



Environment, Energy, and Resilience

Te Komiti Rautaki me ngā Kaupapa Here

Thursday, 13 February 2025
Tāite, 13 Huitanguru 2025

Totara Room, Whakatāne District Council
14 Commerce Street, Whakatāne
Commencing at 9:00 am



Chief Executive: Steven Perdia | Publication Date: 7 February 2025

whakatane.govt.nz



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A Membership - *Mematanga***A Membership - *Mematanga***

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Councillor Nándor Tánczos - Deputy Chairperson
Deputy Mayor Lesley Immink
Councillor Toni Boynton
Councillor Gavin Dennis
Councillor Andrew Iles
Councillor Wilson James
Councillor Julie Jukes
Councillor Tu O'Brien
Councillor John Pullar
Councillor Ngapera Rangiaho

B Delegations to the Environment, Energy and Resilience Committee - *Tuku Mahi ki te Komiti*

1. To oversee development of strategies and plans that reflect and implement the Council's vision.
2. To oversee the development of strategies, plans and programmes that protect and restore the District's natural environment, resources, and ecology.
3. To monitor and advise on the strategy, policies and direction on the impact of climate change on the District.
4. To improve community resilience to environmental threats.

Specific functions and delegations:

Develop the Long-term Plan and Annual Plan and determine the form and extent of public consultation methods to be employed (Note1: the Council cannot delegate to a Committee the adoption of the Long-term Plan and Annual Plan, Note2: the Council retains for itself the strategic direction setting responsibility of the Long-term Plan process).

- a. Develop, and monitor implementation of, Council's Climate Change Strategy and programme.
- b. Monitor the development of associated Central Government Reform programmes.
- c. Develop and review associated bylaws (Note: only Council has the power to make a bylaw).
- d. Develop, review and approve associated strategies, policies and plans (Note: only Council has the power to adopt policies associated with the Long-term Plan).
- e. Develop a proposed plan or a change to a district plan under the Resource Management Act 1991.
- f. Climate change science, impact and strategy overview - mitigation, adaptation and resilience.
- g. Foster community environmental and climate change understanding.

TABLE OF CONTENTS

1	Meeting Notices - <i>Ngā Pānui o te hui</i>	6
2	Apologies - <i>Te hunga kāore i tae</i>	6
3	Acknowledgements / Tributes - <i>Ngā Mihimihi</i>	6
4	Conflicts of Interest - <i>Ngākau kōnatunatu</i>	7
5	Public Participation- <i>Wānanga Tūmatanui</i>	8
5.1	Public Forum - <i>Wānanga Tūmatanui</i>	8
5.2	Deputations - <i>Nga Whakapuaki Whaitake</i>	8
6	Confirmation of Minutes - <i>Te whakaaetanga o ngā meneti o te hui</i>	8
7	Reports - <i>Ngā Pūrongo</i>	9
7.1	July – December 2024 Six Monthly Climate Change Update	9
	7.1.1 Appendix 1 - July- December Climate Change Action Plan Traffic Light	15
7.2	Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill	17
	7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill	23
7.3	Eastern Bay of Plenty Spatial Plan Project Update	33
	7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report	41
8	Resolution to Exclude the Public	62
1	Public Excluded Business	8
1.1	Eastern Bay of Plenty Regional Deal Proposal	8
	1.1.1 Appendix A - Eastern Bay of Plenty Regional Deal Light Touch Proposal - Draft	8

1 Meeting Notices - *Ngā Pānui o te hui***1 Meeting Notices - *Ngā Pānui o te hui*****1. Live Streaming**

The Whakatāne District Council livestreams Council and Standing Committee meetings held in Tōtara Room, within the Council building. The webcast will live stream directly to Council's YouTube channel in real time. The purpose of streaming meetings live is to encourage transparency of Council meetings.

By remaining in the public gallery, it is understood your consent has been given if your presence is inadvertently broadcast.

Please be aware the microphones in Totara Room are sensitive to noise, so please remain quiet throughout the meeting unless asked to speak.

2. Health and Safety

In case of an emergency, please follow the building wardens or make your way to the nearest exit. The meeting point is located at Peace Park on Boon Street.

Bathroom facilities are located opposite the Chambers Foyer entrance (the entrance off Margaret Mahy Court).

3. Other**2 Apologies - *Te hunga kāore i tae***

There were no apologies received at the time of compiling the agenda.

3 Acknowledgements / Tributes - *Ngā Mihimihi*

An opportunity for members to recognise achievements, to notify of events, or to pay tribute to an occasion of importance.

4 Conflicts of Interest - *Ngākau kōnatunatu***4 Conflicts of Interest - *Ngākau kōnatunatu***

Members are reminded of the need to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interests they might have. Elected Members are also reminded to update their register of interests when changes occur.

The [register of interest](#) can be viewed on the Council website.

1. Financial Conflict

- Members present must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.
- Members cannot take part in the discussion, nor can they vote on any matter in which they have a direct or indirect financial interest, unless with an approved exception.
- Members with a financial interest should physically withdraw themselves from the table. If the meeting is public excluded, members should leave the room.

2. Non-Financial Conflict

- If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.
- Members with a non-financial interest must leave the table when the matter is considered but are not required to leave the room.

5 Public Participation- *Wānanga Tūmatanui***5 Public Participation- *Wānanga Tūmatanui*****5.1 Public Forum - *Wānanga Tūmatanui***

The Committee has set aside 30 minutes for members of the public to speak in the public forum at the commencement of each meeting. Each speaker during the forum may speak for five minutes. Permission of the Chairperson is required for any person wishing to speak during the public forum.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

5.2 Deputations - *Nga Whakapuaki Whaitake*

A deputation enables a person, group or organisation to make a presentation to Committee on a matter or matters covered by their terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered. No more than two speakers can speak on behalf of an organisation's deputation. Speakers can speak for up to 5 minutes, or with the permission of the Chairperson, a longer timeframe may be allocated.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

6 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui*

The minutes from the Environment, Energy and Resilience Committee meeting held on Thursday, 7 November 2024 can be viewed via the Council website.

Click on the link below in order to view the 'unconfirmed minutes'.

- [Unconfirmed Environment, Energy and Resilience Committee meeting - 7 November 2024](#)

7 Reports - Ngā Pūrongo**7 Reports - Ngā Pūrongo****7.1 July – December 2024 Six Monthly Climate Change Update**To: **Environment, Energy and Resilience Committee**Date: **Thursday, 13 February 2025**Author: **G Mischefski-Gray / Strategic Policy Analyst**Authoriser: **L Woolsey / GM Strategy and Growth****1. Reason for the report - *Te Take mō tēnei rīpoata***

The purpose of this report is to update the Environment, Energy, and Resilience Committee on the progress of the targets and actions outlined in the Council's Climate Change Strategy 2024–2027. It covers the six-month period from July 1 to December 31, 2024.

2. Recommendations - *Tohutohu akiaki*

1. THAT the Energy, Environment and Resilience Committee **receive** the six-monthly Climate Change report 1 July to 31 December; and
2. THAT the Energy, Environment and Resilience Committee **approve** the correction of the emissions target in the Climate Change Pathway 2024-27 for the Whakatāne Council gross emissions including wastewater.

3. Background - *He tirohanga whakamuri*

Responding to climate change is part of two of the five strategic priorities identified in the 2024-34 Whakatāne District Long Term Plan. In 2017, the Council signed the New Zealand Local Government Leaders Climate Change Declaration, alongside 70 other councils. The Declaration sets out seven principles to guide future decisions.

In June 2024, Council adopted 'Our Climate Pathway', the first community climate change strategy, and a refresh of the Council's 2021 Climate Change Strategy to cover the period 2024-27. The pathway represents the Council's proactive approach to addressing climate change with and on behalf of the district and is the Strategy by which both Council and community commits to decarbonisation and adaptation.

4. Discussion – *Kōrerorero*

Climate Pathway Vision: Working together towards sustainable, low emission, climate resilient communities.

7.1 July – December 2024 Six Monthly Climate Change Update(Cont.)

At the start of quarter one – July 2024 - staff began implementing the new Climate Pathway, introducing a fresh set of actions and targets. A key focus during quarter one was prioritising actions and identifying responsibilities. Using the principle of "setting the Council up for success," we asked: What needs to be done first to enable subsequent actions? This collaborative process involved input from numerous staff members, culminating in the creation of a prioritised "A List" and a subsequent "B List". The progress on these priority actions is detailed below. These are ordered according to the three goals they relate to from the Climate Strategy.

4.1. Goal 1: We all understand and can act on Climate Change and its impacts.

Understanding the impacts of climate change is essential to ensuring the right actions are implemented. In the six months July to December 2024, significant progress has been made on actions related to Goal 1. These actions have been completed:

- Completed the content of an E-Learning module which is now available for new staff.
- Reviewed Council emissions from 2023/24 and shared these results.
- Climate change staff delivered an activity for the participants in the Council's community event 'The Amazing Race', to raise awareness of climate change impacts and community actions.
- Held a tree planting acknowledgment event for the adoption of the Climate Change Pathway.
- Updated the WDC Intranet page to provide staff with access to climate change information.
- Updated the Council reporting template assessment on climate change.

4.1.1. Future Focus

The following actions will be focused on in the next six-month (January-June 2025) period:

- Complete the establishment of the Climate Change and Resilience team.
- Rolling out the in-person climate change induction, with an aim to have 30% of staff completing it by 1 July 2025.
- Rolling out the new Climate Change Assessment as part of the Council report writer's template.
- Approving the Energy Action Group Terms of Reference.
- Complete the assessment of potential Carbon Auditors and Carbon Accountants.

4.1.2. Foreseen Potential Risks

Potential risks to the actions include:

- Challenges around effective integration of the new Council reporting assessment.
- Effectiveness of new learning modules.

4.2. Goal 2: We have prioritised a just transition to low emissions.

The Council is committed to embedding the principle of a just transition to low emissions across its work streams. A just transition is essential to prevent the long-term effects of climate change, requiring a significant reduction in our emissions through decarbonisation.

Over the past six months, the following actions relating to Goal 2 have been completed:

- Revising the vehicle policy to align with the new climate strategy and actions.
- Approved the WorkRide scheme to encourage staff to bike to work.

7.1 July – December 2024 Six Monthly Climate Change Update(Cont.)

- Developed a Plantation Forestry Block Plan for improved oversight and management.
- Continue to provide reuse initiatives for the community such as a toy library.
- Planted a total of 50 trees throughout the district in 2024.
- Conducted climate change policy research.
- Drafted initial criteria for the Climate Change Fund.
- Completed the third round of the subsidised home composting scheme.
- Confirmed the Council's participation in a Waikato/Bay of Plenty Regional Waste Strategy to develop a cross-boundary Waste Strategy that will enable collaborative, strategic projects to be carried out by partnering councils to reduce waste and carbon emissions.

4.2.1. Future Focus

The following actions will be focused on in the next six-month period:

- Continued advancement of the solar panel project for key Council-owned buildings, in particular finalising and seeking approval.
- Develop an internal Climate Change Policy and a Decarbonisation Plan, by July 2025.
- Establishing the Climate Change Fund by 1 July 2025.
- Continued development of the Procurement Policy including consultation.
- Undertake the fleet optimisation audit.
- Installing a pool cover on the outdoor pool at the Whakatāne aquatic centre.
- Adding two e-bikes to the Council vehicle fleet for staff work use.
- Inclusion of the Riverside Holiday Park within the energy monitoring programme.

4.2.2. Foreseen Potential Risks

Potential risks to the actions include:

- Time, capability issues and staff buy in.
- Policy and Decarbonisation Plan scope control.
- Emission reduction targets and Decarbonisation Plan alignment.

4.3. Goal 3: We will continue to adapt, to reduce the effects of climate change.

Adapting to the effects of current and changing climate conditions is critical for the future of our communities. In addition to responding and recovering from historic climate events, a considerable amount of work has been undertaken to understand the impacts from a range of potential future climate scenarios. A 5-stage District-wide Climate Adaptation Programme supported by national and regional climate change programmes was approved by the Council in February 2024. This Action Implementation Plan links the current adaptation work to the current Strategy. The following is underway:

- Stage 1 of this programme is a technical assessment of climate risks to the Whakatāne District that will enable decision makers to make informed decisions on priorities and resource allocation for adaptation responses. Community participation to utilise local knowledge to identify specific local climate risks is currently underway.
- Stage 1 also involves development of an online viewer to enable organisational and public access to natural hazard modelling and the climate risk information that will become available through

7.1 July – December 2024 Six Monthly Climate Change Update(Cont.)

the climate change risk assessment. A Climate Change App is being developed in-house. Once complete, the App will also perform as the online viewer. Following presentation of the partially developed App to the local government-focused Aotearoa Climate Adaptation Network of climate adaptation practitioners, several local and regional councils have expressed strong interest in accessing the App.

4.3.1. Future focus

The District Risk Assessment is scheduled to be completed early in 2025 this will be followed by:

- Stage 2: prioritising climate risks through an extensive community engagement programme and Council workshops.
- Stage 3: developing local community adaptation plans for priority risks. Local adaptation plans will include defining both specific climate impacts for monitoring, and thresholds at which interventions are required. Stages 2 and 3 are planned to be completed by the end of 2025.

4.3.2. Foreseen potential risks

Potential risks to Stage 1 and 2 of the Climate Change Adaptation include:

- Completion timeframe due to extended community participation in response to feedback from each of the Community Boards around preferred engagement.
- Additional project costs due to additional engagement.
- Once finalised, release of natural hazard modelling information will require sensitivity.
- Due to scale, a full exploration of all cascading climate risks is beyond the scope of the Stage 1 Risk Assessment. Ensuring that assessment findings are integrated into internal and external decision-making processes is crucial for translating knowledge into action.

4.4. Emissions Targets Correction

Throughout the process of creating the Councils decarbonisation plan, the emission reduction targets set in the Climate Pathway have been further analysed. It has been noticed that the target in the year 2050 was recorded incorrectly (believed to be a typo) within the publicly Council adopted Pathway regarding the Whakatāne Council gross emissions including wastewater, as shown below:

	Stated as	Correct target
Year	Reduction	Reduction
2027	7%	7%
2030	12%	12%
2040	29%	29%
2050	17%	39%

The reductions are the percentage from the baseline of the year 2023. As the targets and the Strategy are Council approved for best practice, staff wish for this error to be corrected to ensure accuracy and transparency.

7.1 July – December 2024 Six Monthly Climate Change Update(Cont.)**5. Options Analysis - Ngā Kōwhiringa****5.1. Option 1: Approve correction of target – Recommended option**

Advantages	Disadvantages
<ul style="list-style-type: none"> • Provide transparency. • Ensure best practise is followed within climate reporting and target setting. 	<ul style="list-style-type: none"> • No disadvantages.

5.2. Option 2 Do not approve correction of target

Advantages	Disadvantages
<ul style="list-style-type: none"> • No advantages. 	<ul style="list-style-type: none"> • Incorrect target is misleading to the community.

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko**6.1. Assessment of Significance**

This report is a culmination of the different workstreams related to climate action work undertaken by the Council. Some of the actions will be moderate significance and these will be assessed as part of those actions proposals and project plans.

The decisions and matters of this report are assessed to be of low significance, in accordance with the Council's Significance and Engagement Policy.

6.2. Engagement and Community Views

Engagement on this matter is not being undertaken in accordance with Section 6.0 of the Council's Significance and Engagement Policy. This states that the Council will not consult when the Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter and the matter has already been addressed by the Council's policies or plans, which have previously been consulted on.

7. Considerations - *Whai Whakaaro***7.1. Strategic Alignment**

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

7.2. Legal

Two considerations are:

7.1 July – December 2024 Six Monthly Climate Change Update(Cont.)

1. The New Zealand Local Government Leaders Climate Change Declaration of which the Council is a signatory.
2. The Climate Change Response (Zero Carbon) Amendment Act 2019 provides a clear and stable path for New Zealand to transition to a low-carbon economy and adapt to the impacts of climate change.

7.3. Financial/Budget Considerations

There is no budget considerations associated with the recommendations of this report.

7.4. Climate Change Assessment

The below is the new Climate Change assessment, to be included in Council reports. This was a key action completed in the last six-months as referenced in 4.1.

Goal	Matters to consider	Comments	Impact Assessment
1	The likely impacts (flood, drought, storms, sea level rise, etc.) of climate change in the Eastern Bay of Plenty on the matters of this report.	<i>Climate action should decrease the impacts of climate change.</i>	<i>High</i>
	The matters of this report's reduction on the effect of climate related impacts (flood, drought, storm, sea level etc.).	<i>Yes, climate action helps the districts resilience.</i>	<i>High</i>
2	Options for lowering greenhouse gas emissions have been specifically considered in relation to the matters of the report, including: <ul style="list-style-type: none"> • Energy efficiency / renewable energy, • Resource usage, • Waste/Whole of Life, and • Fossil fuel usage. 	<i>The actions within Goal 2 focus on lowering Councils total emissions.</i>	<i>High</i>
	Key emission sources, and (if possible) calculation of the greenhouse gas emissions for matters of report/project.	<i>The Decarbonisation plan is going to categorise and break down the key emission sources for the council in a more user friendly format.</i>	<i>High</i>
	Opportunities to address inequities or disadvantages due to climate change considered in relation to the matters of the report.	<i>Each action is aimed at setting up the Council for success which in turn should address the inequities create by climate change. When proposing a new solution,</i>	<i>High</i>

7.1.1 Appendix 1 - July- December Climate Change Action Plan Traffic Light

Goal	Matters to consider	Comments	Impact Assessment
		<i>Council should consider the negative impacts on our communities.</i>	
3	Impacts upon the district's biodiversity.	<i>Biodiversity can be left behind in climate action, within each of the actions' being taken by Council the impact on biodiversity needs to be carefully considered.</i>	<i>High</i>
	Matters that increase resilience to climate change for Council and/or our communities.	<i>This report increases the council's resilience as they are aware of what is occurring in this space and have a regular record of actions occurring.</i>	<i>High</i>
<p>Summary: The climate action taken by the Council is varied and covers many teams. The future focus areas allow improved and increasing action to be taken. The impacts are all positive.</p> <p>Overall Analysis: The decisions and matters in this report are assessed for their impact on greenhouse gas emissions and climate change effects, which are categorised as high.</p>			

7.5. Risks

There are no significant or notable risks associated with the matters of this report.

8. Next Steps – E whai ake nei



























Continued advancement of the actions outlined in this report.

Attached to this Report:

- Appendix 1 - July- December Climate Change Action Plan Traffic Light

7.1.1 Appendix 1 - July- December Climate Change Action Plan Traffic Light

7.1.1 Appendix 1 - July- December Climate Change Action Plan Traffic Light(Cont.)

#	Action	Status	Commentary
4	Update Procurement Policy and procedures to factor in climate change		The procurement policy is currently under review and is going to incorporate 'broader outcomes' as a key metric.
12	Internal Climate Change Policy Development		Draft 1 is almost complete.
16	Measure organisational carbon emissions		Socialisation of 23/24 results complete. Currently in procurement process for other options for carbon emission measuring and auditing.
17	Incorporate a Climate Change Team into the organisational structure		Restructure has occurred now in final stages of incorporation.
19	Develop a monitoring and evaluation framework for the Climate Change Strategy		This report and traffic light system is the first report on the new strategy and frame the new monitoring system.
20	Increase staff knowledge regarding climate change		Whoogle page updated and a module for new staff is provided when they start. Aim to offer new module to existing staff.
32	Develop District specific adaptation educational material		Once the risk assessments are complete, work in this space will be undertaken.
36	Develop a climate change targeted fund		First iteration of criteria has been developed.
66	Investigate renewable energy options for Council facilities		Procurement is underway. A business case will be bought to the next Council meeting.
105	Identify relevant sites/events and complete waste audits		To be started in Q2. Relevant sites and events will first be identified.
116	Encourage low-travel options		This is being embedded within our Vehicle policy. It will be looked at more thoroughly in Q3 and Q4.
118	Facilitate e-bike purchases		Currently being worked through, have presented to ELT and in final stages of planning.
126	Implement Active Whakatane Strategy		Ongoing input, but also dependent on ongoing levels of central govt funding.
153	Integrate climate change risk management into transport network		Major focus using data from the adaptation risk assessments due to be completed Q3.
156	Manage climate related disruption and maintenance risks on critical transport infrastructure		Focus on building resilience into the network at this stage. Works planned for Taneatua Road and Rewatu Road to address resilience deficiencies.
161	Identify District climate change risks		Underway in risk assessments.
162	Determine Council dynamic planning and risk management approaches		Underway in risk assessments.
166	Have local adaptation plans in regional and local spatial strategies		Development of plans to commence following completion of risk assessments.
170	Embed climate change in District plan		Direction of action dependent on Govt changes to RMA.
206	Ensure emissions is a key part of three waters projects		Industry guidance is a key part of this. We review emissions outputs in our capital projects.
221	Factor climate change into all water takes, adapt accordingly		This is part of BAU and is part of newly formed resource consenting, who will work with 3W to ensure it is done.
225	Identify at risk and vulnerable water supply		Included in the water safety plans.
	Key:		To be started
			In progress
			Complete
			Behind

7.2 Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill**7.2 Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill**

To: **Environment, Energy and Resilience Committee**

Date: **Thursday, 13 February 2025**

Author: **Z Eleftheriadis / Policy Planner**

Authoriser: **N Woodley / Manager Policy Planning and Consents**

1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of this report is to seek retrospective approval from the Environment, Energy and Resilience Committee for the Council's submission on the Resource Management (Consenting and Other System Changes) Amendment Bill ('the Bill').

2. Recommendations - *Tohutohu akiaki*

1. THAT the Environment, Energy, and Resilience Committee **receive** this report; and
2. THAT the Environment, Energy, and Resilience Committee **grant** retrospective approval for the Council's submission on the Resource Management (Consenting and Other System Changes) Amendment Bill.

3. Background - *He tirohanga whakamuri*

The purpose of the Bill is to make changes to the Resource Management Act 1991 ('the RMA') which had its first reading on 17 December 2024 with submissions due 10 February 2025. As the Elected Members were in recess and due to the deadline involved, it was not possible for the submission to be approved by the Committee prior to submission. Instead, the submission was drafted by the Council planners and circulated to the Elected Members, to allow Elected Member feedback to be gathered and incorporated in lieu of Committee review.

3.1. The RMA reform

The Government is reforming the RMA in three phases, with the Bill being part of Phase Two.

Phase One was completed in December 2023, with the successful repeal of the both the Natural and Built Environment Act 2023 and Spatial Planning Act 2023 (the two Acts introduced by the previous Government to replace the RMA). Phase one also saw the introduction of the Resource Management (Freshwater and Other Matters) Amendment Act.

Phase Two includes:

- the now enacted Fast-Track Approvals Act 2024, which provides a regime to fast-track consent approvals for specified infrastructure and development projects;

7.2 Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill(Cont.)

- the not yet proposed: new and amended National Policy Statements and National Environment Standards (21 total); and
- the topic of this report, the proposed Resource Management (Consenting and Other System Changes) Amendment Bill, which targets changes to infrastructure consenting, natural hazard and emergency responses, greater enforcement and penalties, and system efficiencies such as the need to hold a hearing. It also makes the mandatory Medium Density Residential Standards voluntary, however this does not affect the Whakatāne District as a Tier 3 authority.

Phase Three will include replacing the RMA with two new Acts: one to manage environmental effects arising from activities and another to enable urban development and infrastructure.

4. Discussion – *Kōrerorero*

The Bill addresses five broad categories, with a description of the key changes and feedback provided by Council in the submission provided below.

4.1. Infrastructure and Energy

The Bill aims to reduce delays and improve certainty for infrastructure development, including introducing maximum timeframes for consent processing and default consent durations (35 years) for renewable energy and other infrastructure specified as 'long-lived infrastructure'.

For wood processing and energy activities, the Bill puts a time limit on consent processing and restricts when Council can initiate an extension and what can be considered when deciding to decline or grant an extension. It also allows applicants to request extensions.

4.1.1. *Feedback provided in submission*

The submission supports mechanisms that recognise the long-term nature of infrastructure and make its development easier. Three waters infrastructure should be included in 'long-lived infrastructure' as it is long term, faces the same challenges as other infrastructure types and requires resource consent.

The submission supports the time limits on consent processing extensions and an applicant's ability to request an extension but does not support the reduction in the scope of considerations for extensions and the removal of the requirement to notify affected parties.

4.2. Housing

The Bill makes the mandatory Medium Density Residential Standards voluntary, which does not affect the Council as a Tier 3 authority. The Bill gives the Minister new powers to ensure compliance with natural direction and simplifies the listing and delisting of heritage buildings and structures.

4.2.1. *Feedback provided in submission*

The submission had no feedback to provide.

4.3. Farming and the Primary Sector

The Bill clarifies the relationship between the RMA and the Fisheries Act 1996. It also amends the farm plan certification requirements. Both are regional council matters and do not affect the Council.

7.2 Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill(Cont.)**4.3.1. Feedback provided in submission**

The submission made no comment on this proposed change.

4.4. Emergencies and natural hazards

The Bill introduces new regulation making powers to support emergency response and recovery efforts and refines the Council's ability to decline consents or impose conditions based on natural hazard risk. New natural hazard rules introduced by a plan change will have immediate effect as well.

The Bill also changes the emergency works requirements, allowing the Council to enter a property to undertake emergency works, even if they cannot locate anyone on site. It also extends the deadline to apply for consent for emergency works that have ongoing environmental effects.

4.4.1. Feedback provided in submission

The submission supports natural hazard rules having immediate legal effect and suggests refinement from rules that 'relate to' natural hazards to rules that 'reduce natural hazard risk'.

The submission supports the right to refuse a land use consent because of natural hazard risk, which already applies to subdivision. It suggests amalgamating the new rules with the existing section on subdivision consents, particularly as the consents are often processed together.

The submission supports the new regulation making powers but suggests that they are limited to matters proportionate to the situation to prevent abuse.

The submission supports the changes in the emergency works as they enable it to more effectively undertake their duties and facilitate a robust resource consent application.

4.5. System improvements

The Bill increases the penalties, removes insurance against penalties and enables cost recovery for councils. It enables the consideration of an applicant's compliance history in consent decisions. It formalises the process for an applicant to review consent conditions before decisions and enables the consent conditions of a granted consent to be reviewed when non-compliance is found.

The Bill also changes when a hearing can be held with a submitter no longer having a right to be heard at a hearing if the Council has sufficient information to make a decision. Under the changes Māori have a right to speak at hearing only if the right to participate in a hearing is stated in their Treaty settlement, which is not a matter Treaty settlements cover.

4.5.1. Feedback provided in submission

The submission opposes the changes in hearing requirements. Hearings generally reflect complex situations and are very rarely necessary under our District Plan, so the benefit in reducing the ability to hold or be heard at a hearing is small. A hearing provides significant value to conflict resolution, reducing appeals and building relationships between government and the community they serve. In addition, the rules allow iwi to participate in a hearing only if rights to do so are stated in their Treaty settlement, which is not usually a matter Treaty settlements cover.

7.2 Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill(Cont.)

The submission supports the ability to recover costs for enforcement action and abatement notices but opposes cost recovery for enforcement monitoring of permitted activities, especially if the activity is found compliant. There is no private benefit to this monitoring, it is a public good, and costs should be recovered from public funds.

The submission only supports the consideration of an applicant's history of non-compliance if the proposed rules are amended to include assessment criteria and guidance. The applicant's history of behaviour is currently beyond the scope of environmental effects considered by the RMA and clear interpretation will be critical for both its effective use and the avoidance of misuse.

The submission supports the ability to review consent conditions if the conditions are breached. It also supports the formalising of the review of draft consent conditions by the applicant before the decision, but suggests the rule is refined to clarify how it relates consent processing suspension.

5. Options Analysis - *Ngā Kōwhiringa***5.1. Option 1 - Grant retrospective approval – Recommended option**

Grant retrospective approval for the submission on the Resource Management (Consenting and Other System Changes) Amendment Bill.

Advantages	Disadvantages
<ul style="list-style-type: none"> The submission has had Elected Member input. The submission has already been submitted to government. Submitting the submission in the timeframe required allowed the Council to provide feedback and engage in democratic decision making on behalf of the community on matters that will affect it. 	<ul style="list-style-type: none"> Some Elected Members may not have had time to review and provide feedback on the submission.

5.2. Option 2 – Not grant retrospective approval of the submission

Not grant retrospective approval for the submission on the Resource Management (Consenting and Other System Changes) Amendment Bill.

Advantages	Disadvantages
<ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> Another submission will not be able to be made due to the deadline for submission closing before the convening of this Committee. Revocation of the submission will be required.

7.2 Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill(Cont.)**6. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*****6.1. Assessment of Significance**

The decisions and matters of this specific report are assessed to be of low significance in accordance with the Council's Significance and Engagement Policy. However, this report is part of a broader process that is, or may be in future, assessed to be of moderate/high significance.

6.2. Engagement and Community Views

Engagement on this matter is not being undertaken in accordance with Section 6.0 of the Council's Significance and Engagement Policy. This states that the Council will not consult when the Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter or the matter is not of a nature or significance that requires public engagement (low significance).

7. Considerations - *Whai Whakaaro***7.1. Strategic Alignment**

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

7.2. Legal

The Council has both duties under the RMA and is a user of it. The Council is responsible for the granting/declining of resource consents and is also an applicant for resource consents for matters such as water and roading infrastructure. Changes to the RMA affect the Council from both sides. As a territorial authority responsible for the implementation of the RMA and having first-hand experiences of the nuances and challenges that arise in implementation, the Council should be involved in improvement processes and provide feedback.

7.3. Financial/Budget Considerations

There is no budget considerations associated with the recommendations of this report.

7.4. Climate Change Assessment

Goal	Matters to consider	Comments	Impact Assessment
1	The likely impacts (flood, drought, storms, sea level rise, etc.) of climate change in the Eastern Bay of Plenty on the matters of this report.	The Bill includes new powers of regulation making when responding to a declared emergency or to reduce natural hazard risk. It allows consents to be declined or conditioned based on natural hazard risk.	Low
	The matters of this report's reduction on the effect of climate related impacts (flood, drought, storm, sea level etc.).		High

7.2 Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill(Cont.)

Goal	Matters to consider	Comments	Impact Assessment
2	Options for lowering greenhouse gas emissions have been specifically considered in relation to the matters of the report, including: <ul style="list-style-type: none"> • Energy efficiency / renewable energy, • Resource usage, • Waste/Whole of Life, and • Fossil fuel usage. 	The Bill seeks to improve consenting processes for renewable energy infrastructure, aiming to better enable their development.	<i>Medium</i>
	Key emission sources, and (if possible) calculation of the greenhouse gas emissions for matters of report/project.	N/A	<i>Low</i>
	Opportunities to address inequities or disadvantages due to climate change considered in relation to the matters of the report.	The right to hearing has been changed, including the right of Māori to be heard at a hearing. Māori are more likely to face inequity issues or disadvantages due to climate change, due to the location of their lands and disproportionate financial pressure. Hearings align with te ao Māori values of in-person conflict resolution and capacity building, and also increase the ability of those with literacy issues to participate in democratic processes.	<i>Medium</i>
3	Impacts upon the district's biodiversity.	N/A	<i>Low</i>
	Matters that increase resilience to climate change for Council and/or our communities.	Consent periods for long-lived infrastructure are to be extended, reducing the costs involved in consent replacement and freeing funds for other matters like climate resilience upgrades.	<i>Low</i>
Summary: The Bill allowing land-use consents to be declined due to natural hazard risk allows the Council to directly address climate change impacts. The Bill also provides indirect benefits in some matters, including enabling regulation making in response to natural hazard emergencies, and targeting renewable energy infrastructure consents. Indirectly again, the Bill has the potential to increase inequities from climate change, due its changes in when hearings are required reducing the ability of Māori, who are anticipated to be disproportionately affected by climate change, to be heard in a way that aligns with their traditions and compensates for inequity like lower literacy levels.			

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill

Goal	Matters to consider	Comments	Impact Assessment
Overall Analysis: The decisions and matters in this report are assessed for their impact on greenhouse gas emissions and climate change effects, which are categorised as low .			

7.5. Risks

There are no significant or notable risks associated with the matters of this report.

8. Next Steps – *E whai ake nei*

The Primary Production Committee will issue their findings and recommendations in a report, likely by April/May 2025.

If the Bill is passed it is likely to be enacted in late 2025.

Attached to this Report:

- Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

Submission on Resource Management (Consenting and Other System Changes) Amendment Bill

To the Environment Select Committee

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1 Introduction

The Whakatāne District Council (**"the Council"**) welcomes the opportunity to submit on the Resource Management (Consenting and Other System Changes) Amendment Bill and engage in the reforms of the Resource Management Act 1991 (**"the RMA"**).

The Whakatāne District has a rich history, a strong cultural identity, and beautiful natural landscapes. Extending from Ōtamarākau and Matatā in the west, to Ōhiwa Harbour in the east, and inland to Te Urewera and communities including Murupara, Minginui and Ruatāhuna, the District is a place of great diversity covering a land area of around 4,450 km².

The Whakatāne District is home to around 37,150 people (2023 Census), and that population is growing. Nearly half of our community identify as Māori, who have a very strong local presence and identity. Seven Iwi are represented in the district: Ngāti Awa, Ngāi Tūhoe, Ngāti Manawa, Ngāti Whare, Ngāti Tūwharetoa ki Kawerau, Ngāti Rangitahi, Ngāti Māhino and Whakatōhea (Ūpokorehe). The Whakatāne, Ōhope, and Coastlands areas make up just less than half of the district's population, with the remainder shared between rural areas and several smaller towns and settlements.

Our submission identifies some specific matters of particular interest and concern to the Council.

We do not seek to make an oral submission.

2 Submission Points

Council has arranged our submission points under the themes identified in the Resource Management (Consenting and Other System Changes) Amendment Bill (**"the Bill"**).

2.2 Infrastructure and Energy

2.2.1 Clause 4: "Long lived infrastructure"

Clause 4 introduces new defined terms that are to be included with the existing definitions in section 2, Interpretation. The Bill introduces the defined term and activity group "long-lived infrastructure". This group is targeted in the Bill with mechanisms to make it easier to undertake the activities, like recognising the long-term nature of the infrastructure through longer term consents, with a default period of 35 years. The term "long-lived infrastructure" includes various infrastructure like gas, telecommunications, electricity, and roads. However, water, wastewater and stormwater infrastructure has not been included, although it is designed and constructed to have a long lifespan

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

(50-100 years). While three waters infrastructure is managed through other legislation, it often requires resource consent under the RMA and faces the same development and renewal barriers intended to be reduced for other “long-lived infrastructure”. Recognising three waters infrastructure as “long-lived infrastructure” will improve the Council’s ability to deliver it by reducing the cost and time involved, particularly for infrastructure whose design and effects can be well predicted.

- Decision sought: Amend the definition of “long-lived infrastructure” to include public water, stormwater, and wastewater infrastructure.

2.2.2 *Clause 42: Longer consent durations for specified infrastructure*

clause 42 inserts a new section, Section 123B, which considers the duration of resource consents for renewable energy and “long-lived infrastructure”. Currently a consent can be issued for a maximum of 35 years, however it is uncommon for a consent to be issued for the maximum period or near the maximum period. The Council supports the intention for resource consents for renewable energy and “long-lived infrastructure” to have a default period of 35 years and considers the exceptions which would reduce it to be appropriate. Infrastructure is a critical resource, and its delivery is costly and complex. The simplification of assessment and information requirements, and certainty of consent duration reduces the costs for infrastructure providers and enables infrastructure to be delivered faster. As in 2.2.1, the Council supports the inclusion of three waters infrastructure as “long-lived infrastructure” and a default consent period which enables longer term consents. Ideally three water and roading infrastructure would have a default period longer than 35 years, e.g. 50 years, reflecting the longer term nature of the infrastructure.

- Decision sought: Proceed with clause 42, new Section 123B.

2.2.3 *Clauses 11 and 29: Wood processing or specified energy activities*

Clause 29 inserts a new section, 88BA, which introduces a one year time consent processing time limit and extension criteria for specified energy activities and wood processing activities. Related clause 11 removes the ability for extensions to the consent processing time limit for these activities to be made under section 37.

The Council supports the intention to improve certainty on consent processing time limits and reduce undue delay. The one year time limit proposed by clause 29, new section 88BA(1), is considered appropriate.

- Decision sought: Proceed with part of clause 29, new section 88BA(1), as notified.

However, the Council does not support the new extension requirements proposed for these activities and considers the existing extension rules in sections 37 and 37A appropriate to manage any extensions. The changes would mean the Council can no longer initiate an extension of time limits, even if there are appropriate special circumstances. Under the changes extensions can only occur on request from an applicant or specified Māori group (e.g. iwi authority), they must be granted if requested by the applicant, and affected parties are no longer required to be considered or notified.

There is little to suggest that sections 37 and 37A are inappropriate to use for allowing time limit extensions for wood processing and specified energy activities as these activities are subject to the same processing pressures as other applications. Section 37A provides strict checks and balance on the use of section 37 to prevent inappropriate use. This includes limits on the length of extensions, requiring that various matters be considered including affected parties and avoiding unreasonable delay, and requiring that anyone affected is notified of the extension. With a one year time limit, the time limit extensions provided by section 37 and 37A mirror the maximum two years proposed by the new extension, and they cannot be extended without applicant approval. In addition, currently only

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

consent authorities can initiate extensions and applicants must use section 91D to suspend the application. If the intention is that applicant be able to request extensions, an allowance to this effect in section 37 would be more appropriate.

- Decision sought: Withdraw clause 11 (changes to section 37). If retained, amend it to allow applicants to request time limit extensions. Remove from clause 29 (new section 88BA) clauses 2, 3, 4, 5, 6 and 7.

2.3 Natural hazards and emergency response*2.3.1 Clause 25: Rules having immediate legal effect:*

Clause 25 seeks to amend section 86B to allow new rules proposed in plans relating to natural hazards to have immediate legal effect. The Council is supportive of this proposed change as it will better enable the Council to fulfil one of its key functions, the avoidance or mitigation of natural hazards. Currently, the types of rules that have immediate effect relate to the protection of resources like water, and features such as historic heritage, or significant natural areas, where the impact of delaying the rules can be significantly adverse or irreversible. Enabling rules relating to natural hazards to have immediate legal effect reduces the risk of incidents occurring that these rules would have prevented/reduced e.g. if a rule was to prohibit housing in an area due to flood risk, delaying such a rule may allow development in that area. This is especially important for the Whakatāne District with its natural hazards profile and history.

While the intention of this proposed change is strongly supported by the Council, the wording of the proposed amendment is broad and likely to cause interpretation issues when determining how a rule relates to natural hazards. If the intent of the proposed rule is to reduce the risk from natural hazards, then this should be the appropriate circumstance for when these rules have immediate legal effect. The Council seeks that wording proposed be refined to reflect this.

- Decision sought: Amend proposed 86B(3)(f) from “relates to natural hazards” to “reduces risk from natural hazards”.

2.3.2 Clause 27 and 37: Ability to refuse land use consent

Clause 27 (amending section 87A) and clause 37 (new section 106A) will work together to allow the Council to refuse a land use consent because of natural hazard risk. Clause 27 seeks to amend section 87A to include new section 106A, and clause 37 provides the details for section 106A. Section 106 currently allows subdivision consents to be declined if there is deemed to be significant risk from natural hazards and section 106A extends this approach to the activities and buildings (controlled by land use consent) that are the eventual result of subdivision. Section 106A also describes the circumstances for when natural hazard risk can be deemed significant and adds health and safety as a matter for consideration.

Greater responsiveness to natural hazards is supported by the Council, although the intent of the change is supported, the method is not. There is significant overlap between current section 106 and proposed section 106A, and with subdivision and land use consents often being processed together, this creates a need to work through both sections of near identical provisions. A more straightforward method is to amalgamate the current section 106 with the proposed section 106A. This would allow retention of all rules relevant only to subdivision or land use, while reducing duplication.

- Decision sought: Amalgamate current section 106 and proposed section 106A.
 - Suggestion:

“106 Consent authority may refuse subdivision or land use consent in certain circumstances

(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

- (a) *there is a significant risk from natural hazards; or*
- (b) *[Repealed]*
- (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (2) *A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that the activity for which consent is sought will—*
 - (a) *create a significant risk from natural hazards if there is no existing risk from natural hazards; or*
 - (b) *increase an existing risk from natural hazards to a significant risk; or*
 - (c) *increase an existing significant risk from natural hazards.*
- (3) *For the purpose of subsection (1)(a) and subsection 2, an assessment of the risk from natural hazards requires a combined assessment of—*
 - (a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
 - (c) *for subsection (1)(a) only:*
 - i) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b);*
 - (d) *for subsection (2) only:*
 - i) *whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b); and*
 - ii) *whether the proposed use of the land would result in adverse effects on the safety or health of people.*
- (4) *Conditions under subsection (1) or subsection (2) must be—*
 - (a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1) or subsection (2); and*
 - (b) *of a type that could be imposed under section 108.*

2.3.3 *Clause 62 and Clause 63: Emergency works*

Clause 62 seeks to amend section 330 and will allow the Council to proceed with emergency works when the occupier cannot be found on site. The Council strongly supports this amendment as emergencies are time sensitive so providing a mechanism to enable emergency work to proceed when an occupier is not able to be found on-site is appropriate. The requirement to leave notice of entry and notify the ratepayer is appropriate for the circumstances.

- Decision sought: Proceed as notified.

Clause 63 seeks to amend section 330A to extend the deadline to submit a resource consent for emergency works that are causing ongoing adverse effects, from 20 to 30 working days. This amendment is also supported by the Council. Emergency works often require heavy resource loads and ongoing support while wider solutions are implemented. The capacity of the operator can be reduced by the emergency work response, particularly initially, and more time is appropriate to facilitate a robust resource consent application.

- Decision sought: Proceed as notified.

2.3.4 *Clause 64: Power to make emergency response regulations*

Clause 64 proposes new section 330A which would allow the creation of emergency response regulations for the purpose of responding to natural hazard events, emergencies, and recovery efforts. The Council supports this new section as decisions to support natural hazard responses often need to be made faster and with more flexibility than usual, e.g., the temporary housing set up in the

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

Whakatāne campground after the Edgecumbe flood for a displaced community. The use of these powers only when a local or national emergency has been declared is considered an appropriate trigger point. While supported, use of this section should be limited to matters proportionate to the situation, e.g. if 35 homes were lost, using the new section 330A to develop 300 homes is not proportionate to the situation.

- Decision sought: Proceed, with amendments to limit the scope to proportionate matters.

3 System Improvements

3.2.1 Clause 34: Ability to hold and be heard at a hearing

Clause 34 seeks to replace existing section 100 with a new set of conditions for when a hearing may be held. The Council strongly opposes the changes to hearing requirements. Currently a hearing is not needed unless the Council determines it is necessary, or the applicant or submitter wishes to be heard at hearing. Applicants and submitters currently have the right to be heard at hearing and it has been a foundational principle of the RMA since its inception. Under the changes, the Council must not hold a hearing if it has sufficient information to make a decision, even if a submitter or applicant wishes to be heard.

The benefit of reducing the requirement for a hearing is unclear, as nationally less than 2.5% of consents are notified and have hearings. The Council has had less than 10 consent hearings in five years. Issues that proceed to hearing are often complex and hearings add significant value to the consent process as they provide a mediated forum for the entirety of the issues and their context to be heard and worked through, especially as typically the initial submissions are given much greater depth through the evidential statements and context presented at the hearing. While a hearing is a legal process, these processes are not separate or exempt from human nature and the relational needs humans have. Recognition of these needs allows more effective conflict resolution and the building of trust between Councils and their communities, which allows Councils to more effectively carry out their duties and build capacity in the community. The ability to speak to issues in full and feel heard by the parties and decision makers involved often means that, even if the party is not happy with the decision made, they are more likely to have a high level of understanding of it. It is likely this change will result in more appeals to the Environment Court and High Court, which are higher cost processes for Councils, which may have been avoidable. In addition, the term “sufficient information” has not been defined and is likely to cause interpretation issues and legal challenges until case law is established.

It is also noted that Treaty settlements do not state the rights of a group to participate in a hearing. Treaty settlements identify areas and/or circumstances where the iwi are considered to be affected parties. Whether or not there is participation in a hearing is a separate consequential process. It is unclear what the intent of (3) is, particularly as rights to participate in a hearing have always been managed through the RMA and most settlements have been completed and are unlikely to be reviewed. The lack of a hearing and emphasis on written submissions may also conflict with Te Ao Māori and the value it places on verbal communication and in person conflict resolution. There are also likely to be unintended consequences, as the changes emphasise the importance of written submission, which is likely to disadvantage the general public and those with literacy issues (prevalent in the Whakatane District).

- Decision sought: Withdraw clause 34. Retain the existing section 100.

3.2.2 Clause 10: charges for monitoring and enforcement

Clause 10 amends section 36, which manages administrative charges. The inserted clauses specify that a Council can charge for the monitoring of a permitted activity, the work needed to determine if the

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

RMA has been contravened, for costs relating to the use of abatement notices/enforcement orders, and for reviewing consent conditions if the RMA has been contravened.

Fundamentally, a person obeying the law should not be penalised for doing so, and conversely, the cost of enforcement for breaching the law should be paid by those responsible for the breach, not the wider community. Cost recovery from those who breach the law should be easier and to a fuller extent than currently available through the Courts; better enabling and empowering Councils to enforce the law, especially when enforcement is likely to be costly.

Proposed clauses 36(1)(caac) is supported in part. Enforcement orders should be removed from the clause as they are issued by the Environment Court who can already award costs, and costs should not be issued separately. It is appropriate to award costs for abatement notices as they are evidence of the law being breached, having met a standard of proof to be issued. This would extend the current approach of the Court system that allows costs to be awarded when the law is determined to have been breached and better enable Councils to undertake enforcement by reducing the costs.

- Decision sought: Retain proposed 36(1)(caac) with an amendment to remove enforcement orders from the proposal.

Proposed clause 36(1)(caaa) is opposed by the Council. It is not appropriate to charge for monitoring of a permitted, legal activity, particularly if the activity is found to be compliant. Fundamentally, outside of enforcement action, costs should only be recovered where there is a benefit awarded to the person undertaking the activity. There is no private benefit from a regulatory body monitoring whether or not a law is being complied with: there is, however, a significant benefit to the wider community from such monitoring. It would be like charging drivers that are under the legal limit for being breathalysed. The cost for monitoring permitted activities should be recovered through public funds (like taxes or rates), as other public goods are, such as monitoring of vehicles on the road. If monitoring shows non-compliance, the subsequent enforcement process offers the appropriate setting for cost recovery, which is being enabled through proposed clause 36(1)(caab).

- Decision sought: Withdraw proposed 36(1)(caaa). If it is not withdrawn, limit its use to when non-compliance is found and an abatement notice issued, or for activities/parties with histories of non-compliance.

Proposed clauses 36(1)(caab) is also opposed by the Council. An enforcement officer's opinion is only an opinion and not evidence of a breach of the law. If the officer has sufficient evidence of a breach, an abatement notice is issued. Without a notice there is no evidence of an offence.

- Decision sought: Withdraw proposed 36(1)(caab). If it is not withdrawn, replace "a person who an enforcement officer considers has contravened this Act" with "a person who is the subject of an abatement notice".

3.2.3 *Clauses 28, 30, 31, 32, and 33: Information requirements and requests for consents*

Clause 28 inserts new clauses to section 88, which manages how consent applications should be made. It clarifies that information should be provided at a level of detail proportionate to the nature and significance of the activity, and that the Council could accept an applicant that doesn't fully comply with the information requirements if it satisfied that the information provided is proportionate to the activity. The Council considers that the proposed clauses achieve no substantive change to the existing requirements. Schedule 4, referred to in section 88(2)(b) is prefaced by "...must be specified in sufficient detail to satisfy the purpose for which it is required." The proposed s88(2AA) expands on this but not in any way that makes substantive difference. The assessment referred to in the proposed s88(2AB) is already an existing requirement to assess Schedule 4.1.

- Decision sought: Withdraw clause 28.

Clause 30 amends section 92, to require that before requesting further information for a consent application, the Council must consider whether it is needed, it already has information elsewhere and

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

if the request is proportionate to the proposal. The Council supports this change. This assessment is already required as good practice to meet section 92(1) and the codifying of it into law is desirable.

- Decision sought: Retain as notified.

Clauses 31, 32 and 33 amend sections 92, 92A, 92B which manage how requests for further information are handled by the applicant and Councils. The changes give Councils the option to return an application if further information requested is not provided, where currently Councils would have to proceed to making a decision to notify. This flexibility provides an appropriate alternative to the pathways provided in the decision making processes in section 104.

- Decision sought: Retain as notified.

3.2.4 *Clause 36 and 39: Ability to consider an applicant's history of non-compliance*

Clause 36 amends section 104 to allow Councils to consider and decline an application based on the applicant's previous history of non-compliance. While the Council appreciates the intention, the Council does not support this change as consideration of an applicant and/or the history is beyond the scope of environmental effects considered under the RMA. In addition, the proposal offers no criteria or assessment guidance, placing the onus on the planner to identify and determine the significance of the applicant's non-compliance history. There is a risk that Councils either do not use this ability due to the assessment difficulties or they overreach in their determination.

The intention to prevent chronic non-compliance and parties acting in bad faith is understood and appreciated, but problematic in practice. Generally, in New Zealand law, the removal of an accepted public opportunity due to prior reoffending is very carefully considered and rarely applied. If a person offends and has completed the sentence for that offending, the penalty for that offence is legally complete. It is also possible and not uncommon for a company with a history of non-compliance to dissolve and reestablish under a new name and directors. In this situation, the lack of liability for directors means that a director's history of non-compliance may not be able to be identified.

Clause 39 amends section 108 to allow Councils to make a consent condition that mitigate the risk of non-compliance by an applicant with a history of non-compliance. The Council does not support this due the reasons outlined above.

- Decision sought: Withdraw clause 36 and clause 39. If they are retained, add robust assessment criteria and guidance to clause 36, and add mechanisms that enable the identification of directors with histories of directing companies (including dissolved companies) that demonstrate non-compliance.

3.2.5 *Clause 38: Draft consent condition review*

Clause 38 inserts new section 107G, which formalises the process for an applicant to view draft consent conditions. The intention to formalise the process of reviewing draft conditions is supported, particularly if applicants and submitters are no longer able to speak at a hearing. It provides some ability to work through issues with applicants and submitters that would otherwise be appealed, like a hearing does.

As the changes will provide for a consent application to be suspended, the relationship between this section and section 91D which provides for suspensions should be specified. If the suspension is additional to the 20 day limit under section 91D, the time limit should be specified as it is for any 91D suspension.

In addition, proposed section 107G(4) only allows comments from an applicant or submitter on draft conditions to be taken into account if they cover technical or minor matters. As "taken into account" does not mean adopted, there is no reason to restrict other, possibly relevant, comments being able to be taken into account.

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

- Decision sought: Withdraw proposed clause 107G(4). Amend Clause 38 by clarifying the relationship between the new section and section 91D that provides for suspension, including providing a time limit for any suspension that is additional to the 20 day limit in 91D(3)(c).
 - If suspension is additional to that allowed for by section 91D, then:
 - s107G(2)(a) should be replaced with, “may suspend the processing of an application, in addition to any suspension requested under s91D, but no more than once; and”.
 - S107G(3) be replaced with, “An applicant and any submitters must provide their comments on the draft conditions to the consent authority within 20 working days.”
 - If suspension is included within the current limits allowed for by section 91D, then:
 - S107G(2)(a) should be replaced with, “may suspend the processing of an application under s91D, but no more than once, and”.

3.2.6 *Clause 45: Consent condition review following non-compliance*

Clause 45 amends section 128, which would allow the Council to initiate a consent condition review if the consent conditions have not been complied with. The change to allow Councils to initiate consent condition reviews due to non-compliance is supported as it will empower enforcement action and ensure conditions are relevant and compliance requirements are clear and appropriate.

- Decision sought: Proceed as notified.

4 Concluding Remarks

The Council generally supports the issues raised by the Local Government sector in their respective submissions, and in particular those submissions from Local Government New Zealand (LGNZ), the New Zealand Planning Institute (NZPI) and Taituara (Local Government Professionals Aotearoa).

The Council strongly supports mechanisms that facilitate emergency responses for natural hazards. The Council encourages central government to continue prioritising natural hazards and climate change work. This is vital for a country and district that have high natural hazard risks and hazard prone patterns of development (e.g. abutting a river) that are likely to be exacerbated and strained by climate change.

The Council emphasises the importance of hearings for effective conflict resolution, in reducing costly appeals, and to provide for the right of people to participate in the democratic process. It is likely that more issues will be appealed to the Environment Court and that the decisions of Councils not to hold a hearing will be subject to High Court judicial review, both more costly procedures than holding a hearing.

The Council further emphasises that good relationships with Māori and iwi are important for effective development, effective resource management, and giving effect to Te Tiriti o Waitangi. This is especially important for a district that is around half Māori in population and in land, where Māori are some of the largest developers of land and housing, and where there is a tenser history between government and Māori than other parts of the country. Engaging with Māori effectively requires responding to their needs and worldview, including in person conflict resolution and discussions, prioritising relationships, and recognising the legacy of the past in creating the situations we have today.

The Council supports the intention to make infrastructure delivery easier, however the critical barrier to developing infrastructure is funding. Councils struggle to fund infrastructure with the funding mechanisms available to them (e.g. rates), especially smaller Councils. Without improved funding mechanisms and increased funding provided from central government, infrastructure delivery is likely to continue struggling, particularly as costs continue to increase and upgrades are required to meet new, improved standards.

7.2.1 Appendix A - Submission on RM (Consenting and Other System Changes) Amendment Bill(Cont.)

We look forward to seeing the final results of this Bill and more opportunities to work together with central government to make improvements to our resource management systems.

Yours faithfully,



Victor Luca
MAYOR
For the Whakatāne District Council

Steve Perdia
CHIEF EXECUTIVE

7.3 Eastern Bay of Plenty Spatial Plan Project Update**7.3 Eastern Bay of Plenty Spatial Plan Project Update**

To: **Environment, Energy and Resilience Committee**

Date: **Thursday, 13 February 2025**

Author: **N Woodley / Manager Policy, Planning and Consents Compliance**

Authoriser: **D Bewley / GM Planning, Regulatory and Infrastructure**

Reference: **A2825078**

1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of this report is to provide an update on the Eastern Bay of Plenty Spatial Plan project.

2. Recommendation - *Tohutohu akiaki*

THAT the Eastern Bay of Plenty Spatial Plan Project Update Report be **received**.

3. Background - *He tirohanga whakamuri***3.1. Eastern Bay of Plenty Spatial Plan**

Spatial plans are about the places we live in and how we want them to be for our future generations.

When completed, they provide a roadmap for our future spaces and places and an evidence base and direction to align other strategies and planning processes towards common outcomes.

In late 2022, Local Authorities and Iwi Authorities in the Eastern Bay of Plenty began to work collaboratively with Government agencies to scope and develop a spatial plan for the sub-region. The intention is for a plan that reflects the partners aspirations for our rohe, informs Council Long Term Plan processes, and Government infrastructure investment decisions.

3.2. Project Partnerships

The Spatial Plan will influence decisions that impact a wide range of our communities, in the short-term to long-term. These communities have differing needs and aspirations, and the Spatial Plan is being developed in an inclusive and collaborative manner.

Working in genuine partnership with tangata whenua is particularly important at all stages of the spatial planning process. The project intends to weave the aspirations of Iwi into the plan and ensure all decision-making forums have Iwi representation and participation. This is critical to the success of the project.

The Spatial Plan will also have implications for Government agencies that deliver infrastructure, housing development and other critical services (such as health and education) that will be needed to meet the growth needs across the Eastern Bay of Plenty and deliver on partner aspirations. To

7.3 Eastern Bay of Plenty Spatial Plan Project Update(Cont.)

ensure that the project and funding implications arising from the Spatial Plan can be implemented, the Spatial Plan is being developed collaboratively with Government agencies including Waka Kotahi / NZ Transport Agency, the Ministry of Housing and Urban Development (MHUD), Kāinga Ora and Ministry for Education.

3.3. Last update reports to Council

June 2023:

Addressed the project structure, inaugural meeting of the Project Governance Group, and provided an update on Tangata whenua engagement, communications/engagement, and technical work.

August 2023:

Addressed an update on the set up for the Project Governance Group, Tangata whenua engagement, communications/engagement, and technical work.

November 2023:

Addressed an update on communications/engagement, a review of the project delivery, an update on the Project Leadership Group/the Project Governance Group meetings, technical work update and a programme update.

February 2024:

Addressed legislative reform, a review of the project delivery, an update on the Project Leadership Group/the Project Governance Group meetings, technical work update and a programme update.

May 2024:

Update on the Project Leadership Group/the Project Governance Group meetings, the joint Project Leadership Group/Project Governance Group workshop in June 2024, Council workshops planned for July/August 2024 and an update on work in progress and the programme.

August 2024:

Update on the communications and engagement plan, delivery approach, Tangata whenua engagement, Economic Development Strategy, Project Leadership Group, Project Governance Group and workshop with Councillors.

October 2024:

Council endorsed changes to the project governance framework, including a Terms of Reference for the Project Governance Group.

November 2024:

Update on community and Iwi engagement, Project Governance Group Meetings and budget.

4. Discussion – Kōrerorero**4.1. Project Progress**

The following activities have been progressed since the last update report to Council in November 2024.

7.3 Eastern Bay of Plenty Spatial Plan Project Update(Cont.)**4.1.1. *First round of public consultation***

The first round of public consultation took place from 14 October 2024 through to 17 November 2024. This was an opportunity to hear directly from our communities on their thoughts and aspirations for the future of the Eastern Bay of Plenty.

Engagement took place in the following ways:

1. Digital and traditional media:

- Mix of social media, paid media, print, radio, digital noticeboards, rates insert, Our Places website.
- StoryMap online narrative to explain the draft work visually.
- Encouraging completion of online engagement questionnaire (Social Pinpoint platform).

2. Face to face engagement as follows:

- Facilitated workshops with key stakeholders across Whakatāne, Ōpōtiki and Kawerau communities.
- A sponsored BA5 event with the Eastern Bay Chamber of Commerce held on 30 October 2024.
- Focused meetings: smaller one-to-one meetings with selected stakeholder groups.
- Public open house events held in Awakeri, Matatā, Tāneatua, Murupara (joint event with Iwi Policy Hub), and Whakatāne township from 31 October 2024 to 7 November 2024. Additional open house events were also held in Kawerau and Ōpōtiki districts.

4.1.2. *Post consultation: collating and analysing engagement feedback*

Following the consultation period, we collated all feedback that was received, attached to this report is the Engagement Summary Report which summarises this.

The project team is currently engaged in developing a response to the feedback provided by the community and stakeholders and addressing it within the project work.

Over 550 points of feedback were received from all sources. Participation included 60 written submissions (32 hard copy/email and 28 online), 125 pinpoint comments through an online engagement tool, and over 300 attendees at in-person events. The consultation also achieved significant digital reach, with 71,000 social media impressions and 650,000 digital ad views.

Overall, approximately 30% of the comments were supportive of the proposed changes, 35% provided suggestions for improvements, 25% expressed concerns about various aspects of the project and 10% were opposed to the proposed changes.

7.3 Eastern Bay of Plenty Spatial Plan Project Update(Cont.)

The key reasons provided for supporting the proposed changes were:

1. Alignment with environmental and economic goals;
2. Protection of valuable land;
3. Maintaining community character;
4. Sustainable growth.

The key reasons provided for opposing the proposed changes were:

1. Disrupting small-town character;
2. Concerns about infrastructure;
3. Costs to ratepayer;
4. Environmental concerns;
5. Lack of support for existing residents.

The key summary themes identified were:

1. Infrastructure
Overall, the feedback reflects a strong desire for well-maintained and efficient infrastructure that can support the community's needs and future development.
2. Development
Overall, the feedback reflects a strong desire for balanced and thoughtful development that enhances the area's liveability and economic prospects.
3. Community and Lifestyle
Overall, the feedback highlights the community's commitment to preserving its way of life while supporting thoughtful and sustainable development.
4. Environmental
Overall, the feedback underscores the importance of integrating environmental considerations into all aspects of urban planning to ensure a sustainable and resilient community.
5. Economic Opportunities
Overall, the feedback highlights the need for balanced economic development that includes job creation, support for local businesses, and consideration of environmental and social factors.

Further sub-themes for each of the categories above can be found in the Engagement Summary Report (Appendix attached) on pages 10-13.

4.1.3. Post consultation: Project Governance Group Meeting on 2 December 2024

The Project Governance Group heard from six submitters on 2 December 2024, comprising of three individuals, two organisations (being Forest and Bird Protection Society and the Whakatāne Action Group) and Iwi being Ngāti Rangitihi.

The full agenda from the 2 December 2024 meeting included approving the Terms of Reference for PGG, receiving the Engagement Summary Report, a presentation by the Project Team on the summary of consultation and interim summary of feedback, a discussion on the key topics from consultation, along with a discussion on the vision and name for the spatial plan (being ideas from the youth facilitated workshop) plus the next steps for the PGG.

7.3 Eastern Bay of Plenty Spatial Plan Project Update(Cont.)

The frequency of meetings for 2025 will increase to monthly to ensure we maintain the programme. The focus of these meetings for 2025 will be guiding the technical work, endorsing the draft spatial plan, preparing for consultation and endorsing post consultation changes to the plan before we go to Councils seeking final approvals in mid 2025.

4.1.4. *Tangata Whenua Engagement*

A key aspect of this spatial planning partnership is the role of Tangata whenua representatives as full partners in the process. This is critical to ensure the voice of Iwi partners, including their vision and aspirations, are well articulated in the plan. This also recognises that Māori make up a significant percentage of the population and are amongst the most significant landowners in terms of the scale and location across the Eastern Bay.

The Whakatāne District Collaborative Iwi Policy Hub is up and running and providing additional support for spatial planning to Ngāti Awa, Ngāti Manawa, Ngāti Whare and Ngāti Rangitihi Iwi, in particular. This is a significant and positive input to the project and is being resourced by the Better Off Funding. The Collective Iwi Policy Hub and Project Team are working closely to integrate scope and deliverables between projects, to create efficiency of engagement outcomes for Tangata whenua.

The project team is working with the Whakatāne District Collaborative Iwi Policy Hub, who are engaging directly with Iwi in our district and will be providing input directly in the draft Spatial Plan along with producing Iwi Spatial Plans, while Ōpōtiki District Council and Kawerau District Council are engaging directly with Iwi in their areas.

A joint engagement event with Council and the Iwi Collective Policy Hub was held in Murupara in November 2024.

We also received formal submissions from Ngāti Manawa, Ngāti Rangitihi and Ngāti Whare along with the following hapū groups, Ngāi Taiwhakaea, Ngāti Hikakino, Ngāi Te Rangihouhiri II and Ngai Tamahaua.

Whakatāne District Council staff are also seeking to engage directly with Iwi in early 2025 to ensure that we strengthen the Iwi engagement process as we continue on with the project.

4.1.5. *Economic Development Strategy*

The Economic Development Strategy for the Eastern Bay and the Spatial Plan Project continue to be well aligned as both projects develop. So far, work has been shared between projects to the benefit of both.

4.1.6. *Project Governance Group*

The Project Governance Group includes District Council Mayors, the Eastern Bay of Plenty General Constituency Regional Councillor, Chairs of Iwi Authorities, senior Government representatives, and an independent chairperson. Meetings have included:

- 19 December 2023: where we presented all work undertaken to date and sought direction on measures of success for the outcomes sought through this project, we also had a meaningful discussion around what this would mean for all those involved in the project.
- 23 May 2024: where we presented an update of the project work, the agenda for the joint June workshop along with introducing the new chair of the group, Vaughan Payne.

7.3 Eastern Bay of Plenty Spatial Plan Project Update(Cont.)

- 24 June 2024: joint meeting with the Project Governance Group where we reviewed options to change the settlement pattern.
- 2 December 2024: Project Governance Group received presentations from interested organisations or members of the public, set out in further detail above.
- 18 December 2024: we discussed the principles applied to date in the project and endorsed a list of topics from engagement feedback to form additional principles, we also endorsed recommended areas of change to possible future scenarios, discussed 2025 meeting dates and our expectations of PGG.

The PGG will be meeting monthly throughout the balance of the project to support the programme.

4.2. Programme Update

The general programme includes the following tasks for the 2025 calendar year:

- Writing the spatial plan and implementation programme;
- Second round of community engagement in May 2025;
- Consult on final draft document;
- Final approvals by Councils and Iwi authorities.

4.3. Technical work status

Technical Working Group activities have been focused on the following project elements:

Completed

- Population and Land Needs Assessment;
- Three Waters Preliminary Assessment;
- Friends Of Our Places – group established and first event held;
- Project website;
- Changes to mapping to reflect the change to a sub-regional scale for the project;
- Project Plan refresh with respect to formed seconded team and revised programme;
- Transport Assessment;
- Engagement Approach;
- Areas to Protect and Avoid Report and Mapping at Sub Regional Scale;
- Draft scenarios and development options report;
- First round of engagement, engagement summary report, analysis of submissions, presentations to the PGG.

Currently underway

- Working with the Iwi Policy Hub on a sub-regional perspective of Iwi aspirations and working more directly with Iwi and hapū in the Whakatane District;
- Working with the Economic Development Strategy on economic development priorities;
- Three Waters – Options Analysis;
- Report back to the community in response to engagement points;
- Final Scenarios and Development Options Report;

7.3 Eastern Bay of Plenty Spatial Plan Project Update(Cont.)

- Developing the spatial plan and the implementation plan;
- Planning for the final round of consultation.

5. Options Analysis - *Ngā Kōwhiringa*

There are no options as this is an information report providing an update to Council on the progress of the project only.

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko**6.1. Assessment of Significance**

The decisions and matters of this specific report are assessed to be of low significance in accordance with the Council's Significance and Engagement Policy. However, this report is part of a broader process that is, or may be in the future, assessed to be of moderate or high significance.

6.2. Engagement and community views

Engagement with the project partners, including Eastern Bay of Plenty Iwi is underway, and this process will confirm Iwi partners' level of interest and involvement at all levels of the project and enabling this to be realised.

Wider community engagement in this project will be facilitated through the project's communications and engagement activities.

7. Considerations - *Whai Whakaaro***7.1. Financial/budget considerations**

The project is being funded through a blend of Council sources and Better off Funding. The Project Plan approved by the Project Leadership Group in April 2023, presented an updated financial position which is summarised below.

7.1.1. Cost to date

From inception to December 2024, project costs are approximately \$1,296,750. This has been spent on the following services: scenarios development, demographics and land needs research, public and stakeholder engagement activities, Iwi engagement activities, project management, project director, project coordinator, quality assurance, project governance support, three waters assessment, transport assessment, communication and engagement, and the appointment and role of independent chair of the Project Governance and Project Leadership Groups.

7.1.2. Funding sources

2022/2023 and 2023/2024 Financial Years	
Partner	Committed Funding
Bay of Plenty Regional Council	\$300,000

7.3 Eastern Bay of Plenty Spatial Plan Project Update(Cont.)

Whakatāne District Council	\$400,000
Better off Funding - WDC	\$200,000
Better off Funding - KDC	\$120,000
Ōpōtiki District Council	\$50,000
Total	\$1,070,000
2024/2025 Financial Year	
Bay of Plenty Regional Council	\$200,000
Whakatāne District Council	\$300,000
Ōpōtiki District Council	\$50,000
Kawerau District Council	\$100,000 (NB: total \$120,000, additional \$20,000 for consultant fees for technical work)
Total	\$650,000
Total budget to date	\$1,720,000

7.1.3. Forecast project cost

A delivery model that prioritises utilising Council resources has led to cost efficiencies. Project budgets have been approved through Council's Long Term Plans.

The project is relying also on the benefit of work being done in the sub-regional Economic Development Strategy, Iwi Policy Hub and other related projects to make the best use of work across Councils.

The expectation is that the project will work to the budget enabled through new Long Term Plan allocations, and apply seconded team resources to complete the work, whilst managing scope to meet available resources and skill requirements.

7.2. Strategic alignment

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

It is noted that an internal project has commenced to develop a Local Growth Strategy for the Whakatāne District. This has as its purpose the coordination (including increased pace) of the planning and delivery of growth-related projects and is activated across the Council – to support delivery of the next Long Term Plan and District Plan Review, in order to give developers and investors greater confidence and certainty to invest in development, including subdivisions, in the district. It will align currently planned work across the Council but also start to implement the outcomes of the Spatial Plan.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report**7.3. Climate change assessment**

Based on this climate change assessment, the decisions and matters of this report are assessed to have **low** climate change implications and considerations, in accordance with the Council's Climate Change Principles.

7.4. Risks**7.5. A summarised risk register and primary mitigations are noted below for higher project risks:**

- A risk that the project is not fully funded means it cannot finish due to a funding shortfall and does not reach a suitable level of quality and partner expectations are not fulfilled. This is being mitigated by the seconded team structure. This is also being mitigated through reliance on other projects like the Economic Development Strategy.
- A risk of misalignment of partner expectations (Council, Tangata whenua and Central Government) is being mitigated by working to ensure all partners and key stakeholders understand and agree on project principles, deliverables, timeframes, accountabilities and being proactive in addressing where and when misalignment occurs. This is the value of a collaborative approach to the Plan.
- A risk that Iwi engagement is limited by their capacity to actively engage in the project is being mitigated by seeking technical and general support by engaging local expertise to support the project, with support from the Collaborative Iwi Policy Hub to alleviate capacity issues.
- A risk that implementation is unaffordable will be mitigated by quantifying implementation costs as part of the project, sequencing and staging activities, and using acceptable cost calculation methodologies.

8. Next Steps – E whai ake nei

(Note: Dates are subject to change)

- Developing the Spatial Plan and Implementation Plan by approximately April 2025.
- Consultation on the draft plan around May 2025.
- Final approvals of the plan around August 2025.

Attached to this Report:

- Appendix A: Eastern Bay Spatial Plan - Engagement Summary Report

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)



Our Places

Eastern Bay Spatial Plan



Engagement summary report

A summary of the feedback received in the first stage
of community engagement

2024



7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)



7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

Contents

1. Introduction	2
1.1. Report purpose	3
1.2. Content	3
1.3. Next steps	3
2. Engagement overview	4
2.1. Engagement metrics in summary	5
3. Levels of support	7
4. Themes of feedback	9
4.1. Infrastructure theme	10
4.2. Development theme	11
4.3. Community and lifestyle theme	12
4.4. Environmental theme	12
4.5. Economic opportunities theme	13
5. Feedback about scenarios	14
6. Substantive topics	16

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

1. Introduction

Once completed, “Our Places – Eastern Bay Spatial Plan” will set out where local communities want to head and provide a roadmap, or spatial plan, for how to get there. It’s about looking after our taonga, both people and places, now and into the future.

The first stage of consultation for the project has concluded, from October 14, 2024 to November 17, 2024 we asked communities across the Eastern Bay to tell us about: How can the region grow and develop, while making sure it remains a great place to live, work, play and visit?

There were two main consultation questions we asked:

1. What are your thoughts about where to plan for 5,500 new houses and land for businesses by 2055?

2. What is most important that you want us to think about and plan for to support your community and other communities across the Eastern Bay?

The project team are very grateful to the people and organisations that volunteered their time and ideas to contribute to this important project.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

1.1. Report purpose

This report summarises the feedback received in the first stage of engagement. This report was prepared by the Eastern Bay of Plenty Spatial Plan Technical Working Group. It provides an information update in advance of the Project Governance Group (PGG) receiving presentations on 2 December 2024 from members of the community on their submissions to the project. It will also inform updates to the various Councils participating in the project with respect to the type and scale of feedback received.

1.2. Content

The report content includes the following sections:

Engagement overview describes the methods and metrics employed in the consultation period. The result has been a broad reaching engagement with substantial amounts of information from participants to inform the drafting of the spatial plan. The project has recorded a total of 550 individual points of feedback.

Levels of support is a barometer for the tone of comments received. Approximately 30% of the comments are supportive, 35% of the comments provide suggestions for improvements, 25% of the comments express concern and 10% of the comments are opposed to the proposed changes or certain aspects of the proposals.

Themes of feedback describes the main themes emerging from the consultation feedback. Top-level themes address infrastructure, development, community and lifestyle, environment, and economic opportunities.

Feedback about scenarios outlines what was supported or not about the three possible future scenarios that were included in the consultation materials, being: Scenario 1: Resilient greenfield areas, Scenario 2: Un-serviced rural residential focus; Scenario 3: Growth outside the sub-region.

Substantive topics: are matters highlighted by submitters that the project will need to consider in depth as the spatial plan is developed, and which are likely to require a focus at the 18 December 2024 PGG meeting. Topics encompass the settlement pattern (where and what types of development), resiliency of critical infrastructure and climate resilience.

1.3. Next steps

This report is a high-level overview of consultation feedback to provide context for the Project Governance Group presentations on 2 December 2024. It will also support reporting to Council and Iwi project partners.

On 18 December 2024, a further Project Governance Group meeting will be held. At that meeting, a recommendations report will be presented by the project team. The report will seek direction from the Project Governance Group about how the project will respond to consultation feedback and proceed to develop the spatial plan.

A further consultation period is intended to take place between mid to late 2025, this will include the draft spatial plan and implementation actions. The final plan is intended to be adopted ahead of the 2025 Local Government elections.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

2. Engagement overview

The project has recorded more than 550 individual points of feedback to date across all formats—digital, physical, and in-person.

A multi-channel communication approach to consultation resulted in a balanced large-scale reach by employing both digital and physical distribution. Face-to-face events were available for people that were interested in this.

The result was a broad reaching engagement with substantial amounts of information from participants to inform the drafting of the spatial plan.

Workshops and drop-in sessions complemented broader digital, radio and print media efforts, ensuring a well-rounded approach to feedback collection and meant that people were aware that they had a chance to provide their feedback.



Figure 1 Social pinpoint comments on question 1

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

2.1. Engagement metrics in summary

At the time of writing this report:

60 written submissions and 125 pinpoint comments were received:

- 32 written submissions received in hard copy or by email and 28 survey forms submitted online.
- The social pinpoint online engagement platform saw 125 comments on the maps.

More than 300 people attended in-person events as follows:

- Six facilitated workshops were held for stakeholders and students, with 145 people attending.
- Business After 5 event via the Chamber of Commerce in the Whakatāne township, with 80 people attending.
- Eight public drop-in sessions with 100 people attending.

71,000 social media post impressions, 650,000 digital advertisement impressions were received:

- 43 posts on social media with 71,000 impressions.
- NZ Herald online – digital advertorial with 650,000 impressions and 1,050 link clicks to 'have your say'.

Other methods ranged from radio ads to surveys located in different Council community facilities:

- Online information: project website and storymaps platform.
- DL rates insert at Whakatāne District Council and Kawerau District Council.
- Radio – 1XX, Bayrock, Tumeke, SunFM, iHeart radio.
- Beacon newspaper advertisement.
- Media release.
- Physical surveys - located at Whakatane District Council customer service centres in Whakatane and Murupara, Kawerau District Council customer service centres, Ōpōtiki District Council customer service centres, Libraries - Whakatāne, Edgecumbe, Ōhope, Whakatāne Aquatic Centre.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)



Figure 2 Student workshop



Figure 3 Drop in session



Figure 4 Facilitated stakeholder workshop

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

3. Levels of support

This section sets out the estimate of supportive tone comments received, providing an indicator of how well the consultation materials were received.

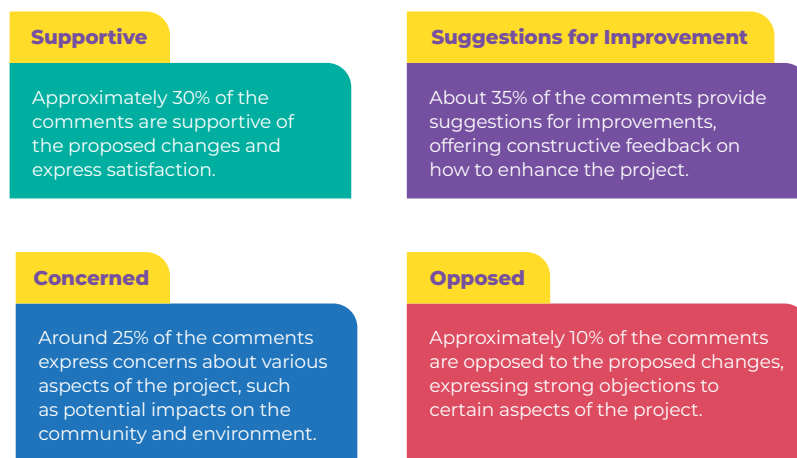


Figure 4 Levels of support

The primary reasons for **support** in the consultation feedback include:

- 1. Alignment with Environmental and Economic Goals:** Respondents appreciated that Scenario 1 aligns with the goals of the spatial plan, such as promoting a healthy and healing environment, supporting a sustainable and diversified economy, and providing jobs and purpose for the community.
- 2. Protection of Valuable Land:** Many respondents supported Scenario 1 because it emphasises the protection of valuable farming and horticultural land. They believe that regulating and protecting this land is crucial for maintaining the area's agricultural productivity and preventing inappropriate development.
- 3. Maintaining Community Character:** Some respondents supported Scenario 1 because it helps maintain the small-town feel and community character of different areas. They believe that this scenario balances a need for development opportunities with the preservation of the sub-region's unique qualities.
- 4. Sustainable Growth:** Scenario 1 is seen as a practical solution that can support sustainable growth. Respondents appreciated that it considers the long-term impact of development on the environment and community, ensuring that growth is managed responsibly.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

The main reasons for **opposition** in the consultation feedback include:

- 1. Disrupting small-town character:** Many respondents expressed a desire to keep the community as it is, valuing the small-town feel and the current way of life. They were opposed to changes that could disrupt this character. This was particularly acute in Matatā.
- 2. Concerns About Infrastructure:** There were significant concerns about the adequacy of existing infrastructure to support new developments. Respondents highlighted issues with road congestion, particularly congestion at the Whakatāne bridge, and the potential strain on water and wastewater systems.
- 3. Cost to ratepayer:** Some respondents were worried about the economic impact of the proposed changes, particularly the potential increase in rates and the financial burden on current residents. They felt that Councils should focus on working within their budget and improving existing amenities rather than expanding into new development areas.
- 4. Environmental Concerns:** There were also concerns about the environmental impact of new developments, particularly in areas prone to flooding. Respondents emphasised the importance of listening to historical knowledge and avoiding mistakes that could lead to environmental degradation and natural hazard risks.
- 5. Lack of Support for Existing Residents:** Some feedback indicated that the proposed changes did not adequately consider the needs and preferences of current residents. Respondents felt that the Councils should prioritise supporting existing communities and improving their quality of life before focusing on new developments.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

4. Themes of feedback

Across the 550 points of feedback, including submissions, there were some recurring themes that illustrated topics of importance from consultation.

Overall, feedback was focused on what to consider in the spatial plan and how to go about implementing the plan, such as through District Plans or Long Term Plans. Both types of feedback will be carried forward to the relevant processes.

The themes are as follows:



Figure 6 Themes and sub-themes

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

4.1. Infrastructure theme

Overall, the feedback reflects a strong desire for well-maintained and efficient infrastructure that can support the community's needs and future development.

The feedback highlighted significant concerns and suggestions regarding the infrastructure in the area. Respondents emphasised the need for substantial improvements in road infrastructure to accommodate increasing traffic and ensure safety. There were calls for the construction of new bridges, the addition of roundabouts, and enhancements to existing roads. The feedback voiced that the current road conditions are inadequate to handle growing traffic, and there is a pressing need for upgrades to support future growth.

Sub-theme 1: Transport infrastructure that is safe, efficient, and sustainable

The feedback highlighted the need for significant improvements in road infrastructure and traffic management to enhance road safety and efficiency. Respondents emphasised the importance of building new bridges, such as a second Whakatāne River bridge, to accommodate increasing traffic and provide alternative routes for commuters and travellers. There were also calls for the addition of roundabouts at critical intersections, like Rewatu Road, to facilitate smoother traffic flow and reduce congestion. Additionally, respondents suggested implementing speed control measures, such as speed bumps, to address issues of speeding in residential areas and near schools. The need for safe cycle paths was also highlighted to encourage cycling as a mode of transport and reduce traffic congestion.

Sub-theme 2: Water and wastewater services that are modern, efficient, and which protect the public health and environment

Respondents emphasised the need for improvements in the water supply system to ensure a reliable and sustainable source of water for the growing population, particularly in Whakatāne and Matatā. There were also concerns about the adequacy of the existing wastewater treatment facilities in these areas, with calls for upgrades to handle increased demand and prevent environmental contamination. In Matatā, the feedback indicated that the wastewater system has been a long-standing issue, with delays in implementing necessary improvements. In Whakatāne, respondents stressed the importance of planning for future water demand and ensuring that infrastructure can support new housing developments.

Sub-theme 3: Infrastructure resiliency to protect the community and ensure safety during natural disasters

The feedback highlighted significant concerns regarding the resiliency of infrastructure in the face of natural hazards. Respondents emphasised the importance of planning and upgrading infrastructure to withstand natural disasters such as floods, tsunamis, and earthquakes. Specific locations like Awakeri and Matatā were mentioned as areas prone to flooding, with calls for better flood management systems and the need to avoid repeating past mistakes.

Respondents also emphasised the importance of having adequate facilities to support the community during emergencies and improve the overall quality of life. There were concerns about the adequacy of existing infrastructure to support emergency evacuations, with suggestions for improvements in public amenities such as toilets and water fountains in areas resilient to natural hazards.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

4.2. Development theme

Overall, the feedback reflects a strong desire for balanced and thoughtful development that enhances the area's liveability and economic prospects

The feedback addresses the need for thoughtful and sustainable development in the area. Respondents emphasised the importance of planning new housing developments carefully to avoid overburdening existing infrastructure. There were calls for more housing developments to meet the growing population's needs, with a focus on sustainable and well-planned communities. This was balanced by concerns about retaining the existing character of local communities. Additionally, commercial expansion was seen as vital for economic growth and for providing local job opportunities.

Sub-theme 1: A desire for housing development to meet demand, that is affordable, caters for a diverse (and ageing) population, and provides choices like rural residential development

There is a strong demand for new housing developments to accommodate the growing population. Respondents emphasised the importance of planning these developments carefully to avoid overburdening existing infrastructure. They also highlighted the need for affordable housing options and the importance of integrating new housing projects within existing communities to maintain the character of the area.

A need for more retirement facilities to cater to the aging population in the area was identified. Respondents noted that there are currently only a few lifestyle options or care facilities available locally, which can force older residents to relocate to other centres (i.e., outside of the Eastern Bay) to meet their needs.

Some feedback highlighted a desire for more rural residential development to accommodate the growing population and provide diverse living options, it is thought that this could be done with sustainable design. Respondents emphasised the importance of planning these developments carefully to avoid overburdening existing infrastructure, avoid and manage reverse sensitivity to industries and agricultural/horticultural operations, and to maintain the rural character of the area.

Sub-theme 2: Commercial expansion to create job opportunities and support local businesses

Commercial expansion is seen as crucial for the subregion's economic development. Respondents called for more industrial and commercial projects and land supply to create job opportunities and support local businesses. They also stressed the importance of balancing commercial growth with environmental sustainability and ensuring that new developments do not negatively impact quality of life in the community.

Sub-theme 3: Sustainable development to mitigate the impact of development

The feedback emphasised the importance of adopting sustainable development practices. This includes using eco-friendly building materials, implementing energy-efficient designs, and promoting renewable energy sources. Respondents also called for better waste management practices and the reduction of carbon emissions to mitigate the impact of urban development on the environment.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

4.3. Community and lifestyle theme

Overall, the feedback highlights the community's commitment to preserving its way of life while supporting thoughtful and sustainable development

The feedback emphasises the importance of maintaining the community's character and lifestyle, including safety, peace, and the natural environment. Respondents value the area's small-town feel and the sense of community it fosters. They expressed concerns about potential changes that could disrupt the character and stressed the need for careful planning to preserve the area's unique qualities. The feedback reflects a strong desire to maintain the area's identity and ensure that any development aligns with the community's values and lifestyle. There were also calls for improvements in public amenities and infrastructure to enhance the quality of life for residents.

Sub-theme 1: Small-town community character is highly valued

Respondents value the small-town feel and sense of community across the Eastern Bay. They expressed concerns about potential changes that could disrupt this character and emphasised the importance of preserving the area's unique qualities. Maintaining the community's identity and ensuring that new developments are in harmony with the existing environment were key points of feedback.

Sub-theme 2: Recreational facilities can enhance the quality of life for residents

The feedback also highlighted the need for better recreational facilities to enhance the quality of life for residents. Respondents called for the development of parks, playgrounds, and sports facilities to provide spaces for community activities and promote a healthy lifestyle. They emphasised the importance of accessible and well-maintained recreational facilities that cater to people of all ages.

4.4. Environmental theme

Overall, the feedback underscores the importance of integrating environmental considerations into all aspects of urban planning to ensure a sustainable and resilient community

The feedback highlights significant concerns regarding the environmental impact of urban planning and development. Respondents emphasised the importance of protecting natural areas and ensuring that new developments do not lead to environmental degradation. There is a strong desire to maintain the natural beauty and ecological health of the area, with many participants stressing the need for sustainable planning practices. The feedback reflects a community deeply connected to its natural surroundings and a commitment to preserving them for future generations. Concerns were raised about the potential loss of green spaces, the impact of increased pollution, and the need for better management of natural resources including aggregate resources.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)**Sub-theme 1: Protection of natural areas from development**

Respondents stressed the need to protect natural areas from development. They highlighted the importance of preserving green spaces, forests, and waterways to maintain biodiversity and provide recreational opportunities for residents. There were calls for stricter regulations to prevent encroachment on these areas and to ensure that any development is carried out in an environmentally responsible manner.

Sub-theme 2: Management of natural resources to ensure that the land remains productive and healthy for future generations

Effective management of natural resources was a key concern for respondents. They highlighted the need for sustainable water management practices, including the protection of water sources and the implementation of efficient irrigation systems. There were also calls for better management of soil and land resources to prevent erosion and degradation, highlighting the importance of access and availability of aggregate resources, and ensuring that the land remains productive and healthy for future generations.

4.5. Economic opportunities theme

Overall, the feedback highlights the need for balanced economic development that includes job creation, support for local businesses, and consideration of environmental and social factors

The feedback also addresses the need for economic development, including job opportunities and support for local businesses. Respondents emphasised the importance of creating a vibrant local economy that provides employment opportunities and supports the community's growth. They called for initiatives to attract new businesses and industries to the area while ensuring that economic development is balanced with environmental and social considerations.

Sub-theme 1: Creating new employment opportunities

Creating employment opportunities was a key concern for respondents. They highlighted the need for initiatives to attract new businesses and industries to the area, which would provide jobs and support the local economy, ensuring that these opportunities are accessible to the community and contribute to its overall well-being was emphasised.

Sub-theme 2: Support for local businesses to create economic development

Supporting local businesses was seen as crucial for economic development. Respondents called for measures to help small businesses thrive. They also emphasised the importance of creating a business-friendly environment that encourages entrepreneurship and innovation.

Sub-theme 3: Economic development needs to be balanced with environmental and social factors

Economic development was a significant theme in the feedback. Respondents stressed the need for a balanced approach that considers environmental and social factors. They called for strategic planning to ensure that new developments contribute positively to the community and do not lead to negative impacts such as increased traffic congestion or environmental degradation.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

5. Feedback about scenarios

Scenario 1

Resilient greenfield areas



Provide a long-term supply of housing and business land in a series of new greenfield areas: Matatā, Awakeri, Hukutaia.

There would be a low level of residential infill and a low level of rural residential development.

(Preferred option)

Scenario 2

Un-serviced rural residential focus



Enable demand for housing to shift into rural locations, with a relaxed regulatory approach (and avoiding highly productive land and areas prone to natural hazards).

There would be a high level of rural residential development. Over time this could encourage a high level of infill and intensification of townships and villages.

Scenario 3

Growth outside the sub-region



Demand shifts out of Whakatāne and Kawerau to Western Bay of Plenty and Rotorua because there are no new greenfield areas and rural residential development is not enabled.

There would be a low level of rural residential development. Over time this could encourage a high rate of intensification and infill of townships and villages because there are few other options for housing growth in the districts.

Figure 7 Three possible future scenarios were presented for consultation

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

A total of 38 responses were received specifically regarding the scenarios, with 21 referring to Scenario 1, seven to Scenario 2, and three to Scenario 3. The feedback highlights diverse perspectives on the proposed scenarios, emphasising the need for balanced development, improved infrastructure, and environmental sustainability.

Scenario 1: Resilient greenfield areas:

18 respondents favour Scenario 1, including Fonterra Limited, SmartGrowth Partners, and Horticulture New Zealand, for its structured growth and community development.

Submissions stress the need for community spaces, recreational facilities, and maintaining the unique character of towns. There is a call for balanced development that includes affordable housing and supports local businesses.

There is strong support for using solar, water-efficient taps, and water collection in new developments; however, there were three respondents with concerns about infrastructure improvements to handle increased traffic, challenges envisioning Matatā with 1500 more homes and businesses without adequate sewerage, and questions about why rural residential development is limited by District Plan rules in Scenario 1. Key considerations were also focused on protecting high-value agricultural land and integrating renewable energy.

Recommendations include expanding areas to cater for schools and retail, addressing the vulnerability of SH2 at Waiotāhe and greater consideration for horticultural expansion. Requests for addressing natural hazard risks and climate change impacts were also made. Additionally, detailed plans on the quantum, timing, and type of growth were requested.

Scenario 2: Un-serviced rural residential focus:

Six responses favoured Scenario 2 for its potential to support resilient, self-sustaining communities.

This scenario was seen to align with Te Ao Māori values and encourage smaller-scale developments. Respondents emphasised the importance of historical settlement patterns and cultural values, noting that smaller settlements up the coast encourage self-sufficiency and resilience to issues like climate change and access loss.

Whakatāne Action Group Incorporated was specifically against Scenario 2 and the assumption that large numbers of people will be attracted to live in rural areas without basic services and highlighted various challenges and drawbacks of rural residential development. The response suggests exploring new greenfield areas for additional housing instead.

Recommendations include supporting smaller subdivision size requirements in Scenario 2, promoting papakāinga developments, and considering international trends that increase demand for natural spaces. Requests highlight the need to avoid assuming large numbers of people will move to rural areas without basic services, ensuring rural residential development does not negatively impact traditional rural activities, and the need to provide adequate infrastructure and services to support rural communities.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)**Scenario 3: Growth outside the subregion**

Scenario 3 received three responses, two in support and one questioning the overall relevance of this scenario.

Respondents favoured this scenario to avoid overcrowding in existing towns and to support distributing growth more evenly across the region.

Recommendations focus on ensuring necessary infrastructure and services are in place to support growth outside the sub-region and addressing potential issues with community fragmentation and loss of local identity. Requests for more information on how this scenario would be implemented and its impact on existing communities, as well as considering the need for business land and economic development were also made.

Other comments about the scenarios

Two submissions suggest combining Scenarios 1 and 2 to balance structured growth with resilient, rural development. This combination is seen as appropriate by some respondents, who believe it accommodates town and coast aspirations, providing more options and flexibility.

Some respondents prefer dispersed villages over centralized communities and questioned the limitations on rural residential development in Scenario 1.

Others reject all three proposed scenarios, highlighting issues such as wastewater ponds in Hukutaia and suggesting new options that prioritize local infrastructure and community involvement in planning decisions. Some of these comments preferred that development takes place outside of the sub-region.

6. Substantive topics

This section brings forward topics highlighted by submitters that the project will need to consider in depth as the spatial plan is developed, and which will require a direct response at the 18 December 2024 meeting with the Project Governance Group.

Topics encompass the settlement pattern (where and what types of development), resiliency of critical infrastructure and climate resilience. Given this is a summary, please note this is not an exhaustive list. Responses to these, and other feedback, will be considered as the spatial plan is further developed.

Settlement pattern (where and what types of development)

Most respondents are in favour of meeting development demands within the Eastern Bay.

Matatā residents have provided feedback that the scale of change, being 1,500 dwellings, and what this would impose is likely to affect the community character that is highly valued and that this scale of change is undesirable.

Many submitters queried why the principal focus for growth was not on the existing centres and maximising infill development, promoting higher densities (upzoning) and utilising existing infrastructure.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

Feedback included a minor push to intensification in Kawerau– to include duplexes and some townhouses, people also like the open spaces around Kawerau and want to retain it's character.

There were requests for making rural residential development more enabled in District Plans in suitable locations, and there were stated concerns that this would need to be well controlled to avoid and manage reverse sensitivity.

Three submissions made specific requests to have land areas considered as development options in the spatial plan.

- Māori Land Trusts (Golf Links Road Partnership, Te Paroa Lands Trust, Hunia Marupo Lands Trust, Ratahi Lands Trust, Kiwinui Lands Trust, Rotoehu Lands Trust) represent owners of land holdings between Coastlands, Whakatāne Golf course and the Whakatāne Airport (188 hectares across four land parcels – Māori Freehold Land and freehold title)
- Ōpihi structure plan land owners are seeking recognition for the provision of development at this location pursuant to the approved structure plan and land use subdivision consent.
- Baird Road and River Flats land parcels for industrial and commercial use near the western side of Ōpōtiki township.

Resiliency of critical infrastructure

Feedback was received on the existing vulnerability of the road network i.e., SH2 and SH35 bridges and roads. NZTA's submission recognised their commitment to addressing resilience issues across their network, and that work is identified in relation to resilience improvements for State Highway 2 in the NLTP 2024-27.

In some locations, infrastructure is struggling to cope with the existing demand leading to traffic congestion. More of the state highway and local road network will be exposed to resiliency issues over time from climate change. There are limited/restricted alternative routes available. Suggestions were received to build new bridges (even a tunnel).

Feedback was received on the need to recognise the resiliency of critical infrastructure networks (e.g. National Grid) and their role in responding to and recovering from natural hazard events. This highlights the role of the national grid in enabling growth along with the need for protection from inappropriate development.

Climate resiliency

Concerns were expressed about the impact of natural hazards and those driven by climate change on existing settlements and the long-term growth areas outlined in Scenario 1 – Matatā and Awakeri.

7.3.1 Appendix A - Eastern Bay Spatial Plan - Engagement Summary Report(Cont.)

Our Places

Eastern Bay Spatial Plan

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8 Resolution to Exclude the Public**8 Resolution to Exclude the Public**

THAT the public be excluded from the following parts of the proceedings of this Environment, Energy and Resilience Committee meeting, namely:

1. EBOP Regional Deal Proposal

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

	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.	EBOP Regional Deal Proposal	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
1	Enable Councils to carry out, without prejudice or disadvantage, commercial activities Section 7(2)(h)

8 Resolution to Exclude the Public(Cont.)

1 Public Excluded Business

1 Public Excluded Business

1.1 Eastern Bay of Plenty Regional Deal Proposal

1.1.1 Appendix A - Eastern Bay of Plenty Regional Deal Light Touch Proposal - Draft