mixing, cannot cause water quality to be unsuitable for sustaining healthy, functioning ecosystems and relates to point and non-point source discharges originating both within and outside of the coastal environment. Most contaminants and sediments that arrive in the coastal marine area are carried by rivers, streams and stormwater drains.

Contaminants in this policy are substances that are capable of causing ill health, injury or death to any living organism – such as heavy metals,

wetlands, dunelands, rocky reef systems and salt marshes;

- (e) The integrity, functioning and resilience of physical and ecological processes; and
- (f) Promoting water quality in the coastal marine area that sustains healthy aquatic ecosystems.

Explanation

Many threats to the life-supporting capacity of coastal ecosystems result from the cumulative impacts of land use activities which cause increased, sedimentation and nutrient loading into receiving coastal water bodies including harbours and estuaries. Adverse effects include degrading water and habitat quality for aquatic life, altering species composition, detrimental effects on the life supporting capacity of marine ecosystems and the ability of the ecosystem to adapt to pressures (including the likely pressures from climate change).

This policy describes habitats that are particularly sensitive to development pressures. Because some of these areas straddle the land and water interface, they will need to be controlled through both regional and district plans.

Monitoring of the harbour provides information on what normal ecosystem processes would look like, thus allowing for action to address any adverse effects.

Table reference: Objective 2, Methods 3, 34, 37, 49, 53, 55, 59, 60, 62, 65, 71 and 72

Policy CE 10B: Managing adverse effects of land-based activities in the coastal environment on marine water quality

Manage adverse effects, including cumulative effects, from land based activities in the coastal environment on marine water quality by:

- (a) Requiring that subdivision, use and development does not result in a significant contribution to sedimentation in the coastal marine area or other water bodies within the coastal environment;
- (b) Minimising the creation of impervious surface areas;
- (c) Minimising contaminants in stormwater that discharges into water or on to land that may

enter water, including discharges to existing and new stormwater infrastructure;

- (d) Minimising the risk of releasing contaminants and avoiding releasing discharges from contaminated land;
- (e) Adopting water-sensitive design and management principles;
- (f) Adopting on-site management techniques that will improve the quality of stormwater and/or wastewater prior to discharge;
- (g) Establishing, replacing, retaining and/or enhancing riparian and catchment vegetation for the purpose of promoting setbacks and ecological buffer areas around wetland areas; and
- (h) Assessing treatment alternatives for discharges and adopting the best practicable option for treatment.

Explanation

A high standard of water quality is essential to maintain the health of ecosystems in the coastal marine area. This policy means that discharges, after reasonable mixing, cannot cause water quality to be unsuitable for sustaining healthy, functioning ecosystems and relates to point and non-point source discharges originating both within and outside of the coastal environment. Most contaminants and sediments that arrive in the coastal marine area are carried by rivers, streams and stormwater drains.

Contaminants in this policy are substances that are capable of causing ill health, injury or death to any living organism – such as heavy metals, hydrocarbons, pesticides and other chemicals including anti-fouling compounds. Carried in stormwater, contaminants can bind with sediment and accumulate where the sediment settles, on the seabed or the bed of a freshwater body, particularly in low energy aquatic receiving environments.

Table reference: Objective 2, Methods 3, 34, 35, 37, 53, 61, 63, 68 and 72

Policy CE 11B: Allocating public space within the coastal marine area

For allocation of space within the coastal marine area activities shall demonstrate:

- (a) A functional or positional need to be located in, or adjacent to, the coastal marine area;



Regional Natural Resources Plan -

- IM Chapter - Loss of river extent and values policy IM P1A

IM P1A The loss of river extent and values is avoided, unless the council is satisfied:

- (a) that there is a functional need for the activity in that location; and
- (b) the effects of the activity are managed by applying the effects management hierarchy.

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.

- WL Chapter - Natural inland wetlands policy WL P13

WL P13 The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

- (a) the loss of extent or values arises from any of the following:
 - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
 - (ii) restoration activities
 - (iii) scientific research
 - (iv) the sustainable harvest of sphagnum moss
 - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (b) the Regional Council is satisfied that:
 - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and
 - (ii) the specified infrastructure will provide significant national or regional benefits; and
 - (iii) there is a functional need for the specified infrastructure in that location; and
 - (iv) the effects of the activity are managed through applying the effects management hierarchy.

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.

Regional Coastal Environmental Plan (2021) – Schedules: Indigenous Biological Diversity Area - Waipapa Estuary (A19) and Mangawhai Bay (B9 and B10)

Updated 18 May 2021

Schedules to the Regional Coastal Environment Plan

General location and map sheet	Indigenous Biological Diversity Area B	Areas of predominately indigenous vegetation - NZCPS Policy 11(b)(i)	Habitats important during vulnerable life stages - NZCPS Policy 11(b)(ii)	Ecosystems and habitats vulnerable to modification - NZCPS - Policy 11(b)(iii)	Habitats and areas important to migratory species - NZCPS Policy 11(b)(v)	Ecological corridors - NZCPS Policy 11(b)(vi)
Tauranga Harbour map sheet 13b	Kaitemako Stream Mouth IBDA B6	Y Mangrove scrub and shrubland, estuarine vegetation types, and palustrine wetland.		Y Mangrove scrub and shrubland and other estuarine vegetation types.	Y The stream mouth is a migratory pathway for indigenous freshwater fish.	
Tauranga Harbour map sheet 10b	Kuka Road Wetlands IBDA B7	Y Indigenous palustrine wetlands.	Y Shorebirds roost on Kuka Road Beach, adjacent to the wetlands.			
Tauranga Harbour map sheet 14b	Mangatawa IBDA B8	Y Mangrove scrub and shrubland, wetlands dominated by oioi, sea rush, and <i>Bolboschoenus fluviatilis</i> .		Y Mangrove scrub and shrubland, wetlands dominated by oioi, sea rush, and <i>Bolboschoenus fluviatilis</i> .	Y Mouth of Mangatawa Stream may be a migratory pathway for indigenous species of freshwater fish.	
Tauranga Harbour map sheets 8b, 10b	Mangawhai Bay IBDA B9	Y Mangrove scrub and shrubland, other indigenous estuarine wetland vegetation types, and manuka scrub.		Y Mangroves and other estuarine wetlands.		
Tauranga Harbour map sheet 10b	Mangawhai Bay Inlet IBDA B10	Y Mosaic of indigenous estuarine wetland vegetation types.	Y A small part of the site is a sandspit that is used as a high tide roost by shorebirds.	Y Estuarine wetlands.		
Tauranga Harbour map sheets 5b, 7b	Matahui Road IBDA B11	Y Mangrove scrub and shrubland and other indigenous estuarine wetland vegetation types.		Y Mangrove scrub and shrubland and other estuarine wetland vegetation types which have been modified by weeds		

260

Bay of Plenty Regional Coastal Environment Plan

Updated 18 May 2021

Schedules to the Regional Coastal Environment Plan

General location and map sheet	Indigenous Biological Diversity Area A	New Zealand Threat Status * - NZCPS Policy 11(a)(i)	International Threat Status * - NZCPS Policy 11(a)(ii)	Threatened or rare ecosystems and vegetation types - NZCPS Policy 11(a)(iii)	Habitat of indigenous species at limit of natural range or rare - NZCPS Policy 11(a)(iv)	Nationally significant area - NZCPS Policy 11(a)(v)	Biodiversity values protected by legislation - NZCPS Policy 11(a)(vi)
Tauranga Harbour map sheets 7b, 10b	Wainui Estuary IBDA A18	Y Avifauna: Australasian bittern (Threatened-Nationally Endangered), Caspian tern (Threatened-Nationally Vulnerable), Wrybill (Threatened-Nationally Vulnerable), New Zealand pied oystercatcher (At Risk-Declining), North Island fernbird (At Risk-Declining), Pied stilt (At Risk-Declining), Banded rail (At Risk-Naturally Uncommon), Little shag (At Risk-Naturally Uncommon), White-fronted tern (At Risk-Naturally Uncommon). Fish: Shortjaw kōkopu (At Risk-Declining).	Y Australasian bittern (Endangered), Shortjaw kōkopu (Vulnerable), Wrybill (Vulnerable).	Y High quality estuarine and palustrine wetland habitats. Prestidge Island is a roosting site for shorebirds.		N Regionally significant	Biodiversity values at the site are not formally protected, but part of the site is a WBOPDC reserve.
Tauranga Harbour map sheets 7b, 8b, 10b	Waipapa Estuary IBDA A19	Y Avifauna: Caspian tern (Threatened-Nationally Vulnerable), Pied shag (Threatened-Nationally Vulnerable), Pied stilt (At Risk-Declining), New Zealand pied oystercatcher (At Risk-Declining), North Island fernbird (At Risk-Declining), Banded rail (At Risk-Naturally Uncommon). Fish: Inanga (At Risk-Declining), Longfin eel (At Risk-Declining), Redfin bully (At Risk-Declining), Torrentfish (At Risk-Declining).		Y High quality mosaic of estuarine wetlands, small palustrine wetlands, and a sandspit. The sandspit to the northwest of Ōmokoroa golf course is a roosting site for shorebirds.		N Regionally significant	Biodiversity values at the site are not formally protected, but part of the site is a WBOPDC reserve.
Tauranga Harbour map sheets 10b, 11b, 13b	Wairoa River Wetlands IBDA A20	Y Avifauna: Grey duck (Threatened-Nationally Critical), Australasian bittern (Threatened-Nationally Endangered) (1990), Red-billed gull (Threatened-Nationally Vulnerable), North Island fernbird (At Risk-Declining), Spotted crake (At Risk-Relict) (1990). Fish: Giant kōkopu (At Risk-Declining), Inanga (At Risk-Declining), Longfin eel (At Risk-Declining), Redfin bully (At Risk-Declining).	Y Australasian bittern (Endangered) (1990), Giant kōkopu (Vulnerable).	Y One of the highest quality examples of palustrine wetland next to a river in Tauranga Ecological District.		N Regionally significant	Partially protected (Margaret Jackson Wildlife Management Reserve, Department of Conservation).

230

Bay of Plenty Regional Coastal Environment Plan