



Meeting of the Hawke's Bay Regional Council Maori Committee

Date: Tuesday 23 November 2010
Time: 10.15am
Venue: Council Chamber
159 Dalton Street
Napier

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Short Term Replacement on Committee	3
Decision Items		
4.	Action Items	5
5.	Appointment of Tangata Whenua Representatives to the Maori Committee	7
6.	Election of Chairman of the Maori Committee	9
7.	Membership of Council Committees by Tangata Whenua Nominated Members of the Maori Committee	11
Information or Performance Monitoring		
8.	Verbal Report on Progress of Cultural Impact Assessment Report 10.30am	
9.	Update on Current Issues by Chief Executive	
10.	Ruataniwha Groundwater Allocation - Implications for the Consents Process	13
11.	Gravel Resource Review	19
12.	Ngaruroro River Flood Protection Scheme Ecological Management and Enhancement Plan	23
13.	Submission on Marine and Coastal Area (Takutai Moana) Bill	27
14.	Draft Regional Stormwater Strategy	37
15.	Statutory Advocacy Update	45
16.	General Business	57

HAWKE'S BAY REGIONAL COUNCIL**MAORI COMMITTEE****Tuesday 23 November 2010****SUBJECT: SHORT TERM REPLACEMENT ON COMMITTEE****INTRODUCTION:**

Council has made allowance in the terms of reference of the Committee for short term replacements to be appointed to the Committee where the usual member/s cannot stand.

RECOMMENDATION:

That be appointed as member/s of the Maori Committee of the Hawke's Bay Regional Council for the meeting of Tuesday, 23 November 2010 as short term replacements(s) on the Committee for.....



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 23 November 2010

SUBJECT: ACTION ITEMS

REASON FOR REPORT:

There are no action items to be considered at this meeting.



Viv Moule
HUMAN RESOURCES MANAGER

Attachment/s

There are no attachments for this report.

**SUBJECT: APPOINTMENT OF TANGATA WHENUA REPRESENTATIVES TO
THE MAORI COMMITTEE**

REASON FOR REPORT:

1. At the first ordinary meeting of the Regional Council held on 3 November 2010 the Māori Committee was re-established as a Committee of Council. The Terms of Reference, Chairman, membership and frequency of meetings are to be as follows:
2. Terms of Reference:
 - 2.1 To make recommendations to the Council on matters of relevance affecting the tangata whenua of the Region, and to help fulfil the Maori consultative requirements of the Council particularly with regard to the principles of the Treaty of Waitangi and the Local Government Act 2002.
 - 2.2 To prepare, within the first six months of the Committee's establishment, a work plan for the Committee which will set out in general terms what the Committee aims to achieve over its three year term.

Members:

- Three elected members of the Council.
- The Chairman of the Council ex officio.
- Twelve representatives nominated by the Tangata Whenua who are to be appointed at the first meeting of the Committee by the three elected members of the Council and with Tangata Whenua Members of the Maori Committee able to propose to the Committee short term replacements to attend in their place if they are unable to attend any meeting with one representative nominated from each of the following groups:

Kaumatua (Wairoa)

Kahungunu Executive (Wairoa)

Wairoa Taiwhenua (Wairoa)

Kaumatua (Hastings)

Heretaunga Executive (Hastings)

Heretaunga Taiwhenua (Hastings)

Tamatea Executive (Central Hawke's Bay)

Kaumatua (Central Hawke's Bay)

Tamatea Taiwhenua (Central Hawke's Bay)

Kaumatua (Napier)

Te Whanganui a Orotu Taiwhenua (Napier)

Ahuriri Executive (Napier)

- **Chairman:** A Tangata Whenua member of the Committee as elected by the Committee.
- **Meeting Frequency:** Bi-monthly but with the Chairman of the Committee authorised to arrange additional meetings should the need arise with the fourth Tuesday in the month being the normal meeting day.
- **Staff Executive:** Chief Executive

Background

3. At the inaugural meeting Council adopted the Terms of Reference above and appointed Councillors Liz Remmerswaal, Tim Gilbertson and Ewan McGregor to the Māori Committee.
4. It is now necessary to formally appoint the 12 representatives, nominated by the Tangata Whenua, to the Committee.
5. The Committee can also nominate short-term replacement members who attend committee meetings when any of the relevant representatives are unavailable.
6. Councillor Ewan McGregor will act as Chairman of the Committee until Agenda Item 5.
7. The nominations received from Tangata Whenua are:

Wairoa: Pat Hohipa (Kaumatua), Fred McRoberts, Adrian Manuel and Miriama Hammond (short term replacement).

Ahuriri: Heitia Hiha (Kaumatua), Arapera Riki and Jan Aspinall.

Heretaunga: Haami Hilton (Kaumatua), Peter Paku, and Marei Apatu.

Tamatea: Mike Mohi (Kaumatua), Morry Black, Liz Graham.

RECOMMENDATIONS:

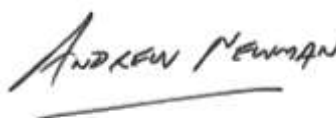
That the Maori Committee recommends to Council that:

1. Pat Hohipa, Fred McRoberts, and Adrian Manuel representing the Wairoa area; Heitia Hiha, Arapera Riki, Jan Aspinall representing the Ahuriri area; Haami Hilton, Peter Paku and Marei Apatu, representing the Heretaunga area; Mike Mohi, Liz Graham and Morry Black representing the Tamatea area, be appointed as members of the Māori Committee of the Hawke's Bay Regional Council.
2. Miriama Hammond (Wairoa) be nominated as short term replacement member of the Committee.

(Note: Only Councillors McGregor, Remmerswaal and Gilbertson are able to vote on this item.)



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL**MAORI COMMITTEE****Tuesday 23 November 2010****SUBJECT: ELECTION OF CHAIRMAN OF THE MAORI COMMITTEE****REASON FOR REPORT:**

1. The Chairman of the Maori Committee is elected by the full Maori Committee and endorsed by the Hawke's Bay Regional Council.
2. At a Maori Committee workshop held on 21 September 2010 Mr Mike Mohi was proposed as Chairman of the Maori Committee for a further three year term. This paper is to now formalise the appointment of the Chairman for the new term of the Maori Committee.

RECOMMENDATIONS:


1. That the Maori Committee elect Mr Mike Mohi as Chairman of the Maori Committee for a three year term.

That the Maori Committee recommend to Council that:

1. Following the confirmation from the Maori Committee, Council confirm Mr Mike Mohi's appointment as Chairman of the Maori Committee.



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 23 November 2010

SUBJECT: MEMBERSHIP OF COUNCIL COMMITTEES BY TANGATA WHENUA NOMINATED MEMBERS OF THE MAORI COMMITTEE

REASON FOR REPORT:

1. With the re-establishment of the Māori Committee, the Committee needs to nominate representatives to sit on various other Committees.
2. These Committees and Working Parties are: Environmental Management (2), Asset Management & Biosecurity (2), Hearings , Strategic Planning and Finance Committee (2).
3. Statute does not allow for the provision of a voting appointment to the Regional Council; however a representative – usually the Chairman of the Māori Committee- is able to attend meetings with full speaking rights.
4. The appointee(s) to the Hearings Committee will be decided at a future time after Council reviews the membership and Terms of Reference for that Committee. Any Maori member nominated for Hearing Committee work must undertake accreditation training to be able to fulfil their role.
5. It should be noted that Council intends to review the Committee make up before the end of the year so these appointments should be viewed as an interim measure at this stage.

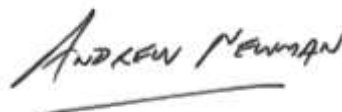
RECOMMENDATIONS:

That the Maori Committee :

1. Recommend to the Environmental Management Committee thatand..... be appointed members of that Committee.
2. Recommend to the Asset Management and Biosecurity Committee thatand..... be appointed members of that Committee.
3. Recommend to the Strategic Planning and Finance Committee that the Chairman of the Maori Committee andbe appointed members of that Committee.



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENTAL MANAGEMENT COMMITTEE

Tuesday 23 November 2010

Item 10

**SUBJECT: RUATANIWHA GROUNDWATER ALLOCATION - IMPLICATIONS
FOR THE CONSENTS PROCESS**

REASON FOR REPORT

1. Council's Ruataniwha Basin Transient Model was recently completed and reported to the Environmental Management Committee meeting on 8 September 2010. The model confirms Council's earlier conceptual understanding of the hydrogeology of the Ruataniwha basin and the actual effects of groundwater abstraction upon overlying surface water. The purpose of this paper is to present the Committee with information derived from initial modelling, and inform the Committee that the existing resource consent application management approach should be continued.

Background

2. In 2007, two papers were presented to the Council which summarised the then current state of knowledge of the interactions between groundwater in the Ruataniwha basin with surface water flowing across the basin area (the Tukituki and Waipawa rivers and their tributaries).
3. The 2007 papers noted that:
 - 3.1 Abstraction of groundwater from the Ruataniwha basin resulted in a 13% reduction in summer flows in each of the Tukituki and Waipawa rivers based on the 'Gyopari' groundwater flow model. Also the combined reduction in flow in these rivers was estimated at 900 L/s.
 - 3.2 Increased abstraction of groundwater would result in an increased reduction in stream flows.
 - 3.3 Staff recommended that applications for consent to take groundwater from the Ruataniwha basin be publicly notified, with a likelihood of the staff recommendation being to decline the application.
 - 3.4 Council endorsed the resource consent application management approach proposed.
4. Groundwater and surface water in the Ruataniwha basin area are inextricably linked, and therefore groundwater allocation cannot be considered in isolation of surface water allocation limits. In a planning context, Council is guided by the Regional Resource Management Plan (RRMP) water allocation policies and objectives relating to both groundwater and surface water resources.
5. The RRMP does not quantify groundwater allocation limits for the Ruataniwha basin. However, the RRMP does contain some relevant objectives and policies including:
 - 5.1 Objective 23 - the avoidance of any significant adverse effects of water takes on the long-term quantity of groundwater in aquifers and on surface waters
 - 5.2 Objective 44 - the maintenance of a sustainable groundwater resource
 - 5.3 Policy 77 - (a) to manage groundwater takes so that the abstraction does not exceed the rate of recharge, and (d) to manage takes of groundwater to ensure that abstraction does not have an adverse effect on rivers, lakes springs and wetlands.
6. The RRMP also provides allocation limits for specified Stream Management Zones (SMZ) (Policy 74, Table 9), including those within the Tukituki River and its tributaries. These stream management zones are fully allocated.

7. Since 2007, no new consents have been issued to authorise the taking of additional water from the basin. The management approach established by the 2007 Council papers has been adhered to.
8. There are currently 80 consents authorising the abstraction of approximately 450,000 m³ per week of groundwater from the basin. A significant group of current consents will expire in 2015 (36), at which time the cumulative effects of these takes can be considered.
9. Existing groundwater consents authorise the irrigation of approximately 7,000 hectares of land, predominantly for pasture and cropping.

Scientific Context and Update

10. In 2003 Council commissioned Phreatos Consultants to upgrade an earlier attempt at modelling the Ruataniwha basin in order to better represent the surface and groundwater interaction in the basin and to enable more robust predictions to be made. This work produced a new model (the Gyopari Model) in 2004 which was constructed in Modflow software and consisted of two layers to better represent the hydrogeology of the basin.
11. The results of the Gyopari Model concluded that existing groundwater takes were connected to and depleting surface water. The results of the model indicated a flow reduction in the order of 500 L/s from the Tukituki River, and 400 L/s from the Waipawa River (total 900 L/s) and a loss of groundwater storage.
12. The Gyopari Model tried to overcome the limitations of the previous model by calibrating the water balance. Some changes to the input parameters were made but the model was still limited in its consideration of surface water/groundwater interactions, as the river data that was used was empirical and not based on actual field data. In summary, the two previous groundwater flow models were unreliable because of a lack of data to calibrate the model and inadequate water balance analysis to quantify basin recharge.
13. In 2007 Council commenced development of further modelling to address the deficiencies of the previous models and establish a more scientifically defensible position to support the Council's development of water management policies for the basin.
14. A water balance model for Ruataniwha was completed in 2008 (Baalousha 2008) and used groundwater abstraction data (based on compliance monitoring) and crop water requirement. This model quantified groundwater abstraction as having increased from 3 million cubic metres in 1990 to approximately 24 million cubic metres in 2009 (Figure 1). This model was used as a basis for development of a steady-state groundwater flow model.

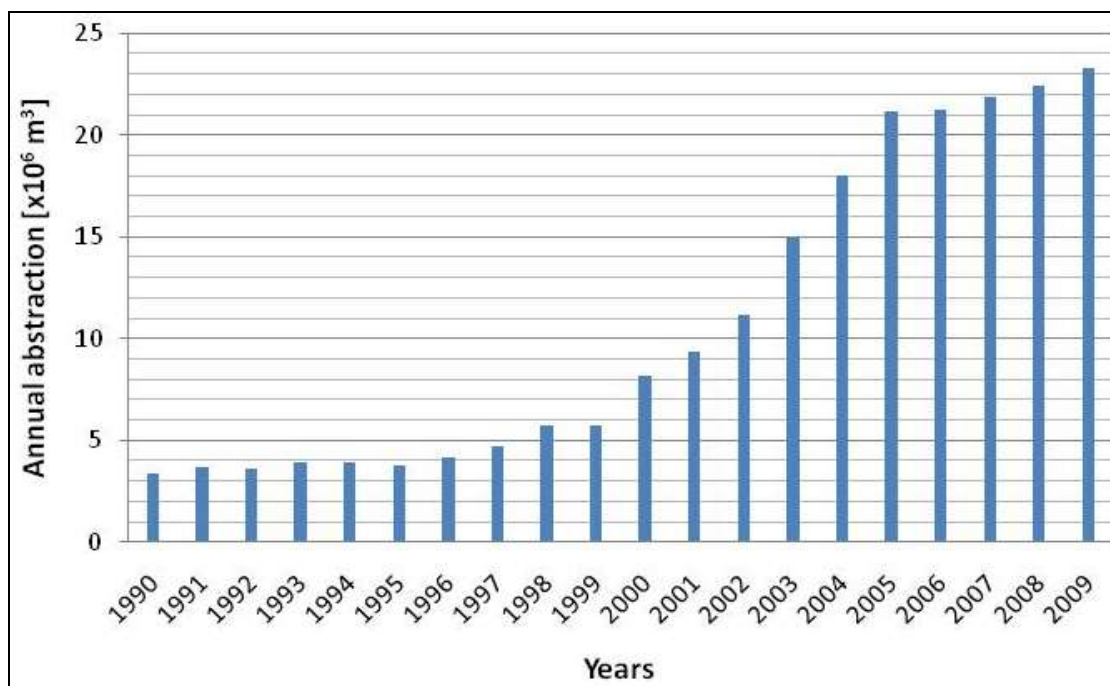


Figure 1: Annual Groundwater Abstraction Trends in Ruataniwha Basin

15. A steady-state groundwater flow model was completed in 2009 (Baalousha 2009) and was used as the basis for the transient groundwater flow model. The model was peer reviewed by independent experts. The next stage was the development of the transient model, which has recently been completed and peer reviewed.
16. The new transient model confirms that there is a strong interconnection between the groundwater and the surface water in the basin. Model results also showed that the actual groundwater abstraction across the basin over the last 20 years has caused a decline in aquifer storage of approximately 66 million m^3 . This will result in a continued decline of aquifer water levels and more importantly stream and river flows within the basin until a new dynamic aquifer equilibrium is reached depending on the uptake and use of existing allocated volumes and any further allocation decisions. This will not only impact existing surface water consent holders, but also the ecological, cultural and other values associated with the rivers and streams in the basin and downstream beyond the basin.
17. The transient model has also confirmed that there has been a significant decline in spring flow and that the cumulative effect of current actual groundwater abstraction has resulted in a decline rate of 600 L/s from surface waters in the basin area. This decline is less than that predicted in the 2004 Gyopari Model (900 L/s). However the new model provides a greater degree of confidence considering it is significantly more sophisticated and supported by more robust data compared to the earlier Gyopari model, which relied on some conservative assumptions in the absence of data.
18. The transient model will be used to model different scenarios of groundwater use in the basin, to enable an assessment of the cumulative impacts of water use. These scenarios include full uptake of existing consented allocation, intensification of land use to 14,000 hectares, and scenarios that reflect the Proposed National Environmental Standard on Ecological Flows and Water Levels (March 2008) (35% of rainfall recharge). This information will then be used to support water allocation policy development for the basin.
19. A groundwater age isotope and tracing study has recently been completed for the basin which supports model calibration and conceptual understanding of complex and interconnected groundwater system.

Allocation and Demand

20. Demand for groundwater in this area continues. Three further applications have been lodged and are currently being processed following the approach established by the 2007 paper. These applications seek a total of 120 L/s and 62,556 m³/week.
21. The modelling work undertaken using the Transient Model confirms, and more accurately quantifies the earlier understanding of the link between groundwater and surface water in the Ruataniwha basin area.
22. Given the evidence provided by the Transient Model which indicates declining spring and stream flows as a result of current groundwater abstraction in the basin, staff will continue to recommend that the previously established allocation management approach be followed. Applications for consent to abstract groundwater from the basin will generally be publicly notified, and the staff recommendation is likely to be to decline such applications. This approach will continue to be followed as an interim measure until a plan change process has been completed, at which time it is envisioned that a revised plan will offer an allocation framework for the Ruataniwha basin aquifer and its associated surface waters.
23. Applications can still be made and staff are required to process any such applications as a moratorium is not legally available under the RMA. However an assessment of environmental effects (AEE) would be required to investigate the contribution of the proposed take on cumulative adverse effects, and ways to mitigate these effects. This assessment would be required in addition to an assessment of the localised effects of a proposed take, such as well interference and direct stream depletion through hydraulic connection with nearby surface waters.
24. Applicants who wish to abstract groundwater are advised to consider alternative options, including sharing of existing consented allocations, transferring permits between parties and increasing irrigation efficiency and water storage. A degree of sharing and transferring of consented allocations is already occurring in this area. Staff will also advise applicants that the Central Hawke's Bay Water Storage Project may provide access to water for some parties in the intermediate to long term.
25. Communication of Council's current position on groundwater allocation within the Ruataniwha basin will occur with key stakeholders in the Ruataniwha community via workshops and meetings with water user groups and other interested parties. Officers are also currently working on a communication strategy using traditional media such as newspaper articles, radio messaging and brochures, but also using industry group publications, internet forums, and rural interest group media to deliver some of the key messaging outlined in this paper.

RECOMMENDATION

1. That the Committee receives the report titled '*Ruataniwha Groundwater Allocation – Implications for the Consents Process*'.



Paul Barrett
CONSENTS OFFICER



Dave Moule
MANAGER CONSENTS



Husam Baalousha
SENIOR GROUNDWATER SCIENTIST



Dougall Gordon
PRINCIPAL GROUNDWATER SCIENTIST



Graham Sevicke-Jones
MANAGER ENVIROMENTAL SCIENCE



Darryl Lew
GROUP MANAGER
RESOURCE MANAGEMENT

Attachment/s

There are no attachments for this report.

SUBJECT: GRAVEL RESOURCE REVIEW

REASON FOR REPORT:

1. This report is to update the Asset Management Biosecurity Committee on progress with the Review of Riverbed Gravel Management. This is part of the Gravel Management Project (Project 369).

Background

2. The Hawke's Bay river borne gravel resource is increasingly under pressure particularly in the proximity of the Heretaunga Plains. Gravel extraction forms an integral part of ongoing flood protection to both Heretaunga and Ruataniwha Plains, with gravel being extracted such that the flood capacity of the schemes is maintained, and the potential for the rivers to undermine edge protection is minimised. The majority of the easily accessible rivers are now effectively managed through this process, but gravel stocks are limited in these areas meaning there is pressure on gravel extractors to win their resource greater distances from their markets putting pressure on their competitiveness.
3. In addition there is increasing concern being expressed by the public that river gravel extraction is aggravating coastal erosion, particularly in Haumoana and Te Awanga.
4. The Asset Management section believes it is imperative for Council to have an effective framework for the ongoing management of the gravel resource within the region, supported by robust science and processes.
5. A scoping report to identify the issues associated with the current management of the region's river bed gravel resource has therefore been commissioned which once implemented will:
 - 5.1 Improve Council's understanding of riverbed gravel movement and the impact of gravel extraction on flood protection works and coastal processes.
 - 5.2 Enable Council to review its management regime for assessing the gravel resource and for managing its extraction.
 - 5.3 Inform co-management discussions with regard to the gravel resource and its management with Treaty Claimant Groups.
6. Tonkin and Taylor was commissioned to assist in the review and provide a scoping report together with a prioritized programme of work that could be accommodated in a 6 year time span. A draft scoping report has now been completed and will be outlined by staff.
7. In order to carry out the review and obtain a wide view of community concerns and ideas on the gravel resource a number of meetings were arranged to discuss the issues. A separate meeting was held with the key people in the gravel supply industry to hear their views as they have a different perspective on the resource than other interested parties. A meeting was held with DOC, Fish & Game and the TLA's. A hui was widely advertised and held at Kohupatiki Marae to inform and discuss with hapu associated with the rivers the issues relating to gravel management. In addition a number of specialists working in the fields of coastal and river gravel processes were interviewed for their expert knowledge.
8. HBRC has a number of responsibilities that have a direct bearing on the management of gravel resources in the region:
 - 8.1 It has the jurisdiction to manage and authorise activities in riverbeds
 - 8.2 It has the jurisdiction to manage and authorise activities in the coastal area

- 8.3 It has responsibility for flood control and protection of assets.
9. There is an ongoing demand for gravel and aggregate for a range of activities in the roading and construction industry. There is a need to balance the allocation of gravel between supply demand and the need to maintain the flood capacity of flood protection schemes. This balance should also take account of the environmental effects of gravel extraction, Māori views and the river ecology.
 10. Extensive flood protection schemes have been established throughout the Heretaunga Plains and the Ruataniwha Plains, managed by HBRC. These schemes are designed and constructed to a standard (1% Annual Exceedance Probability, AEP) and this standard must be maintained through maintenance of the channel carrying capacity and design riverbed levels.
 11. The main population areas and therefore gravel demand are on the Heretaunga Plains. However the gravel resources are spread between the Northern area (125,000m³ per annum), Heretaunga (440,000 m³) and Ruataniwha (370,000 m³). There is a tension between the gravel supply and the gravel demand areas due to the extra transport costs. This has implications for HBRC's management of the flood protection schemes as too high a cost to extract the gravel may result in gravel extractors preferring to establish land based sources. HBRC currently has little ability to manage these land based areas.
 12. There is uncertainty over the potential effects of riverbed gravel extraction, specifically in relation to the following aspects:
 - 12.1 Long-term riverbed morphology
 - 12.2 Long-term riverbed gravel supply
 - 12.3 Sediment supply to the coast and the effect on coastal stability
 - 12.4 Riverbed ecology and biodiversity
 - 12.5 Sites and issues of significance to tangata whenua
 13. The review was tasked with addressing these affects and determining what further work, if any is needed to provide HBRC and other interested parties with the information necessary to manage the gravel resource as well as confirming or otherwise whether the current management regime and processes are appropriate for long term sustainability.
 14. The review highlighted 13 separate but related issues that require further investigation. A staff presentation will highlight and explain some of these. The order presented in the table below begins with the highest priority first and some of the later issues are dependent on the earlier studies. Rough order costs to carry out the work have been assigned to each issue. In addition there are annual costs associated with Tangata Whenua involvement and a steering group.

	Issue	Total Indicative cost	Stage
1	Hydrological Review	\$40,000	Stage 1
2	Gravel Supply & Transport	\$110,000	
3	Gravel Resource Inventory	\$60,000	
4	Implications for Flood Protection	\$40,000	
5	Gravel Demand & Forecast	\$30,000	
6	Gravel Monitoring & Resource Availability	\$40,000	
7	In-stream Ecological Effects	\$75,000	Stage 2
8	Riverbed Birds & Flora	\$45,000	
9	Tangata Whenua Values	\$20,000	
10	Effectiveness of Beach-raking	\$40,000	Stage 2

	Issue	Total Indicative cost	Stage
11	RMA Issues	\$30,000	Stage 3 (RMA issues sooner)
12	Allocation & Financial Mechanisms	\$30,000	
13	Riverbed Gravel Management Plan	\$75,000	Final Stage
	Total	\$635,000	
	Tangata Whenua consultation	\$10,000/year	
	Steering Group	\$10,000/year	

15. The terms of reference for the review were to consider the costs spread over a number of years at about \$100,000 per year. This of course is subject to a suitable source of funding and could be expanded or reduced to suit. At present 6 years is the time period considered.
16. Staff believe that there are three possible options for funding the work
- 16.1 Council to meet the costs of the work, possibly through the flood control and drainage schemes.
- 16.2 Increase Resource Management charges currently levied on a per cubic metre rate on all river bed gravel extracted. With the current level of extraction averaging approximately 600,000 cubic metres per annum this would require an increase of the levy currently charged from \$0.60/m³ to approximately \$0.80/m³.
- 16.3 A combination of the above.
17. Staff propose to discuss these options with gravel extractors over the next several months so that a firm funding proposal is able to be included in Council's draft 2011/12 Annual Plan for formal comment. Subject to Council agreement to include this work in the final 2011/12 Annual Plan, staff expect to commence the project work in the 2011/12 financial year.

RECOMMENDATION:

1. That the Maori Committee confirms their support for the River Bed Gravel Review project.



Mike Adye
GROUP MANAGER ASSET
MANAGEMENT



Gary Clode
MANAGER ENGINEERING

Attachment/s

There are no attachments for this report.

SUBJECT: NGARURORO RIVER FLOOD PROTECTION SCHEME ECOLOGICAL MANAGEMENT AND ENHANCEMENT PLAN

REASON FOR REPORT:

1. This report is to update the Asset Management Biosecurity Committee on progress with the river management review entitled "*Ngaruroro River Flood Protection and Drainage Scheme: Ecological Management and Enhancement Plan*". (Referred to as EMEP). This is part of the Annual Plan work for Project 287, HPFCS Flood and River Control.

Background

2. River corridors within Council's major flood protection schemes are highly modified from their original meandering pathways across their flood plains. Today's society has adapted to harnessing the productive capacity of the flood plains soils, and relies heavily on a minimal risk of disruption from flooding or the rivers changing course.
3. Consequently the focus of the management of the Flood Protection Schemes over the past 100 years has been the protection of the plains land from frequent flooding. In today's environment it is appropriate that as river managers, a wider view is taken, including opportunities that the river systems, and associated berm land provide for increased biodiversity, environmental enhancement and public enjoyment, while maintaining the integrity of the flood protection assets.
4. Accordingly the Asset Management section is reviewing the way in which Council manages the river corridor and riparian margins of the major river systems in the Hawke's Bay region.
5. The review includes Maori tikanga and kaitiaki with respect to river management across the wider region. Intricately linked with Maori tikanga is the ecology of the river (terrestrial and aquatic). The effects of current river management on the ecology of the rivers are not well understood and this review examines ways in which the ecology can be maintained and enhanced.
6. To address some of the issues concerning Maori, ecological issues and general day to day management of the schemes, Council in December 1999 adopted the "*Environmental Code of Practice for River Control and Drainage Works*" (The Code of Practice). This Code of Practice was developed in consultation with Iwi, Department of Conservation, Fish and Game NZ, staff of HBRC and other interested parties. This Code of Practice was updated in 2003 and is due for update again. The updated version will incorporate findings of the Ecological Management and Enhancement Plan (EMEP).
7. The activities described in the Code of Practice relate solely to river control (and drainage works). The code does not refer to any of the wider environmental activities that the Regional Council carry out that can have an impact within the catchments of the region. One of the key differences of this river management review and resulting EMEP is that the extent of the review extends beyond the scheme boundary to the base of the ranges. This is because what is happening further up the catchment has an effect in the lower reaches.
8. Within the actual scheme area, management on a day to day basis is carried out in accordance with the Code of Practice. Specifically the Code deals with environmental outcomes, public access, river works that are covered by the permitted activity rule within the Regional Resource Management Plan, and standard operating procedures. The EMEP provides greater detail on environmental outcomes and opportunity for Maori tikanga. **Specifically, the EMEP provides guidance on how river works should be carried out to sustainably manage the ecology.**

9. Consultants MWH Ltd were engaged to assist with the river management review and other specialist advice was sought throughout the review process. The review is in two parts.
 - 9.1 Chapters 1 to 3 focus on the physical activities and associated ecological effects of the Ngaruroro River Flood Control Scheme. Where conflict between the Scheme and notable ecological values may occur, a range of **specific management controls** are recommended. This is detailed in chapter 3 and covers the vision, goals, issues and objectives. The methods to achieve the objectives are explained.
 - 9.2 Chapter 4 sets out a strategy and prioritised plan for the **enhancement** of existing ecological values and for the creation of new ecological sites. (Note that the enhancement plan section of the review was not able to be completed for this Council Meeting, but is due mid December 2010).
10. The **enhancement** section of the EMEP has a particular focus on providing habitat for threatened species and promoting a functional value of the Scheme as a wildlife corridor, facilitating movement of plants and animals between the more intact upper reaches, downstream to the coast and urban areas on the Heretaunga Plains.
11. This EMEP plays an important part of increasing biodiversity in the region. The NZ Government has implemented the NZ Biodiversity Strategy (NZBS), of which “Goal Three” seeks to “*halt the decline in New Zealand’s indigenous biodiversity*”. The EMEP is a key method for HBRC to use in addressing the intent of Goal Three of the NZ Biodiversity Strategy for the scheme area.
12. The EMEP includes the findings of literature review, field survey of flora, sampling and studies of river birds, terrestrial invertebrates, freshwater fish and lizard communities.
13. Maori cultural values of the river were assessed by way of oral history with hapu representatives associated with the river.
14. Recreational use (type, location and intensity) was investigated through site visits, knowledge of the river and available public information.
15. Staff will outline significant findings of the review and plan in a presentation.
16. Scheme funding implications:
 - 16.1 The EMEP is a guidance document on how to carry out river works for sustainable management of the ecology and thereby provide a sound basis for Maori cultural values to thrive, alongside the recreational values associated with the river. The management vision and goals are reflected in the management plan. The proposed management regime is about doing things differently, with specific targets or goals to achieve. In many instances there are no significant cost implications in carrying them out.
 - 16.2 The most significant area where there are additional cost implications is in management of the braided gravel riverbed upstream of the scheme boundary and management of native vegetation.

RECOMMENDATION:

1. That the Maori Committee accepts the findings review and endorses the Ngaruroro Ecological and Enhancement Plan (EMEP) for use in future river management.



**Mike Adye
GROUP MANAGER ASSET
MANAGEMENT**

Attachment/s

There are no attachments for this report.

SUBJECT: SUBMISSION ON MARINE AND COASTAL AREA (TAKUTAI MOANA) BILL

REASON FOR REPORT:

1. The Government has released the Marine and Coastal Area (Takutai Moana) Bill and invited submissions. The Bill follows an independent review of the Foreshore and Seabed Act 2004 ('FSA') which was part of the National Party and Maori Party coalition government agreement.
2. A similar paper and draft submission was considered at the Environmental Management Committee meeting on 10 November 2010. The Environmental Management Committee agreed to seek additional input on the draft submission from the Maori Committee. This paper presents an overview of the Bill's key features as described in the media release by Minister Christopher Finlayson.

Background

3. In 2009, an independent Ministerial review panel concluded that:
 - 3.1 the FSA was discriminatory and unfair; and
 - 3.2 failed to balance the interests of all New Zealanders in the foreshore and seabed.
4. Now, the Bill:
 - 4.1 Repeals the Foreshore and Seabed Act 2004.
 - 4.2 Applies to the area formerly known as the foreshore and seabed, which will be known in future as the 'marine and coastal area.' This extends from mean high water springs to the 12 nautical mile limit (approx 22km offshore).
 - 4.3 Creates a common space in the marine and coastal area (the 'common marine and coastal area') which allows the interests and rights of all New Zealanders in the marine and coastal area to be recognised in law.
 - 4.4 Proposes common marine and coastal area as incapable of being owned (as opposed to FSA which vested ownership in Crown).
 - 4.5 Guarantees free public access in the common marine and coastal area.
 - 4.6 Does not affect private titles in the marine and coastal area.
 - 4.7 Guarantees and, in some cases, extends existing rights for navigation, ports, fishing and aquaculture.
 - 4.8 Provides for the customary interests and rights of Maori in the common marine and coastal area to be recognised in three ways:
 - 4.8.1 **Customary marine title** - the right to go to the High Court (or negotiate an out-of-court settlement with the Crown) to seek customary marine title for areas with which groups such as iwi and hapu have a longstanding and exclusive history of use and occupation. Customary marine title will:
 - be subject to the right of public access and cannot be sold;
 - give rights to permit activities requiring a resource consent (known as a 'RMA permission right'), some conservation activities, protection of wahi tapu, ownership of taonga tuturu found in that space, and ownership of non-Crown minerals (i.e. not petroleum, gold, silver, and uranium).
 - give title holder the right to create a planning document setting out objectives and policies for the area. Councils must recognise and provide

for the planning document in their regional plans and regional policy statements.

- 4.8.2 **Protected customary right** - groups such as iwi and hapu will also be able to gain recognition and protection for longstanding customary rights that continue to be exercised.
- 4.8.3 **Mana tuku iho** – iwi and hapu groups will also be recognised through a status known as mana tuku iho, which formalises existing best practice in coastal management. This will allow them to take part in conservation processes in the common marine and coastal area (e.g. establishment of marine reserves and conservation areas, and the management of stranded marine mammals).
- 4.9 retains current ownership of roads and structures in common marine and coastal area. Abandoned structures shall pass to the Crown.
- 4.10 preserves any leases, permits, resources consents, licences etc granted before Bill becomes an Act.
- 4.11 does not affect the regulation of activities within the common marine and coastal area under other legislation. In particular, there is no change to the granting of resource consents, except that an 'RMA permission right' may apply to an area within a customary marine title area.
- 4.12 'RMA permission rights' do not apply to existing structures or infrastructure that is nationally or regionally significant. This exception may also apply to new structures or infrastructure deemed nationally or regionally significant by the Minister of Land Information.
- 5. The Bill has been referred to the Maori Affairs Select Committee. Closing date for submissions was 19 November 2010.

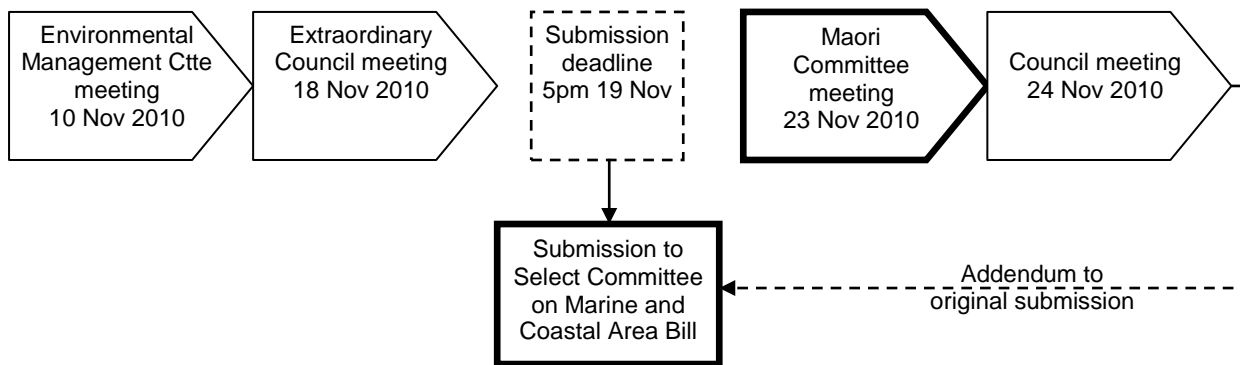
Council Submission

- 6. There are strong similarities between the Bill's proposals and the regime that applies under the existing FSA. There are some obvious differences, the most notable being no ownership of the marine and coastal area as opposed to the Crown ownership of the foreshore and seabed.
- 7. Senior council staff have reviewed the Bill's explanatory papers and participated in technical workshops with government officials and facilitated by Local Government New Zealand (LGNZ). The Bill itself is an extremely complicated piece of legislation.
- 8. LGNZ has led the way for assessing implications of the Bill for local government, particularly regional authorities. LGNZ have lodged a detailed submission on the Bill.
- 9. Given the complexity of the Bill itself and LGNZ's very detailed submission, staff recommended that Council still make a submission on the Bill. At the time of writing this paper, a draft submission was to be considered at an Extraordinary Council meeting on 18 November. A copy of that draft submission is set out in Attachment 1. The draft submission does not tackle the detail (but LGNZ's submission does). The draft submission focuses on presenting a 'Hawke's Bay flavour' of the Bill's implications.

Submission Lodgement

- 10. The deadline for submissions on the Bill was Friday 19 November. The diagram below illustrates how the Maori Committee's input could feature after this deadline.

Figure 1: Maori Committee input into Council submission after deadline



11. A request has already been made to the Maori Affairs Select Committee clerk for permission to lodge an addendum (if necessary) to submission lodged before the 19 November deadline.

RECOMMENDATIONS:

That the Maori Committee :

1. Considers the draft submission on the Marine and Coastal Area (Takutai Moana) Bill set out in Attachment 1; and
2. Recommends to Council any amendments that should be made as an addendum to the Council's submission originally lodged before the 19 November submission deadline.

Gavin Ide
TEAM LEADER POLICY

Liz Lambert
GROUP MANAGER EXTERNAL RELATIONS

Attachment/s

- 1 20101118 HBRC Draft Submission on the Marine and Coastal Area (Takutai Moana) Bill

November 2010

Our Ref :4/42/1

Clerk of the Committee
Maori Affairs Select Committee
Parliament Buildings
WELLINGTON

via online submission at www.parliament.govt.nz

MARINE AND COASTAL AREA (TAKUTAI MOANA) BILL

SUBMITTER: HAWKE'S BAY REGIONAL COUNCIL

1. INTRODUCTION

- 1.1. The following submission by the Hawke's Bay Regional Council has been prepared in response to the Marine and Coastal Area (Takutai Moana) Bill. Councillors formally considered the submission at a special meeting held on 18 November 2010 and agreed to seek further input from its advisory Maori Committee. We respectfully request permission to submit an addendum to this submission following the inaugural meeting of the Maori Committee (on 23 November) and subsequent Council meeting on 24 November.
- 1.2. The Hawke's Bay Regional Council is a member of Local Government New Zealand and supports the submission lodged by Local Government New Zealand. We acknowledge LGNZ's submission is thorough and addresses many details in virtually a clause by clause analysis. Our submission does not intend repeating that detail.
- 1.3. This submission should be read as an endorsement and extension of LGNZ's detailed submission. The Council's submission sets out more general comments providing a local 'flavour' to the Bill's implications for Hawke's Bay.

2. GENERAL STATEMENT

- 2.1. The Council supports the intent of the Bill in seeking to ensure public access to the coastal marine area and the preservation of navigation rights for all. We also support the Bill's proposal providing clarity and certainty around preservation of existing reclamations, permits, consents etc, and the associated ownership of structures and infrastructure.
- 2.2. The Council also offers qualified support to the provisions of the Bill which seek to provide recognition for customary rights of Maori in the use of coastal resources.
- 2.3. However, we do not support the establishment of those rights for Maori to undertake activities outside of the environmental management frameworks established under the RMA.

3. COUNCIL AND IWI/HAPU RELATIONSHIPS

- 3.1. The Council works collaboratively with a wide range of interest groups, stakeholder and kaitiaki for the maintenance and enhancement of coastal resources. The Council actively engages with iwi/hapu in undertaking its extensive range of activities and projects.
- 3.2. There are nine Treaty Claimant Groups with interests in Hawke's Bay. The Council is currently in discussions with each of those groups about the form and function of a 'joint plan committee.' This committee would oversee the review and development of the regional policy statement and regional plans for Hawke's Bay including any plans for the coastal marine area.
- 3.3. The co-governance of natural resources as proposed in Hawke's Bay has the potential to circumvent the need for the recognition and provision for a plethora of planning documents that could apply along the Hawke's Bay coastline.

4. PROTECTED CUSTOMARY RIGHTS

- 4.1. The Council does not support the Bill's proposal for 'protected customary rights.' The Council supports acknowledgement of long-standing customary use of resources along parts of the region's coast, but we do not support the proposal for such rights to be virtually immune from the current RMA framework.
- 4.2. The Council has prepared a second generation regional coastal plan (combined with regional plan provisions for the wider coastal environment). That 'Regional Coastal Environment Plan' (RCEP) has been through an open consultative process with the Maori Committee, coastal hapu representatives, and the wider Hawke's Bay community to determine an appropriate regime for the management of the region's natural and physical coastal resources. The RCEP manages the effects of activities in accordance with the principles of the RMA and in doing so, gives effect to the 1994 NZ Coastal Policy Statement.¹ The Council does not support the Bill's proposal for protected customary rights to be allowed irrespective of degree of their environmental impact.
- 4.3. While the Bill does provide for monitoring and intervention by the Minister in protected customary rights if there are significant adverse effects, the Council considers those provisions to be inappropriately reactive rather than proactive sound resource management practice. The environment could suffer irreversible damage prior to necessary conditions being put in place under the Bill's proposals.
- 4.4. The Council also opposes the Bill's proposal for 'protected customary rights' in relation to abilities for protected customary rights:
 - a) to potentially be undertaken in a contemporary setting (ie: not restricted to historic and traditional methods, but potentially undertaken using 21st century techniques and technologies); and
 - b) to be undertaken for commercial purposes; and
 - c) to be transferred to third parties.
- 4.5. Full exercise of the above rights could have perverse and undesirable outcomes for the location, scale and type of activities undertaken in Hawke's Bay's coastal area. For the avoidance of doubt, the Council is not opposed to Maori undertaking customary activities for commercial purposes, but transferral of rights to third parties is alarming.

¹ We note that the RCEP will need to be assessed and reviewed as necessary to give effect to the 2010 NZCPS to come into effect on 3 December 2010.

- 4.6. The Council considers that the same resource management regime should apply to all activities regardless of what proprietary rights exist to establish the activity.
- 4.7. In Hawke's Bay, the Council is not aware of any evidence to suggest any customary activities have faced undue problems or interference arising from the RMA and regional coastal plans since 1991.

5. PLANNING DOCUMENTS

Item 13

Attachment 1

- 5.1. The Council does not support the Bill's proposal for incorporation of 'planning documents,' prepared by customary marine title holders, into regional planning documents. By virtue of the requirement to "recognise and provide for" such planning documents, the Bill elevates these planning documents to the same status as matters of national importance (under s6, RMA). This may occur without the open consultative engagement expected of councils when preparing regional policy statements, regional plans or district plans. Planning documents can cover a wide array of matters, but of most concern to us is the manner in which they can be prepared (ie: without any public or council input) followed by the consequential inclusion of the document into the RPS and/or regional plans.
- 5.2. It is the Council's opinion that the Bill's proposals regarding preparation of planning documents and their subsequent incorporation into regional planning documents shows little consideration for integrated resource management and existing statutory processes under the RMA. This results in the Bill elevating planning documents to an unjust and untenable status all without consultation or reference to existing statutory frameworks.
- 5.3. We suggest that planning documents prepared by customary marine title holders should be accommodated within the existing RMA framework and not elevated to a matter of national importance without a fuller open consultative process for their preparation.
6. **INFRASTRUCTURE**
- 6.1. The Bill will have implications for the Council's asset management role and infrastructure, particularly flood control works in river mouths and estuarine locations of the coastal marine area. While the Bill provides for existing 'nationally or regionally significant' infrastructure (ie: within the meaning of 'accommodated activity' in Clause 8(2)), we consider the Bill misses an opportunity to properly provide for new nationally or regionally significant infrastructure.
- 6.2. By way of example, Council sometimes erects hard defences along margins of river channels to prevent damage to stop banks. A type of reinforced concrete armouring has been constructed at Haumoana on Tukituki River to protect stop banks and prevent major flood risk to the community. Tukituki River design capacity at 4800cumecs. Severe and extensive flooding would occur if the stop banks failed. This armouring sits within bed of river and is within the Marine and Coastal Area. Regardless of ownership, RMA permissions could restrict or prohibit further flood protection works, despite their significance to the regional and national productivity.
- 6.3. We recommend that the meaning of 'accommodated activities' be amended to include all 'nationally or regionally significant' infrastructure – regardless of whether it is existing, upgraded or new.
- 6.4. The Council is now a 100% shareholder in Port of Napier Limited – the port company for Port of Napier. It is imperative long-term investment decisions made by the Port company reflect infrastructural nature of assets being developed. Port of Napier is totally dependent on reclaimed land for current and future land requirements. We accept that the Bill attempts to consolidate existing property rights approval procedures for reclamations (as distinct from resource consenting processes). Economic development of Hawke's Bay and other regions like it could be severely curtailed if ports cannot secure title and tenure for future reclamations and wharf developments.
- 6.5. Compared to the Foreshore and Seabed Act's provisions for reclamations, we support the Bill's proposals for developers of reclaimed land to have 'first option' on applying for property rights. Without this improved certainty of occupancy and ownership, ports may not reclaim foreshore and seabed.

7. MINISTERIAL DISCRETION AND REGIONAL COUNCIL FUNCTIONS UNDER RMA

- 7.1. The Council is concerned with the extent of proposed Ministerial RMA discretions under the Bill. These discretions are not required to draw on any policy contained within any regional planning documents prepared under the RMA. This is not acceptable given the complex processes and commitment of resources to develop plans in the first place. The discretions must take into account policy and regulatory frameworks already developed under the RMA (eg: NZCPS, RPS, RCP, etc). These planning documents have all involved extensive public consultation often in combination with detailed scientific research and information.
- 7.2. We reiterate that many of the Ministerial discretionary RMA powers are reactive to environmental impact rather than proactive sound resource management practice.
- 7.3. Council notes that the Bill (in Schedule 3) proposes replacing s30(1)(d)(ii) of the RMA. The effect of the substitution as proposed would be significant on the respective roles and responsibility of regional councils and the Minister of Conservation. However, government officials have recently indicated that the replacement clause contains a drafting error (the word “not” unintentionally appears). We assume officials will bring this error to the Select Committee’s attention for it to be remedied.
- 7.4. We would support the error being corrected. In effect, the correction would revert roles and responsibility for controlling occupation of the common marine and coastal area to regional councils. Similarly, the correction would maintain the status quo with regional councils having responsibility for control of extraction of sand, gravel, shell, etc in the common marine and coastal area.

8. HEARING OF SUBMISSION

- 8.1. Council wishes to appear at the Select Committee meeting on this Bill to be heard on this submission.

Yours faithfully

Fenton Wilson
CHAIRMAN

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SUBJECT: DRAFT REGIONAL STORMWATER STRATEGY

REASON FOR REPORT:

1. Council's work plan identifies the need to review stormwater discharge management under the Resource Management Act 1991 (RMA). This paper outlines the contents of a Draft Regional Stormwater Strategy based upon the meetings of the Regional Stormwater Working Group.

Background

2. At its meeting on 22 July 2009 Council decided not to proceed with the notification of the provisions of Regional Resource Management Plan (RRMP) Change 3 and Proposed Regional Coastal Environment Plan (PRCEP) Variation 3. At that time Council endorsed the establishment of a Regional Council/Territorial Local Authority Collaborative Stormwater Working Group of staff, for the purpose of developing an agreed approach to stormwater management in the Region. As the Territorial Local Authorities are the managers of stormwater planning and infrastructure it was considered important to gain agreement on the common principles of stormwater management before notification.
3. The membership of the Working Group included staff representatives from each of the TLAs and HBRC, as well as a cultural representative nominated by the Chair of this Council's Maori Committee. Other stakeholders invited to participate were Fish and Game New Zealand and the Department of Conservation.
4. The Working Group has met three times since its establishment and has now reached a stage where a Draft Regional Stormwater Strategy (Attachment 1) is ready for further input from the Maori Committee. The draft Strategy before the Committee has not yet been finalised by the Working Group. The Working Group will ultimately report to a joint workshop of Councils when the draft Strategy is finalised.
5. The Strategy will provide a non-statutory framework from which to address a range of water quality and quantity and environmental issues in a coordinated, integrated and prioritised manner.

Issues and Objectives

6. The Strategy identifies stormwater discharges as having a number of adverse effects on receiving environments. The effects of stormwater discharges can be classified broadly as quality and/or quantity issues. The overall vision of the Strategy is to relieve pressure on receiving environments by reducing flooding and contamination, improving environments, and building resilient communities.
7. The four objectives included in the Strategy broadly cover Systems, People, the Environment and Asset Management. The overall goal is that stormwater in the Hawke's Bay will be managed by comprehensive, catchment based Stormwater Management Plans that optimise the protection of people, property and culture, and sustain ecosystems while efficiently supporting economic activity.

Key Principles

8. The Key Principles of the strategy are related directly into the Four Wellbeings, being are Social, Cultural, Environmental and Economic Wellbeing. The main Cultural Wellbeings are to establish and maintain partnership with Iwi as Kaitiaki of the Region's land and water; to acknowledge the relationship Maori have with water and water bodies; and to recognise the potential impacts on mauri from stormwater discharges.

Other Documents

9. It is noted that the Heretaunga Plains Urban Development Strategy (HPUDS) contains guidance on stormwater management and the draft Strategy is not inconsistent with the HPUDS. In addition, decisions have been made on the Hastings District Council's stormwater discharge consents for the Hastings Urban Area. A comparison of the Strategy against the decision also confirms that there is consistency.

DECISION MAKING PROCESS:

10. Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that, as this report is for information only and no decision is to be made, the decision making provisions of the Local Government Act 2002 do not apply.

RECOMMENDATION

1. That the Committee receives the report Draft Regional Stormwater Strategy and provides comment to staff on the Draft Strategy.



Esther-Amy Bate
PLANNER



Helen Codlin
GROUP MANAGER STRATEGIC
DEVELOPMENT

Attachment/s

- 1 Draft Regional Stormwater Strategy

Draft Regional Stormwater Strategy

26 October 2010

Introduction & Scope

Introduction

The Stormwater Working Group was established with the following overall project goal:

To Reach Agreement on How Stormwater Should Be Managed in the Hawke's Bay Region.

Its objectives:

- To review the baseline information and status of stormwater systems and receiving environments.
- To develop a common understanding of the outcomes to be achieved as a result of improved stormwater management
- To identify the range of strategies that could be used to manage stormwater to achieve agreed outcomes.
- To consider the impacts of regional growth and development in relation to stormwater management particularly in relation to the Heretaunga Plains Urban Development Strategy.
- To recommend an agreed regional stormwater strategy and present it to a joint workshop of Councils.

Scope of Regional SW Strategy

The Regional Stormwater Strategy is a strategic document for the management of stormwater within the Hawke's Bay Region. The strategy provides a non-statutory framework from which to address a range of water quantity and quality, and environmental issues in a coordinated, integrated and prioritised manner.

Purpose of Regional SW Strategy

1. Coordinate the operations of the Local and Regional Authorities to achieve an integrated approach to the management of stormwater quantity and quality.
2. Communicate a regional approach to key stakeholders to facilitate improved management of stormwater quantity and quality throughout the Region.

Issues

Stormwater discharges impact the receiving environment in two main ways. Firstly they increase the volume and rate of water movement causing scouring of the channel and flooding. Secondly having been mobilised by stormwater runoff, contaminants accumulate within the receiving environment. The result therefore is a gradual decline in the health of the receiving environment. Consequential adverse effects of this decline are social, cultural, economic and environmental.

The following table highlights a number of generic stormwater issues that this strategy seeks to address.

Issue	Explanation
People	Public health and wellbeing Food source and cultural harvesting (watercress, koura and kai moana) Recreation Mauri Potential for re-use for drinking, industrial, commercial, irrigation and amenity enhancement
Loss of Habitat	Reduced riparian vegetation (sedimentation, temperature) Loss of vegetation in catchment affects hydrology (sedimentation, quantity) Stream Connectivity (ecology, migration, increased impermeable surfaces) Altered salinity regimes in marine environments
Contamination of Stormwater	Discharge from onsite wastewater disposal systems Discharges from industrial, commercial and domestic activities Zoning of development Agriculture & Horticultural runoff (fertiliser, pesticides and insecticides) Runoff from industrial and commercial sites Sedimentation Impervious surfaces (car parks, roads and other paved surfaces)
Flooding	Risk to human health and property Risk to human life and other life. Costs of clean up and repair to public and private sector
Erosion and land instability	High sediment release potential Increased stormwater flow Stream bank erosion Risk to established development
Stormwater Management	Must expand to address quantity and quality issues Address source controls (LID)

Vision

In 50 years time:

Less Flooding
Reduced Contamination
Improved Environments
Resilient Communities

- Drought and rain events have increased in severity and frequency. Hawke's Bays communities are resilient against flooding and drought. Stormwater is recognised as a valuable resource.
- Communities in Hawke's Bay have access to numerous resilient and healthy surface water ecosystems. Riparian planting shades abundant in-stream life. Waterways and their margins are valued by the community for recreation and leisure.
- The community values local government as a partner and leader in sustainable, practical and cost effective stormwater management. Regional policy and regulation is highly integrated and responsive to social, cultural, economic and environmental needs.

Objectives

Systems:	Agree that stormwater will be managed taking into account the needs of people and communities, natural and physical resources, amenity values, social and cultural values and asset management.
People:	To ensure that the adverse effects of stormwater on social, cultural, environmental and economic wellbeing is avoided, remedied or mitigated.
Environment:	To ensure that the integrity, functioning, resilience and intrinsic value of freshwater and marine ecosystems is not compromised by the adverse effects of stormwater.
Asset Management:	Provide for the integrated and comprehensive management of stormwater through appropriately maintained assets.

Goal for Stormwater Management

Stormwater in the Hawke's Bay region is managed by comprehensive, catchment based, Stormwater Management Plans that optimise the protection of people, property and culture, sustain ecosystems while efficiently supporting economic activity.

Key Principles

Social Wellbeing

- Recognise that the community has a right to safe enjoyment of contact recreational activities and harvesting of food in freshwater and marine environments.
- Recognise the intrinsic value of natural environments on social wellbeing.

Cultural Wellbeing

- Establish and maintain partnerships with iwi as Kaitiaki of the regions land and water resources.
- Acknowledge the relationship Maori has with water and water bodies and the potential impact on mauri from stormwater discharges.

Environmental Wellbeing

- The retention and restoration of open watercourses should be considered in preference to piping.
- Consider stormwater management as part of total land and water resource management.
- Stormwater discharge shall not compromise the potability of ground water.
- The adverse effects of stormwater on land resources and property, such as flooding or erosion or land slippage are minimised.
- Recognise the benefits of Low Impact Design stormwater solutions.
- Recognise that some receiving environments are more sensitive to stormwater discharges than others.
- Recognise that ecosystems have natural function and intrinsic value.

Economic Wellbeing

- Develop integrated Stormwater Management Plans for stormwater management which includes enhancement of the built environment.
- Consider stormwater as a resource and seek constructive, practical opportunities for reuse.
- Recognise that ecosystem function contributes to economic wellbeing (e.g. water regulation, erosion control, nutrient cycling etc).
- Recognise and plan for stormwater issues in the land use planning process.
- Ensure solutions are practical, adaptive and provide value for the rate payer's money and if possible provide multi value solutions
- Plan for the impacts of Climate Change on stormwater management.
- Maximise inter-council co-operation.

References

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SUBJECT: STATUTORY ADVOCACY UPDATE

REASON FOR REPORT:

1. This paper reports on proposals considered under Council's statutory advocacy project and the Resource Management Act 1991. The period of activity for this report is between 24 August 2010 and 16 November 2010.

Background

2. The proposals on which Council has an opportunity to make comments or lodge a submission include, but are not limited to:
 - 2.1 Notified Resource Consent Applications
 - 2.2 Plan Changes
 - 2.3 Private Plan Change Requests
 - 2.4 Notices of Requirement
 - 2.5 Non-statutory Strategies and Structure Plans.
3. The summary attached includes an actual list and description of the proposals, whether submissions were lodged in support or opposition, and the reasons for lodging a submission. A location map is also attached.

DECISION MAKING PROCESS:

4. Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that, as this report is for information only and no decision is to be made, the decision making provisions of the Local Government Act 2002 do not apply.

RECOMMENDATIONS:

1. That the Maori Committee receives the Statutory Advocacy Update Report.



Gavin Ide
TEAM LEADER POLICY



Helen Codlin
GROUP MANAGER STRATEGIC
DEVELOPMENT

Attachment/s

- 1 Statutory Advocacy Update
- 2 Map

Statutory Advocacy Update

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
7 October 2010	HDC	1	Notice of Requirement The applicant seeks to designate land at 139 Arataki Road for Education purposes. The designation will provide land to construct a Primary School and early childcare facility. The site is currently owned by the Arataki Campground.	Ministry of Education Consultant – OPUS International Consultants	Notified by HDC	15 October 2010 <ul style="list-style-type: none"> Proposal has been assessed. No issues warrant lodging a submission. Detailed site development plans for site layout and configuration yet to be prepared by MOE. Detailed plans to follow if designation approved.
20 September 2010	NCC	2	Resource Consent – Subdivision The applicant proposes to subdivide an area of land currently part of the Snapper Holiday Park for a 2 lot residential subdivision. The address of the property is 10 Gill Road and the legal description is Lot 2 DP 28507.	J.A. & J.S. Coyle Consultant – Wallis Consultants	Notified Restricted Discretionary	15 October 2010 <ul style="list-style-type: none"> Proposal has been assessed. No issues warrant lodging a submission. Resource consent for the discharge of wastewater from proposed lots previously granted.
17 September 2010	NZTA	3	State Highway 2 & State Highway 5 Intersection The purpose of the project is to improve the safety and efficiency of this section of State Highway network.	NZTA Consultant - MWH	Pre-application	15 October 2010 <ul style="list-style-type: none"> Comments received from Operations Group. No preliminary issues of concern from Engineering and Operations sections. Council has no land within the proposed area. Access for maintenance is through Wairoa Road (SH2).
17 September 2010	NCC	4	Resource Consent – Land Use The applicant proposes to establish a Napier Plunket Centre to be located within Lot 6 DP 10462 Recreation Reserve (1983/4071) which forms Onekawa Park in Napier.	Royal NZ Plunket Society Consultant – Eos Design	Notified Discretionary	15 October 2010 <ul style="list-style-type: none"> Proposal has been assessed. No issues warrant lodging a submission. HAIL database records site as location of a historical landfill and that there maybe contamination issues. In lieu of submission, letter sent to NapierCC and applicant advising HAIL classification. NapierCC already has this information. Letter suggested further investigation be undertaken to confirm landfill situation.
17 September 2010	CHBDC	5	Resource Consent – Subdivision The applicant's agent sought information relating to the wastewater requirements for Lot 2 DP 430476 Pt Lot A DEEDS 16 DCDB Document ID: CT M2/629 or 793 SH2 Otane should an application for subdivision be sought.	Consultant - Dagg & Thorn Surveyors	Pre-Application	20 September 2010 <ul style="list-style-type: none"> Land elevation contour information was provided to the consultant by the Engineering section. Policy provided regulatory advice on the RRMP. Applicant yet to lodge formal application.

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
9 September 2010	NCC	6	Resource Consent - Subdivision The applicant seeks to undertake a 2 Lot subdivision to create one (1) 0.178 hectare residential Lot (being proposed Lot 1) and a balance Lot which will be 3.31 hectares (being proposed Lot 2). The address for the subdivision is 45 Rogers Road, Bay View, legal description Lot 4 DP 7344.	Cindy McKinnie Consultant – Consult Plus	Notified Restricted Discretionary	8 October 2010 <ul style="list-style-type: none"> HBRC lodged submission opposing application. Consent should be declined unless the proposed 2 residential lots are fully serviced or sufficient information is provided to show that adverse effects of on-site wastewater discharges (particularly in combination with the proposed soak-pit means of stormwater disposal), will be adequately avoided, remedied or mitigated. Submission stated installation of a reticulated sewage system for the Bay View community to be a sustainable long-term solution for the treatment and disposal of wastewater. Submission also seeks clarification of floor level for flooding risk also requested.
23 August 2010	NCC	7	Resource Consent – Subdivision The application seeks to subdivide 58 McElwee Street, Jervoistown Certificate of Title HBM2/1351 into two separate lots.	Mr B. Joseph Consultant – Consult Plus	Notified Restricted Discretionary	20 September 2010 <ul style="list-style-type: none"> HBRC lodged submission opposing application. Reasons include: <ul style="list-style-type: none"> no provision for stormwater disposal and will likely result in adverse conditions in terms of flood levels and duration of flooding at a local level and the wider Jervoistown community. proposal to increase maximum site coverage from 10% to 25%. Concern that this will also increase adverse conditions in terms of flood levels and duration of flooding. A 2009 report prepared by this Council (<i>Jervoistown Drainage Analysis</i>, Hawke's Bay Regional Council, April 2009) outlines the drainage issues and provides the conclusion that incremental development at Jervoistown will continue to result in reduced drainage standard for the existing houses. A copy of this report was provided to NapierCC shortly after its publication.
12 July 2010	NCC	8	Resource Consent – Land use The application seeks to locate two existing facilities to one building located at 82 Taradale Road, Napier, where an extensive refurbishment and revitalisation project is proposed.	Department of Corrections Consultants – MWH	Limited Notification Discretionary	15 October 2010 <ul style="list-style-type: none"> Applicant further reviewing options prior to hearing. 13 July 2010 <ul style="list-style-type: none"> HBRC lodged submission in opposing application. Decision requested that application be declined unless the bus stop which the applicant proposes to remove is replaced with a new in-set bus stop on Taradale Road, midway between Carnegie Road and Austin Street.

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
24 May 2010	NCC	9	Resource Consent - Subdivision The application seeks to subdivide an area of land currently zoned as main rural on Franklin Road, Bay View into 6 lots and undertake earthworks.	Gerald Howe Consultant – Alan Petersen	Notified Restricted Discretionary	15 October 2010 <ul style="list-style-type: none"> No recent activity. 2 August 2010 <ul style="list-style-type: none"> Policy staff have met with the applicant's consultant. Options and scenarios for wastewater consenting and servicing are under consideration. 14 July 2010 <ul style="list-style-type: none"> Council submitted in opposition to the application seeking that the application be declined unless all of the 6 Lots were fully serviced. 12 June 2010 <ul style="list-style-type: none"> Comment has been sought from the Regulation and Engineering teams. The stormwater solutions for the site are acceptable due to the free draining nature of the soils. The same soil types present an issue with on-site wastewater disposal and insufficient treatment. Coupled with the proximity of the subdivision to the coastal marine environmental it is likely that the Council will submit against the application. Submissions closed 24 June 2010.

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
12 February 2010	HDC	10	<p>Plan Change 50 – Irongate Industrial Zone and Associated Notice of Requirement</p> <p>The change seeks to rezone approximately 78.4 ha of Plains Zone land to Deferred Industrial 2 Zone (Irongate) in and around the Irongate Road and Maraekakaho Road junction. New standards are introduced which facilitate development of dry industries in the Irongate Industrial Area, and a structure plan to stage development.</p> <p>The Notice of Requirement includes an infrastructure corridor, road widening, stormwater attenuation and roundabout to support and enable the Proposed Plan Change.</p>	HDC	Notified by HDC	<p>16 September 2010</p> <ul style="list-style-type: none"> HDC issued decisions on submissions. None of those decisions warrant appeal by HBRC. <p>28 July 2010</p> <ul style="list-style-type: none"> Notice of hearing received. Hearing to be held 10 August. Officer's report supports HBRC submission no further action required at this time. <p>26 March 2010</p> <ul style="list-style-type: none"> Summary of submissions received. No action required. <p>12 March 2010</p> <ul style="list-style-type: none"> Submission lodged supporting application in entirety. <p>16 February 2010</p> <ul style="list-style-type: none"> Comment has been requested from Council's Engineering team regarding the stormwater solutions; and from Environmental Regulation regarding Resource Consents required to undertake the designation.

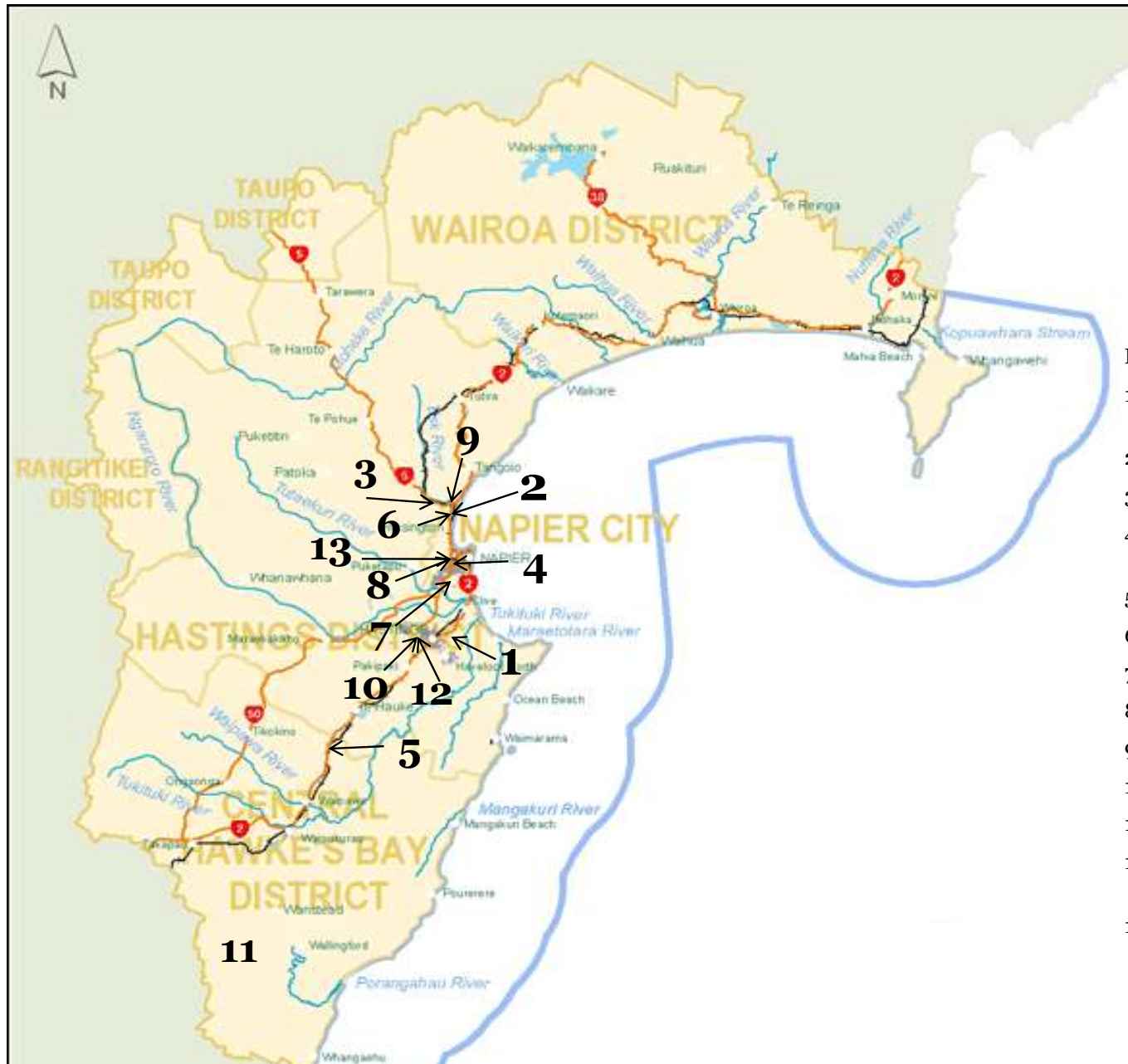
Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
18 January 2010	CHBDC	11	Plan Change 1 – Fault lines This change identifies more accurately the fault lines that Waipukurau, Waipawa and Otane and introduces new rules which reflect the expected level of risk associated with earthquakes.	CHBDC	Notified by CHBDC	15 October 2010 <ul style="list-style-type: none"> Awaiting CHBDC to confirm hearing arrangements. 15 March 2010 <ul style="list-style-type: none"> Further submissions invited. HBRC further submission unnecessary. 16 February 2010 <ul style="list-style-type: none"> Submission lodged in support of the Plan Change. 4 February 2010 <ul style="list-style-type: none"> This Plan Change is a result of work undertaken by Geological Nuclear Science (GNS) to locate and define fault lines in Central Hawke's Bay at the instigation of HBRC and CHBDC. The Study "Earthquake Fault Trace Survey: Central Hawke's Bay District" (GNS Science Consultancy Report 2006/98) has been received and accepted by Council Staff. As HBRC instigated the work it is likely that a submission will be lodged in favour of the Plan Change.

Attachment 1

Item 15

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
26 June 09	HDC	n/a	Plan Change 49 – Rural Zone Subdivision The plan change seeks to amend the rules regarding the creation of lifestyle sites to ensure that the issues associated with applications for multiple lifestyle sites being created at once can be managed more effectively.	HDC	Notified by HDC	27 August 2010 <ul style="list-style-type: none"> Hastings DC issued decisions on submissions. No decisions warrant appeal by HBRC. 3 February 2010 <ul style="list-style-type: none"> Further submissions closed 29/01/10. <ul style="list-style-type: none"> Council spoke with HDC staff no need for further submission as original submission supports PC in its entirety. 7 August 2009 <ul style="list-style-type: none"> Council has submitted in support of PC49 as it considers that the PC will contribute to the sustainable management of the rural zone by restricting the current rate of rural subdivision for residential purposes. 17 July 2009 <ul style="list-style-type: none"> PC 49 under evaluation.
20 January 2009	HDC	12	Proposed Private Plan Change The plan change will seek to rezone land at Elwood Road, Tomoana from Plains to Industrial. The subject land comprises 16.4286 hectares and is legally described as Lot 3 DP 27427 and Lot 1 DP 27890. The site directly adjoins land zoned Industrial 2 known as the Tomoana Industrial Area.	Elwood Road Holdings Consultant - MWH	Pre-Application	3 June 2010 <ul style="list-style-type: none"> Council receives the applicant's stormwater and water proposal for its comments. A meeting between Council and the applicant is scheduled for in late June. 23 March 2009 <ul style="list-style-type: none"> Council provided comments to MWH on stormwater and the historical Tomoana Freezing Works offal disposal sites (pye holes). 20 January 2009 <ul style="list-style-type: none"> MWH request Councils comments on the proposed Plan Change

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
14 March 2008	NCC	13	Plan Change 2 – Business Park Zone The plan change proposes to rezone 30 hectares located immediately north of Prebensen Drive and west of the Hawke's Bay Expressway Legal Description (Lot 114 DP 377350) and backing onto the Southern Marsh, part of the Ahuriri Estuary.	NCC	Notified by NCC	31 May 2010 <ul style="list-style-type: none"> Council's Engineering Team assessed stormwater management plan and found contaminant solution acceptable. Council's concerns would be satisfied by management plan's proposals. NapierCC to confirm hearing arrangements. 30 April 2010 <ul style="list-style-type: none"> Council received stormwater management plan for the business park. 23 April 2010 <ul style="list-style-type: none"> Letter received confirming Council's submission and inviting further submissions. No further submission is lodged. 14 March 2008 <ul style="list-style-type: none"> The Council opposes the Plan Change due to concerns related to the discharge of contaminants from stormwater into the Ahuriri Estuary.



Statutory Advocacy

Period 24 Aug to 16 Nov 2010

1. Notice of Requirement – Ministry of Education
2. Subdivision – Snapper Park
3. SH2 & SH5 Intersection
4. Land Use – Royal NZ Plunket Society
5. Subdivision – Dagg & Thorn
6. Subdivision – Cindy McKinnie
7. Subdivision – Mr B. Joseph
8. Land Use – Dept of Corrections
9. Subdivision – Gerald Howe
10. Plan Change 50 – HDC
11. Plan Change 1 – CHBDC
12. Private Plan Change – Elwood Road Holdings
13. Plan Change 2 - NCC

Item 15

Attachment 2

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 23 November 2010

Item 16

SUBJECT: GENERAL BUSINESS

INTRODUCTION:

This document has been prepared to assist Councillors note the General Business to be discussed as determined.

ITEM	TOPIC	COUNCILLOR / STAFF
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