

# Meeting of the Environment and Services Committee

Date: Wednesday 10 April 2019

**Time:** 11.00am

Venue: Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER

# Agenda

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1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Environment and Services Committee held on 13 February 2019	
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# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# SUBJECT: FOLLOW-UPS FROM PREVIOUS ENVIRONMENT & SERVICES COMMITTEE MEETINGS

#### **Reason for Report**

1. Attachment 1 lists items raised at previous meetings that require follow-ups. All items indicate who is responsible for each, when it is expected to be completed and a brief status comment. Once the items have been completed and reported to the Committee they will be removed from the list.

#### **Decision Making Process**

2. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives and notes the report *Follow-up Items from Previous Environment & Services Committee Meetings*.

Authored by:

Annelie Roets GOVERNANCE ADMINISTRATION ASSISTANT

Approved by:

James Palmer CHIEF EXECUTIVE

# Attachment/s

**<u>1</u>** Followups for April 2019 E&S mtg

#### Follow-ups from Previous Environment & Services Committee Meetings

#### 13 February 2019

[	Follow-up item Follow-up item		Responsible	Status/Comment
	1. Clive River dredging Provide 1993 survey report on sediment in the lower reach of Clive River to committee members C		C Dolley	Due to office refurbishment this will be circulated in April 2019

#### 5 September 2018

	Agenda item	Follow-up item	Responsible	Status/Comment
2.	Forestry Slash Management	Staff to develop a proposal for HBRC to host a conference on forestry management and harvesting issues	E Lambert	This proposal has not been developed yet.

Item 4

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: CALL FOR MINOR ITEMS OF BUSINESS NOT ON THE AGENDA

#### **Reason for Report**

1. Hawke's Bay Regional Council Standing order 9.13 allows

"A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision making."

#### Recommendations

That the Environment and Services Committee accepts the following "Minor Items of Business Not on the Agenda" for discussion as Item 16:

Торіс	Raised by

Leeanne Hooper PRINCIPAL ADVISOR GOVERNANCE James Palmer CHIEF EXECUTIVE

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: FUTURE FARMING INITIATIVE UPDATE

#### **Reason for Report**

1. This report updates the committee on the Future Farming Initiative (FFI), its key milestones to date and to end of financial year.

#### Background

- 2. The Future Farming Initiative was created as an outcome of the Council's consultation on the 2018-28 Long Term Plan.
- 3. The widespread support for the establishment of an independent farmer and grower led initiative to lead on-farm research and innovation focused on identifying practical, profitable and achievable options for farmers to improve environmental outcomes on their farms while maintaining and enhancing productivity.
- 4. An Establishment Working Group (EWG) has been convened to establish the programme itself and the permanent governance and operational structure of the FFI.
- 5. The following are members of the EWG.
  - 5.1. Peter Kay, Scott Lawson, Patrick Crawshaw, Phyllis Tichinin, Barrie Ridler, Brent Paterson, John Macphee, Tim Aitken, Muarray Cammock and Lochie MacGillivray.
  - 5.2. Facilitated by the following HBRC representatives: Councillor Tom Belford (Chair), Councillor Fenton Wilson, Tom Skerman, Karina Campbell, Iain Maxwell and Brendan Powell.
- 6. Four meetings have taken place so far and the following have been established and agreed (see attached).
  - 6.1. Terms of Reference for the Establishment Working Group
  - 6.2. Problem / Mission Statement
  - 6.3. Scope of Activities (for the permanent entity)
  - 6.4. Timeline and Outcomes from October 2018 to June 2019
- 7. An inventory of aligned initiatives and possible partnership opportunities is currently underway with a full report due in May. The objective of this study is to identify and briefly report on the nationwide initiatives and activities that are specifically focused on the future direction of NZ's primary sector, plus note any significant planned or potential future initiatives.
- 8. Investigation is currently underway to determine the business model most suitable for the permanent entity for the Future Farming Initiative. Simpson Grierson (who worked with Biodiversity to establish their entities) are providing the legal advice.
- 9. Rural Directions have been contracted to draw up the appropriate process and scope for nominations and roles for the permanent entity which will be reviewed at the next meeting in May.

#### **Decision Making Process**

10. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

# Recommendation

That the Environment and Services Committee receives and notes the "Future Farming Initiative Update" staff report.

# Authored by:

Karina Campbell SENIOR PROJECT MANAGER

Approved by:

Tom Skerman GROUP MANAGER STRATEGIC PLANNING

#### Attachment/s

- **<u>U</u>1** HBFFI EWG Terms of Reference Confirmed 16th October 2018
- **<u>U</u>2** Finalised Problem and Mission Statement
- **<u>J</u>3** Finalised Scope of activities
- **<u>4</u>** Timeline to end Jun 2019

# Hawke's Bay Future Farming Establishment Working Group Terms of Reference

# 1. Purpose

The purpose of this document is to describe and update the Context, Role and Operating Procedures for the HB Future Farming Initiative (HBFFI) Establishment Working Group (EWG)

The Future Farming Initiative was created as an outcome of Council's consultation on the 2018-28 Long Term Plan. The widespread support for the establishment of an independent farmer and grower led initiative to lead on-farm research and innovation focused on identifying practical, profitable and achievable options for farmers to improve environmental outcomes on their farms while maintaining and enhancing productivity.

The EWG has been convened to establish both the programme itself and the permanent governance and operational structure of the HBFFI within 12 to 18 months.

The EWG therefore should not be seen as a technical advisory group to HBRC. In establishing the EWG Council recognises that, collectively, the primary sector community is best placed to inform and direct the evolution of the HBFFI. HBRC is committed to providing the EWG with a significant degree of latitude and autonomy to undertake its role, subject of course to HBRC's ultimate duties, jurisdiction and oversight for the use of public funds.

# 2. Future Farming

As consumer relationships with food continues to rapidly evolve the region's primary sector is being challenged by the community and consumers alike to reassess the impact their production systems are having on the environment. These social and market forces are underpinned by a stronger freshwater management regulatory framework that is continuing to evolve as public interest in the management of their natural resources grows and so will require land managers to reach for new solutions to address these issues.

It is the aspiration of the Future Farming Initiative to help farmers find those solutions and ensure they are persistently presented with the best available and relevant options for navigating this changing environment. In short, it is our ambition for Hawke's Bay to shine a light on its existing and emerging expertise and thereby create a self-funded and independent hub of knowledge, research, education and opportunity for profitable and resilient farming that can deliver benefits to the health of the region's environment, communities and farmers.

# 3. Key Drivers

Land use	Area (ha)
Deer	14,417
Orchard, Vineyard or Other Perennial Crop	16,134
Forest - Harvested	16,944
Short-rotation Cropland	17,790

HB Future Farming EWG Terms of Reference October 2018

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25,340
62,527
139,589
608,092
900,833

- Discussion of Scope aim to identify FFI's "sweet spot" locally and nationally, avoiding replication of other initiatives and identifying national work streams that are complimentary e.g. work on low emissions farming.
- Finding workable solutions that can be implemented in the short term, medium term and long term rather than lofty goals or aspirations that can never be met.
- Focus towards HBRC aligned outcomes: Better soil management, freshwater quality etc. rather than competing methodologies in other words, everything is on the table provided it leads HB towards the outcomes consistent with what will be demanded of 'future farms'.

# 4. Role of the EWG

The EWG is tasked with steering the Future Farming Initiative on its journey to be a self-sustaining, nationally recognised, centre of excellence for future-proofed farming operations. It is anticipated that the EWG will operate for 6-8 months as the HBFFI transitions to a permanent entity that will execute and deliver on the EWG's strategic plan. In this the EWG will be required to:

- 1. Confirm the mission and vision for HBFFI.
- 2. Establish a 3 year Strategic Plan, work programme and Terms of Reference to transition the permanent entity from inception to independence.
- 3. Identify and establish the preferred entity for ongoing success of HBFFI.
- Identify opportunities to align with work either already carried out regionally/nationally or in progress, and identify gaps for new initiatives for this project. Avoid duplication/replication of work.
- 5. Establish a broad network of partnerships and connections to support, inform and work with HBFFI, in particular Primary Sector CRI's, Beef and Lamb NZ, Dairy NZ, HortNZ, Federated Farmers and pertinent academic researchers.
- 6. Identify and engage with local 'champions' considered by their peers to be exemplars and innovators in their respective sectors.
- 7. Nominate additional members of the EWG and nominate and agree on selections for the permanent governance group note that nothing precludes members of the EWG being nominated for the permanent governance group.
- In collaboration with HBRC staff, identify and commission priority research, including analysis of alternative farm systems under a '6 Capitals' framework – Financial, Manufacturing, Intellectual, Social & Relationship, Human and Natural.
- 9. Resource and promote national and international thought leadership to showcase the issues and opportunities driving the farms of the future.
- 10. With the support of HBRC staff identify EWG work programmes, timelines and budgets for HBRC reporting and accountability purposes.
- 11. Development of an EOI and full business case for a Provincial Growth Fund application, Sustainable Farming Fund application etc.

HB Future Farming EWG Terms of Reference October 2018

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# 5. Membership and relationships

All members of the EWG have been invited by HBRC as representatives from a range of sectors and viewpoints and as such are expected to convey ideas and perspectives from their wider networks. However, the views expressed by members will be assumed to be their own until such time as they have been formally endorsed by their wider networks.

The EWG may adopt measures and processes to ensure that local iwi/hapū, community and primary sector groups are informed and have opportunity for input and provide comment on the work of the EWG. This includes the establishment, as necessary, of working groups or communication strategies that provide regular updates about EWG outputs and provide opportunities for stakeholder feedback.

Some important points to remember about being a EWG member:

- A meeting allowance (honorarium) will be available for those who are not paid representatives for a particular interest.
- Members are expected to make every effort to attend all meetings. Between sessions, members will be expected to interact with their wider networks to obtain feedback on the matters under discussion.
- Members must be willing to participate cooperatively for the "greater good" of sustainable resource management in the region.
- This means that members must commit to open, honest, constructive, robust and collaborative deliberations. To this end, we will follow the Chatham House Rule. This means that participants are free to discuss aspects of the process with other parties (excluding debating issues through media channels, see point below) but shall not attribute speakers or their affiliations to discussed options or opinions.
- EWG meetings are not open to the public; however Meeting Records and the list of participants will be made public.
- Members agree to refrain from debating issues through public media channels and to keep the debate within the EWG.
- Any public statement about discussions or decisions by the group must be agreed by the group and made through an agreed spokesperson. This also applies to researchers, council staff and others who attend the meetings in support of the EWG.
- The group will strive to make decisions by consensus.

Notwithstanding HBRC's delegated authorities to the EWG, HBRC (acting reasonably) shall retain authority to issue directions to the EWG, particularly in respect of the expenditure of the EWG on the Council's behalf.

It is expected that Councillors Belford and Wilson will participate actively as HBRC-designated representatives on the EWG. Other HBRC Councillors may attend EWG meetings as observers with speaking rights. The EWG will regularly update HBRC about its work either directly through the Chairperson or through staff acting on the Chairperson's authority.

# Item 7

# 6. Funding and Resourcing.

HBRC has allocated \$650,000 over three years to resource and support the transition of the HBFFI from inception to independence. HBRC staff recommend the following financial policies and delegated Authorities.

Expenditure Item	Sum	Delegated Approval
EWG member (excluding	\$100 per	HBRC Group Manager Strategic
Councillors and HBRC staff)	meeting	Planning
regular meeting attendance		
expenses		
Extraordinary FWG member	\$50 per	HBBC Group Manager Strategic
meeting expenses (where	meeting	Planning
appropriate)	meeting	- I control g
Individual Expenditure items,	\$1,000	Chairperson
collectively not exceeding		
\$3,000 in any month		
Look to the Life on the second terms of the second	<u> </u>	
Individual Expenditure items	\$2,000	2 HBRC Councillors acting Jointly
collectively not exceeding		
\$10,000 in any single month		

# 7. Role of Chair

Until members of the EWG decide otherwise, Councillor Belford will serve as Chairperson of the EWG. The Chairperson shall:

- Ensure a fair and equitable group process
- Foster an atmosphere of respect, open-mindedness and group learning
- Design an enjoyable and productive process to enable the group to achieve its task
- Facilitate input from all members of the group, so that every voice is heard
- Provide guidance on collaborative deliberation techniques, including constructive ways to voice disagreements and negotiate potential conflicts
- Manage discussion and decision making processes in a way that assists with meeting the objectives for each meeting within the agreed timeframes and according to agreed protocols.

# 8. Work Programme

The EWG will establish a Work Programme with agreed timeframes required to deliver the outcomes specified. The Work Programme will be regularly reviewed and progress reported to HBRC.

Ideally we will commence with setting the strategic and organisational direction which will then affirm the other key pillars for this project.

HB Future Farming EWG Terms of Reference October 2018

Pillar 1 – Setting the Strategic and Organisational Direction – near and longer term goals and the ultimate organisational structure for advancing them.

Pillar 2 – Identifying expectations to be met from a 'future-proofing' perspective – from consumers/markets, regulators, technology disruptors.

Pillar 3 – Identifying exemplar farming/growing practices and practitioners in HB – exploiting regional talent and accomplishment to the fullest.

Pillar 4 – Identifying and engaging with pertinent external work streams & programmes of potential relevance to HB.

Pillar 5 – Identify and implement best practices for Educating toward Excellence.

# 9. Contact details

# **Councillors**

Tom Belford 027 307 0315 email tom@baybuzz.co.nz

Fenton Wilson 027 4984 483 email Fenton.wilson@hbrc.govt.nz

#### HBRC staff

Tom Skerman, Group Manager Strategic Planning, ph. 06-833 804, 021 769970, email tom@hbrc.govt.nz

Iain Maxwell, Group Manager Integrated Catchment Management, ph. 06-833 8011, 021 2746977, email <u>iain@hbrc.govt.nz</u>

Karina Campbell, Senior Project Manager, ph. 06-835 9209, 027 2246139, email <u>karina.campbell@hbrc.govt.nz</u>

# Appendix 1: Meeting Schedule EWG

MEETING	Date
Meeting 1	16 October 2018
Meeting 2	28 <sup>th</sup> November 2018
Meeting 3	13 <sup>th</sup> February 2019
Meeting 4	26 <sup>th</sup> March 2019
Meeting 5	7 <sup>th</sup> May 2019
Meeting 6	

HB Future Farming EWG Terms of Reference October 2018

#### FINALISED PROBLEM/MISSION STATEMENT FOR FFI

#### Problem

Society today is challenging the environmental cost and impact of producing food. Public concerns include the degradation and loss of our soil and water resources, food safety and soil nutrition, animal welfare and agriculture's contribution to climate change.

A failure to respond to these issues at scale will guarantee a loss of confidence in NZ's food sector by both the community at large and individual consumers, leading to increased regulatory intervention and consumers migrating to alternative food producers and products.

Farming needs to address these public concerns while also contending with on farm production, compliance and cost issues that impact on business viability.

#### Response

Food producers will respond, we believe, by embracing practises or systems that lower food's environmental footprint, and in fact restore soil health, landscape function and water quality, while improving on-farm resilience, productivity and profitability.

The Future Farming Initiative aims to help farmers find those solutions and ensure they are persistently presented with the best available and relevant options for navigating this changing and more demanding environment.

#### Mission

Our ambition is to make Hawke's Bay's farming the pride of our entire community. To shine a light on our region's existing and emerging expertise and create a local hub of knowledge, research, education and opportunity for profitable and resilient farming that ensures the health of the region's soil and water, communities and farmers into the future.

Ongoing success will be indicated by measurable improvement in farm performance (environmentally and financially), enthusiastic acceptance of our food products by domestic and overseas consumers, and the pride our community demonstrates for its farming sector.

#### Finalised Scope of activities for FFI

- 1. Know the relevant working environment
  - 1.1 Identify similar projects/initiatives and, if appropriate adapt from and/or partner with them.
  - 1.2 Monitor literature for pertinent research, case studies, innovation, demonstrations
  - 1.3 Monitor disruptive trends, technologies, consumer expectations.
- 2. Generate Hawke's Bay hands-on knowledge focused on innovation
  - 2.1 Sponsor on-farm demonstration/pilot projects, including outcome measurement.
  - 2.2 From focused interventions (e.g., improving soil biology) to optimal integrated farming systems.
- 3. Spread knowledge: Continuously improve farm practices by developing tools, tactics and incentives for effective outreach and education
  - 3.1 Identify, publicly recognize and promote Hawke's Bay best practices, practitioners and champions
  - 3.2 Identify and promote non-Hawke's Bay/New Zealand practices with potential upside relevance to Hawke's Bay
  - 3.3 Encourage/support sub-catchment farmer/grower-led initiatives
  - 3.4 Liaison with Hawke's Bay Regional Council Integrated Catchment Management programme/teams.
  - 3.5 Conduct education and extension activities for all farming sectors.
- Establish ambitious goals for superior performance by the primary sector (i.e., what do we want Hawke's Bay's best performance to look like in the future?)
  - 4.1 Soil Health
  - 4.2 Clean Waters
  - 4.3 Food Quality
  - 4.4 Animal Welfare
  - 4.5 Biosecurity
  - 4.6 Profitability
- 5. Build a regional brand/celebrated identity around superior Hawke's Bay agricultural performance and proud, resilient rural communities.
- Advise Hawkes Bay Regional Council on policy, funding and regulatory matters relevant to the FFI mission.
- 7. Seek external funding to accomplish/expand these activities from:
  - 7.1 Local and central Government
  - 7.2 Industry/sector groups
  - 7.3 Service users
  - 7.4 Philanthropies.

Item 7

# Future Farming Initiative - Establishment Working Group





# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: BIODIVERSITY HAWKE'S BAY UPDATE AND PRESENTATION

#### **Reason for Report**

- 1. This report aims to inform the Committee of progress implementing the Hawke's Bay Biodiversity Strategy 2015-2050. A community-based Implementation Planning group, with the support of HBRC, developed the Hawke's Bay Biodiversity Action Plan 2017-2020, resulting in establishment of the Hawke's Bay Biodiversity Foundation and the Biodiversity Guardians of Hawke's Bay to lead and nurture this work. Each has a separate and complementary function, and together they form the umbrella group known as Biodiversity Hawke's Bay (BioHB). BioHB has two primary working goals:
  - 1.1. Sustain, protect and restore the indigenous species of the region and their ecological communities, as well as the ecosystem services they provide
  - 1.2. Win the hearts and minds of the people of Hawke's Bay by actively engaging them with a thriving natural environment that supports their well-being and underpins a sustainable economic future for the region.
- 2. Our initiative is based on the belief that a healthy natural environment, rich in indigenous biodiversity, is the foundation for a healthy, wealthy future for Hawke's Bay.
- 3. A paper was presented to the Environment and Services Committee in September 2018 outlining this work and progress to date. This report updates the September report and our planned activities for 2019 and beyond.

#### Background

#### The Hawke's Bay Biodiversity Foundation

- 4. The Hawke's Bay Biodiversity Foundation will enable the Strategy through raising and securing funds needed to rapidly grow the level of biodiversity related activities in our region.
- 5. Since September the Foundation has:
  - 5.1. Developed a Corporate Sponsorship model which they rolled out at an event at Mission Estate on 9 October 2018; attended by over 100 people, keynote speakers included Minister of Conservation Eugenie Sage, Stuart Ainslie (CEO Hawke's Bay Airport), and Paul Atkins (CEO Zealandia, Wellington). All spoke about the benefits of businesses supporting biodiversity work.
  - 5.2. Welcomed three exceptional new trustees to the Foundation Board, including Dr Christine Cheyne (expert in sustainability at the local government level, local transport, former Conservation Board member), Mr Mark Ericksen (Hawke's Bay orchardist) and Dr James Buwalda (Chair, NZ Biological Heritage National Science Challenge, Co-Chair of the Biosecurity 2025 Steering Group). All three bring special and diverse dimensions to the Board.
  - 5.3. Established working groups to explore how to work more closely with councils, the rural community and the business sector.
  - 5.4. Approved the first four projects to receive funding from their Community Biodiversity Fund, based on recommendations by the Guardians Management Committee. The funds allocated were contributed by DOC Napier and through Guardians memberships.

#### The Biodiversity Guardians of Hawke's Bay

- 6. The Biodiversity Guardians of Hawke's Bay acts as Kaitiaki for the Vision and Goals of the Strategy and is an Incorporated Society which anyone and everyone can join.
- 7. Since September the Guardians have:
  - 7.1. Held their first AGM where they elected Connie Norgate (Chair), Marie Taylor (Deputy Chair), Kay Griffiths (Treasurer), Amelia McQueen, Keiko Hashiba, Mark Mitchell, Troy Duncan, Stephanie Murphy, Ngaio Tiuka and Nathan Burkepile. Connie has since moved on and Marie Taylor is currently Acting Chair.
  - 7.2. Submitted their first Annual Report to the Charities Registrar.
  - 7.3. Hosted their first Forum event, Bio Buzz at Aramoana in Central Hawke's Bay on the 28 October 2018. This event, was the closing event of the Central Hawke's Bay Spring Fling and was well supported by the Central Hawke's Bay District Council, who promoted the event, the Aramoana Environmental & Education Charitable Trust, who donated lunch, and the Hawke's Bay Regional Council, who put on a free bus from Napier. 70 adults and 15 children attended the event which showcased a range of local restoration projects and featured speakers from Enviroschools and the local farming community.
  - 7.4. Grown their membership from 80 members (at the time of September 2018 report) to 120 members (currently).
  - 7.5. Continued to work on delivering the Actions from the Action Plan.

#### Corporate Investment

8. Mr Sam Jackman has been employed by HBRC to develop a Corporate Investment programme for Biodiversity HB. Sam led a strategic workshop in December to explore a long-term operational plan. He has worked closely with Hawke's Bay Airport who have now agreed an MOU as sole Platinum Sponsor for the Hawke's Bay Biodiversity Foundation for the next 5 years. The Airport will provide around \$450,000 in a commercial package over the 5-year period, including public relations and annual contributions to operations and the Endowment Fund.

#### Building profile, growing our community, connecting nationally

- 9. Biodiversity Hawke's Bay are actively engaged in a range of activities to build profile and grow the conservation community. Activities undertaken since September include:
  - 9.1. Speaking at National conferences including the ECO conference and the National Wetland Symposium
  - 9.2. Speaking with community groups including ABB Electrical as part of their Environment & Sustainable responsibility week, Environment Centre Hawke's Bay as part of the Sustainable Backyards programme, and at an Inter-Faith prayer week event on environment, conservation and biodiversity
  - 9.3. Participating in the Hawke's Bay show 17 -19 October 2018
  - 9.4. As Keynote Speaker at a Greater Wellington Regional Council hosted workshop to explore how the Wellington region could implement a biodiversity model similar to Biodiversity HB
  - 9.5. Participating in a Taranaki based workshop with project managers from across New Zealand exploring how regional environmental charities can share resources
  - 9.6. Hosting a World Wetlands Day event on 2 February 2019 in partnership with DOC and NZ Landcare Trust. This was held at the Kaweka Lakes and was attended by 70 people.
- 10. All of these were opportunities for Hawke's Bay Biodiversity to educate the public, build brand profile and grow membership.

#### Requests for Tangible Support in 2019

- 11. A central goal for the Foundation in 2019 is to grow our partnership with each of our 18 Accountable Partners. These organisations committed to tangible support for the Biodiversity Strategy and achievement of its goals. The Foundation has now presented to Hastings District Council and will make similar presentations to other Accord Partners in the coming months. Specifically from our Accord partners we are seeking:
  - 11.1. An annual contribution to the Biodiversity Endowment. The immediate goal is a fund of \$10 million. Once that target is achieved, the proceeds from the fund will support in perpetuity activities that help restore and secure the future for biodiversity in Hawke's Bay. The Endowment will not replace the Business as Usual activities of the Council and other partners, but will bring "additionality" to their work to ensure maximum benefit to biodiversity. The Endowment is a long-term investment in the people of Hawke's Bay that aims to ensure that the benefits of sustainable biodiversity support a better life for all people of the region.
  - 11.2. An annual contribution to operating costs of Biodiversity Hawke's Bay. Our work requires staff for administration, communication, developing business and community partnerships, fund raising, and other activities. These staff are critical to achieving the goals of the Strategy.
  - 11.3. On-the-ground biodiversity projects. We seek partnerships to undertake a range of specific local initiatives. Visible, committed partnerships are essential to our success.

#### Biodiversity Action Plan 2017-2020: Priority Actions

12. The Biodiversity Action Plan identifies a range of activities to be delivered over the next three years to advance the goals of the Biodiversity Strategy. The table below summarises the progress on six priority actions in the Action Plan since September 2018.

Update on Actions				
<ul> <li>Objective 1: Native Species and Habitats</li> <li>Ecosystem mapping and Ecological Prioritisation</li> </ul>	<ul> <li>Ecosystem mapping has been completed for the HB region.</li> <li>The first 100 (out of 900) terrestrial sites have been selected for piloting 'management prescription development', which is a process and template to develop management plans and estimate costs.</li> <li>Work has begun on 5 of those sites led by the HBRC Biodiversity team</li> <li>Additional sites have been identified as suitable to be submitted to external grant agencies (DOC and Lotteries) to try and secure funding to protect, enhance and restore those sites.</li> </ul>			
<ul> <li>Objective 2: Integrating Māori Values</li> <li>Development of a cultural framework and survey of taonga sites</li> </ul>	<ul> <li>DOC Napier have made available \$10,000 to support this work; the Foundation now hold this money.</li> <li>Des Ratima (Trustee of the Foundation) and Ngaio Tuika (Guardian Management Committee) are leading this piece of work.</li> <li>The Foundation will develop a Statement of Intent to integrate cultural elements throughout their work.</li> </ul>			
<ul> <li>Objective 3: Partnerships</li> <li>Establish HB Biodiversity Guardians and Foundation</li> <li>Develop Statutory agencies biodiversity working group to cover and co-ordinate policy and operational best practice</li> </ul>	<ul> <li>Both HB Biodiversity Guardians and the Foundation are now legal entities and are continuing to develop their structures, policies and procedures.</li> <li>Building the brand, growing membership and corporate investment in 2019 is a key priority.</li> <li>The first Statutory Agencies Working Group will be held in late April/early May.</li> </ul>			

# Update on Actions

<ul> <li>Objective 4: Community</li> <li>Establish a HB Biodiversity Forum</li> <li>Develop a process for proactive approached to private landowners</li> <li>Inaugural Forum Event was hosted at Aramoana on 28 October as part of the Central Hawke's Bay Spring Flin The 2019 Forum will be hosted by Wairoa in October</li> <li>Biodiversity HB hosted a World Wetlands Day on 2 Feb which was well received</li> <li>Biodiversity HB will host an evening event on the 22 May which is International Biological Diversity Day (and one yes since the Action Plan was launched)</li> <li>Marie Taylor (Acting Chair the Guardians) and Mike Hallio (Trustee of the Foundation) are leading work to better integrate private land owners into the regional biodiversity context</li> </ul>	al Forum Event was hosted at Aramoana on ber as part of the Central Hawke's Bay Spring Fling 9 Forum will be hosted by Wairoa in October sity HB hosted a World Wetlands Day on 2 Feb as well received resity HB will host an evening event on the 22 May International Biological Diversity Day (and one year e Action Plan was launched) aylor (Acting Chair the Guardians) and Mike Halliday of the Foundation) are leading work to better e private land owners into the regional biodiversity
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#### **Decision Making Process**

13. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives the "Biodiversity Hawke's Bay" report.

Authored by:

Genevieve Bennett PROJECT MANAGER HB BIODIVERSITY STRATEGY

Approved by:

Iain Maxwell GROUP MANAGER INTEGRATED CATCHMENT MANAGEMENT

# Attachment/s

There are no attachments for this report.

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

#### Subject: ECOSYSTEM PRIORITISATION

#### **Reason for Report**

1. To provide the Environment and Services (E&S) Committee with an update on programme of work led by Biosecurity/Biodiversity Team using Terrestrial Ecosystem mapping and Ecosystem Prioritisation.

#### Background

- 2. As per the New Zealand Biodiversity Strategy 2000-2020, some 1000 native animal, plant and fungi species are under threat. The warning of the State of New Zealand's Environment report in 1997 that indigenous biodiversity decline is our "most pervasive environmental issue" is even more valid today.
- 3. Ecosystem-based site prioritisation is a step forward in addressing biodiversity decline. It is a critical first step to achieving the Hawke's Bay Biodiversity Strategy objectives and outcomes of sustaining, protecting, and improving the full representation of native species and habitats. It is intended that the Ecosystem Prioritisation will form part of the conversation and decision making by groups and organisations across Hawke's Bay.
- 4. Potential Ecosystem mapping and Ecosystem Prioritisation, two cornerstone works to inform the Hawke's Bay Biodiversity Strategy and HB Biodiversity Action Plan 2017-2020, were completed and reported to the E&S Committee on 21 February 2018.
- 5. This exercise has identified 900 priority terrestrial ecosystem system sites based on their representation (ecosystem types) and other ecological characteristics.
- 6. The Ecosystem Prioritisation framework and its outputs is one of the key information layers for the Biosecurity/Biodiversity Team's (the Team) strategic directions.
- 7. Ecosystem Prioritisation framework has also become an integral part of integrated catchment management. Some of the Ecosystem Prioritisation sites that are identified in catchments of interest under the Erosion Control Scheme have been recognised as part of the solution to address issues such as soil/wind erosion and water quality.
- 8. The Biodiversity bid for the LTP 2018-28 includes \$200,000 per annum to fund operations on the ground for protection or restoration work on identified sites. Operating expenditure of \$40,000 for outcome monitoring is dedicated to sites that are prioritised through this process.

#### Process to date

- 9. The team's focus for the immediate future is to secure the most threatened sites from extinction. This will primarily involve deer fencing, pest plant and animal control and possibly some enhancement planting.
- 10. The team has developed a process for identification of candidate sites and funding allocation. We also developed a management prescription template which enables the Team to identify key management actions and estimated costs over 5 years.
- 11. To date, the team has selected 13 Ecosystem Prioritisation sites, using the following criteria.
  - 11.1. Regional threat status e.g. acutely threatened, chronically threatened
  - 11.2. National Representation is Hawke's Bay the national stronghold?
  - 11.3. National threat status where known e.g. acutely threatened, chronically threatened
  - 11.4. Imminent threat of extinction e.g. hectares remaining in the region

- 11.5. Activity hotspot what other activities are being undertaken at the site
- 11.6. Covenants/land tenure e.g. QEII or equivalent covenant, public land
- 11.7. Investment ready e.g. willing land owners, political environment
- 11.8. Knowledge base of site e.g. condition, topography, current threats
- 11.9. Long-term commitments to the site and associated cost e.g. pest control.
- 12. Works include fencing and/or weed control at six wetlands, six bush remnants and one estuary.

#### Partnerships to date

- 13. The team has partnered with QEII, NZ Landcare Trust, Forest & Bird, HBRC Catchment Management, Hot Spots, Open Spaces, Engineering, Forestry sector, Hastings District Council, Napier City Council, Biodiversity Hawke's Bay, and NZ Native Forest Restoration Trust. This partnership has resulted in an additional \$140,000 going towards protecting and enhancing ecosystem prioritisation sites.
- 14. The team is also actively exploring external funding such as the Billion Trees Programme, DOC Community Conservation Fund and Lotteries in partnership with Biodiversity Hawke's Bay.
- 15. The formation of these partnerships has resulted in more sites being actively managed than what would have been achievable if sticking within current resource allocation.

#### **Decision Making Process**

16. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives and notes the "*Ecosystem Prioritisation*" staff report.

#### Authored by:

Keiko Hashiba TERRESTRIAL ECOLOGIST

Mark Mitchell TEAM LEADER/PRINCIPAL ADVISOR, BIOSECURITY/BIODIVERSITY

Approved by:

Iain Maxwell GROUP MANAGER INTEGRATED CATCHMENT MANAGEMENT

# Attachment/s

There are no attachments for this report.

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: TAIAO MAHINGA KAI PROTECTION

#### **Reason for Report**

- 1. To provide a summary of the fish kill incident that occurred on 14 February 2019 and summarize the impact of the incident in terms of the community involvement and ongoing investigations
- 2. Describe the measures being put in place to ensure there is no re-occurrence of this incident.

#### Background

- 3. De-silting works on the Dartmoor open waterway were carried out between the 13-15 February. The Works Group followed the standard "dig and cart" practice for performing the works. This involves excavating and immediately loading silt onto a truck for transport to a designated waste disposal site.
- 4. On average de-silting is carried out once every 7-10 years on a given waterway to maintain the performance of the scheme.
- 5. The "dig and cart" methodology is typically used in constrained environments such as the open waterway running parallel with the road in this instance.
- 6. During operations the waterway was not inspected for presence of eels, nor was the material inspected once loaded on to the back of the carting truck. The material was transported to site and offloaded. The material was then observed on 14 February by a member of the public who found a number of dead eels situated within the waste material.
- 7. The location of the maintenance activity is shown below:



#### Way Forward

8. All "dig and dump" and "dig and cart" maintenance activities on wet drains have ceased, until we have a new standard operating procedure (SOP) in place.

- 9. Emergency works required due to weed blockages or other unplanned events will continue with a heightened focus on environmental performance.
- 10. Two meetings have been held with mana whenua and hapū to discuss the way forward.
- 11. A Ministry of Primary Industries investigation is currently underway and we have been cooperating with the investigation team.
- 12. A task team has been created to draft a new standard operating procedure, with a deadline of end of May 2019 to complete a first draft for discussion. This team will consist of specialists from the Regional Assets team, Works Group, Environmental Science team, Catchment Services, mana whenua and hapū representation. An invitation has been extended to Napier City Council and Hastings District Council operational representatives.
- 13. The development of the SOP will commence with a desktop review of New Zealand and international practices to arrive at a best practice document.
- 14. The review is an opportunity to appropriately recognise biodiversity and cultural values of all open waterways.
- 15. Our key overarching environmental documentation will be updated accordingly, including our Environmental Code of Practice to incorporate the new SOP.
- 16. Budget impacts of the new SOP will be assessed through the work of the task team.
- 17. Once the SOP is drafted, all Scheme and Works Group staff will undergo training to ensure they are aware of the new SOP, the reasons why and how they should incorporate it into day to day practice.
- 18. A more comprehensive training package informing staff of all aspects of the Environmental Code of Practice for River Control and Waterway Works 2017 and Ecological Management and Enhancement Plans will be undertaken in 2019.

#### **Decision Making Process**

19. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives and notes the "Taiao Mahinga Kai Protection" staff report.

Authored by:

David Carruth MANAGER REGIONAL ASSETS Antony Rewcastle TEAM LEADER SCHEMES

Approved by:

Chris Dolley GROUP MANAGER ASSET MANAGEMENT

# Attachment/s

There are no attachments for this report.

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: PRESENTATION OF THE OUTDOOR BURNING TOOL

#### **Reason for Report**

1. This report presents the development of an online tool that aims to guide orchardists on whether meteorological conditions are appropriate for undertaking outdoor burning in the Napier and Hastings airsheds during winter.

#### Background

- 2. On occasions in winter, smoke particulates reach levels that exceed the National Environmental Standards for PM<sub>10</sub>. The Hawke's Bay Regional Council (HBRC) has set rules around domestic burners to help reduce smoke emissions. Additionally, outdoor burning in the Napier and Hastings airsheds is not permitted in winter, except on horticultural land for the purpose of orchard redevelopment and removal of diseased material.
- 3. Rule 19e of the HBRC Air Plan specifies that outdoor burning on horticultural land must not take place in low wind speeds (less than 3 m/s) and in wind directions that cause smoke to move over urban areas. The Hawke's Bay Fruitgrowers' Association (HBFA) and HBRC together developed an outdoor burning good practice guide, which includes the wind conditions of Rule 19e and also recommends not burning when a temperature inversion is present.
- 4. Outdoor burning produces a highly visible plume and HBRC often receives complaints from members of the public about it. In an effort to avoid complaints and prosecution of industry members for burning in unsuitable conditions, the HBFA asked HBRC to help its members decide when the appropriate meteorological conditions are met. A tool has been developed for that purpose and is intended for trial this winter.

# The Outdoor Burning Tool

- 5. The online tool packages real time weather information from climate sites belonging to HBRC in a format that identifies temperature inversions, communicates air quality, maps the airsheds and provides wind speed and direction information for properties where the activity is undertaken. It also has an historic component, providing a timeline of conditions on previous days to allow landowners to review conditions during the activity and for HBRC to review information displayed by the tool in the event of complaints.
- 6. A prototype of the tool has been developed using the open source statistical software R and more specifically the R Markdown flexdashboard package. It is currently hosted on a public server. The HBRC climate and air quality data are pulled into the tool via the HBRC Hilltop Server public web service. The temperature difference between a low-level and elevated site is used to signal the presence of temperature inversions.
- 7. A basic plume model depicts for the user whether the smoke cloud resulting from the burning activity may move towards the urban airsheds. The tool presents a burning status based on whether atmospheric stability and wind speed fit the criteria for burning as set out in the HBFA Good Practice Guide.
- 8. During the development of the tool, HBRC has sought feedback from HBFA members and has aimed to incorporate suggestions in the tool design. This includes having the tool automatically pick up the user's location and provide a downloadable report of the outdoor burning status. HBRC encourages ongoing feedback as the tool is trialed in autumn and winter.
- 9. A demonstration of the tool will be presented.

#### **Decision Making Process**

10. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives the "Outdoor Burning Tool" staff presentation and report.

#### Authored by:

Dr Kathleen Kozyniak PRINCIPAL SCIENTIST (AIR)

Approved by:

Iain Maxwell GROUP MANAGER INTEGRATED CATCHMENT MANAGEMENT

#### Attachment/s

There are no attachments for this report.

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: CONSENTED DISCHARGES TO THE MARINE ENVIRONMENT

#### **Reason for Report**

1. This item provides a summary of the resource consents that are being exercised to discharge wastewater into the coastal environment.

#### Background

- 2. There are a number of resource consents that provide for the discharge of waste water into the coastal environment.
- 3. The principal waste water discharges are the Napier, Hastings and Wairoa municipal wastewater discharges and the PanPac timber and pulp mill discharge.
- 4. Other discharges do occur into the coastal environment these include Napier stormwater.
- 5. The activities are generally operating within compliance of their resource consents with the exception of Wairoa. The failings of the Napier and PanPac outfalls is that there are leaks in their pipes before the diffusers.

Summary	of	consents	
			_

	NCC	HDC	WDC	PanPac
Resource Consent No	AUTH- CD090514W	AUTH- CD130214W	AUTH-107264-01 CD940404W	AUTH-122270-01 CD160286W
Resource consent issued	6/12/2012	25/06/2014	23/08/1999	10/02/2017
Expiry	16/12/2037	31/05/2049	31/05/2019	31/12/2017
Review	Comprehensive review (31 Dec 2025) Actual and potential effects of the existing wastewater discharge; Changes to environmental standards and statutory requirements; Technological innovations; Community expectations; and Community affordability.	Trends, technology, discharge environmental monitoring review report 9 yearly. (1 <sup>st</sup> due 2023)	Nil	Nil But a 10 yearly review has been incorporated into the agreed conditions being referred to the Environment Court.

	NCC	HDC	WDC	PanPac
Treatment	milli-screen for industrial milli-screen, settling pond, BTF rakahore channel for domestic	milli-screen, settling pond, BTF rakahore channel	Cominutor (shredder), aeration lagoon, oxidation pond	Primary treatment (DAF), two stage biological treatment (moving bed biological reactors), activated sludge and clarification.
Max Rate	1,400L/s	2,800 L/s	100 – 200 L/s	
Volumes	32,000m³/d	52,070m³/day 75%ile	5,400 m³/day	15,000m³/day
Outfall	1500m offshore	2750m offshore	150m from estuary shoreline	2400m offshore
Tangata whenua liaison	Kaitiaki Liaison Group	HDC to establish, and retain, a Council Committee, half of the members of which shall be Tangata Whenua representatives to develop and review wastewater treatment and disposal processes	Nil	Mana Whenua Kaitiaki Liaison Group
Conditions	37	37	17	32
Benthic survey	5 yearly	9 yearly	Nil	10 yearly (proposed)
Compliance	Fully compliant 2017-18. Except for a minor leak detected at 700m.	Fully complaint 2017-18.	Significant non- compliance with the conditions 2018-19.	Fully compliant except for leak from pipe at the shoreline.

# **Napier City Council**

- 6. The NCC has discharged wastewater at this location since 1973 when a new outfall and comminutor station (to cut up solids) was built. The milli-screening plant was commissioned in 1991. The biological trickling filter plants were commissioned in 2014.
- 7. The industrial and domestic waste streams are mostly separated. The industrial stream made up 24% of the waste stream and the domestic and non-separable industrial stream made up the balance at the time of application (2009). Currently the Pandora industrial area is being conveyed and treated as part of the domestic waste stream due to blockages within the industrial pipe servicing this area. The industrial stream is screened at source (5mm screen) then at the Awatoto site (1mm). The domestic stream and non-separable industrial waste water is milli-screened to 1 mm, sand and grit less than 1 mm is settled via a grit removal facility and then the waste is treated via two biological trickling filter plants (BTF). The treated domestic and non-separable industrial stream effluent is channelled through a rock (Rakahore) channel to provide contact with the earth before being combined with the industrial stream and discharged.
- 8. Air is extracted from the BTF and other components of the waste water treatment process and is discharged via a bio filter.

- 9. The waste water is discharged to the ocean via an outfall structure that extends approximately 1.5 km off shore in 11 metres of water. A diffuser with 52 ports was installed in 1972. This has been modified with 20 cm risers and new ports added to replace blocked or failing ports. The structure and its ongoing maintenance is a permitted activity as is the occupation of the CMA by the structure.
- 10. The resource consent allows a discharge of an annual average volume of 32,000m<sup>3</sup>/day and a maximum discharge rate of 1400 litres/second. An initial dilution of 100:1 is anticipated when the wastewater plume reaches the sea surface. A mixing zone of 300m from the diffuser is provided. There is reported to be no detectable toxicity after dilution of 200:1.
- 11. The diffuser is to be inspected in order to ensure it is maintained in good condition. Continuous monitoring is required of the waste water stream to record the rate of discharge. Monitoring samples of 31 analytes are to be taken of the wastewater stream before the discharge, quarterly. Sediment samples are to be taken from the seabed at specified locations twice a year. Samples are to be taken of the seawater at specified distances from the diffuser, quarterly. A benthic survey is to be carried out five yearly. A quantitative microbial risk assessment (QMRA) of the risk to shell fish at Town Reef was required and was done in 2016. All monitoring is to be included in a report and the results analysed.

#### Compliance

- 12. Compliance status for the 2015-16 and 2016-17 years was non-compliant. Monitoring was not complete and there were exceedances of the BOD limits. The 2017-18 monitoring report records the activity as compliant. The one action required was that NCC "ensure the buoys and signage required by condition 29 is installed and maintained". There was however a reported leak from the outfall away from the diffuser. This leak could not be repaired and continues. It has been described as a thumb sized hole and smaller than a diffuser port. Monitoring has been occurring to pick up any effect of this discharge.
- 13. Discussions will be required to determine how this leak is to be repaired or accommodated. There is a need to follow up on the findings of the QMRA. NCC is currently carrying out a study of mussels to examine whether they are being contaminated from the outfall. These have been set around the diffuser and a locations further away including off the Town Reef. The results of this study will be reported when completed.

# Hastings District Council

- 14. The HDC (and its predecessors) have discharged wastewater to the ocean at this location since 1938. The initial outfall was a short one. The longer offshore outfall was constructed in 1980. "Clean" fruit and vegetable processing waste continued to be discharge via the short outfall until 1992. The milli-screening plant was commissioned in 1994. The BTF plants were installed in 2009 and were covered in 2011. The diffuser was replaced in 2017.
- 15. The industrial and domestic waste streams are separated to an extent. The industrial stream made up 50% of the waste stream (and 80% of the solids) and the domestic and non-separable industrial stream made up the balance at the time of the resource consent application (2013). The industrial stream is treated on site at individual premises to comply with the Trade Waste Bylaw, then passed through a 1 mm screen at the Clive site and then combined with the domestic and non-separable stream. The domestic and non-separable industry stream is screened through a 3 mm screen at the Clive site, then treated via two biological trickling filter plants (BTF) and then passed through a rock passage (Rakahore passage) before joining the industrial wastewater stream. The combined stream is passed through a grit removal unit and then discharged.
- 16. The waste water is discharged to the ocean via an outfall structure that extends approximately 2.75 km off shore. There is a 300m long diffuser with 100 ports 52 of

which were open at the time of the application in 2013 to achieve 100:1 dilution at the surface. The diffuser was replaced in 2015.

- 17. The resource consent provides for a 52,070m<sup>3</sup>/day 75%ile wastewater flow rate and a maximum discharge rate of 2,800 litres/second. An initial dilution of 100:1 is anticipated when the wastewater plume reaches the sea surface. A mixing zone of 750m from the centre point of the diffuser is provided. The diffuser is to be inspected at least annually in order to ensure it is maintained in good condition.
- 18. Continuous monitoring is required of the waste water stream to record the rate of discharge. Monitoring samples of 28 analytes are to be taken of the wastewater stream before the discharge, quarterly. Samples to test toxicity of the final combined wastewater to at least three marine species are to be undertaken quarterly. Sediment samples are to be taken from the seabed at specified locations twice a year. Samples are to be taken quarterly of the seawater at specified distances from the diffuser, and analysed for faecal coliform and enterococci. A benthic survey is to be carried out at the 8<sup>th</sup>, 17<sup>th</sup> and 26<sup>th</sup> year following the date of issue of the resource consent. Signs are to be placed on bouys marking the diffuser reading "Shellfish unfit for human consumption". All monitoring is to be included in a report and the results analysed annually.
- 19. Explanation for the conditions proposed and adopted at the time of consenting included the following.
  - 19.1. "The inclusion in the recommended conditions of consent of end of pipe standards for heavy metal concentrations in the proposed discharge will provide a 95% level of protection for species (ANZECC 2000). This ensures that the proposed discharge will ensure that the life supporting capacity of water in the coastal marine area is safeguarded." OR pg 16
  - 19.2. "The suggested toxicity condition (attachment 2 to be provided on the day of the meeting) has been prepared in conjunction with Mr Chris Hickey, a leading toxicology expert from NIWA, and has been discussed with the HBRC. The suggested toxicity condition provides for an adaptive management approach to monitoring toxicity with series of escalating actions required if monitoring results deem it necessary." HDC TW wastewater joint committee pg 5

#### Compliance

- 20. Compliance reports for the past three reporting years 2015-16, 2016-17, 2017-18 have reported full compliance with the conditions.
- 21. HDC in their resource consent application (pg Fig 3) refer to continuing with and further implementing various HDC asset management policies and strategies including for example a policy to encourage beneficial reuse of treated waste water and HDC's water conservation and demand management strategy and infiltration and inflow management.
- 22. HDC sought and obtained a 35 year consent. In requesting this they indicated that they would be undertaking a comprehensive review every 9 years. The intention is to assess growth/changes in wastewater and contaminant loadings and predictions, changes in environmental procedures and identification of any new treatment technologies, operating procedures and opportunities for beneficial use of (treated) wastewater and other matters. The aim is to ensure appropriate enhancements in terms of a Best Practicable Option (BPO) are made to the Scheme throughput the duration of the consent.

#### Wairoa District Council

- 23. The WDC constructed the Wairoa wastewater treatment plant in 1980. Prior to that the towns' raw sewage was discharged into the Wairoa River.
- 24. Sewage is collected by gravity and then pumped at various stages by four pumping stations to a final pumping station where it is shredded before being pumped to the treatment plant. The effluent passes through an aeration lagoon then an oxidation

pond. The waste stream is discharged via a diffuser into the Wairoa River estuary close to the river mouth. The diffuser sits about 3.5 m below water level.

- 25. The resource consent was issued in 1999 and expires on 31 May 2019. An application has been lodged to replace this resource consent. It was lodged six months in advance to allow the existing activity to have s124 rights. This allows the activity to continue as conditioned beyond the expiry date while the new application is being processed until the decision is final.
- 26. The resource consent provides for a discharge of 5,400 m<sup>3</sup>/day of wastewater. Discharge rate is reported to be between 100 L/s and 200 L/s depending on the water level in the oxidation pond. The discharge is to occur on the ebb tide and between the hours of 6pm and 6am (night time falling tide). If the mouth closes, discharge is to cease unless storage has been or is likely to be exceeded. (HBRC is responsible for opening the mouth.)
- 27. Continuous monitoring is required of the waste water stream to record the times and rate of discharge. Monitoring samples of 7 analytes are to be taken of the wastewater stream before the discharge, monthly. Standards are set for COD, total ammonia and suspended solids.

#### Compliance

- 28. The compliance report for 2018 2019 records significant non-compliance with the conditions. Reasons include an unconsented discharge from an overflow pipe into the Wairoa River; discharges outside the tidal times; exceedances of COD and TSS limits and failure to carry out follow up sampling and investigations.
- 29. As mentioned WDC are in the process of applying for a replacement consent. An application was lodged for the discharge from the overflow pipe prior to the replacement consent application and this has been integrated into the current application. Other aspects of non-compliance will be reviewed as part of the consent replacement process. WDC has been directed to establish a process to ensure follow up reporting monitoring in the event of monitored non-compliance with the standards set.

#### PanPac

- 30. PanPac discharge effluent from processes associated with the manufacture of wood pulp, lumber, and an associated landfill. The activity was established in 1973. The process, the waste stream and the discharge distance offshore has been modified since then.
- 31. The resource consent (CD160286W) for this activity was issued by the Environment Court in February 2017. The consent was originally processed as a change of condition to allow extension of the outfall pipe in order to allow mixing of the waste stream over a longer diffuser and at greater depth to avoid any conspicuous change in colour beyond the mixing zone. The resource consent expired in December 2017 and PanPac is continuing to operate under this consent (via s124) while a replacement consent is being processed via direct referral to the Environment Court. The Court is sitting on the 8 April to hear this.
- 32. The resource consent provides for a discharge of 15,000 m³/day of treated wastewater. The diffuser is required to achieve 1:500 dilution at the mixing zone limit of 150m. Conditions are set to limit PH, temperature, suspended solids, enterococci. Continuous monitoring is required of the waste water stream to record the daily discharge volumes, PH, temperature, suspended solids. The diffuser is to be inspected monthly. Toxicity testing is required 6 monthly, COD and BOD is to be sampled fortnightly. Mussel monitoring study required. Mana Whenua Kaitiaki Liaison Group to be established (unless mana whenua do not wish to be involved).
- 33. The conditions described above will be replaced by the new resource consent conditions proposed to the Environment Court. Many of these will continue and some new conditions are proposed. These include a 10 yearly review of the developing technologies available for treating this waste stream and consideration of adopting these. Also an Environmental Trust is proposed which will provide funding towards

cultural and environmental projects relevant to the tangata whenua and to the area adjacent to the outfall.

# Compliance

34. PanPac has been compliant with its resource consent conditions over the past year except for the failure of the outfall pipe. The pipe has developed a crack at the land sea edge and is leaking treated wastewater at this point. PanPac is in the process of repairing this. In previous years prior to extending the outfall structure PanPac was non-compliant with the condition to avoid conspicuous change in water colour. This has now been rectified.

### **Decision Making Process**

35. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

# Recommendation

That the Environment and Services Committee receives and notes the "Consented Discharges to the Marine Environment" staff report.

Authored by:

Malcolm Miller MANAGER CONSENTS Wayne Wright MANAGER COMPLIANCE

Approved by:

Liz Lambert GROUP MANAGER REGULATION

# Attachment/s

There are no attachments for this report.

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: UPDATE ON THE PAN PAC PIPELINE

#### Purpose of Item

1. This item provides an update on activities undertaken to fix the broken Whirinaki pipeline and the situation as it stands currently. It is current as at 2 April 2019 and any changes following this date will be verbally advised at the meeting.

#### Background

- 2. On or about 16 September 2018, the outfall pipe from the Pan Pac Mill developed a leak within 100m from shore.
- 3. The leak was discovered quickly by members of the public, through a detected change in colour of the sea, and confirmed by HBRC and Pan Pac staff.
- 4. Immediate steps were taken to locate the exact location of the leak and to determine the size of the breach.
- 5. Pan Pac undertook two attempts to repair the leak, over a period of weeks. This involved uncovering the pipe from beneath the seabed and attempting to seal the leak externally. Ultimately both attempts were unsuccessful and severely hampered by sea and weather conditions that made access and work very difficult.
- 6. Pan Pac then undertook an internal inspection of the pipe and engaged overseas professionals to provide a final repair solution. That solution was to install an internal sleeve that would seal the leak and strengthen the length of pipe to where it was applied.
- 7. Initially the repair was forecast to be completed by mid-February but complications arose through damage being done to the exterior of the pipe during underwater retention work that is required before the interior repair can be executed. Additional engineering and weather challenges have caused delays that have been unavoidable.
- 8. Council was verbally advised on 27 March 2019 that work was estimated to be completed by end of March, weather permitting. That date has now been amended. Since the last update to HBRC Pan Pac have completed a further CTV inspection that verified that they are dealing with corrosion perforations along a two metres long section of the pipeline, and an internal, steel protrusion located approximately one metre inshore of the corroded area of pipe.
- 9. Weather permitting, on Wednesday 3 April water, sand and debris will be flushed from the pipe from the onshore access point using water jetting equipment. Fibreglass patches will then be applied across the corrosion damage. Attempts will be made to remove the protrusion using a robotic cutter before a patch is applied to that area as well. If the protrusion cannot be removed the patch will still be applied over it to protect the subsequent liner.
- 10. In conjunction with the fibreglass patch solution, a Swiss-made liner will be installed the following week to further provide a secondary protection layer to prevent leakage. The liner will be drawn through the pipe from the offshore end and secured in place, covering both patches.
- 11. We are assured that Pan Pac are treating the matter with urgency and they are keeping HBRC informed of their progress. HBRC is comfortable with the reasons for the delays in repair and accept the importance of the repairs being of a sufficient standard and robustness to prevent further leakages before the pipe line is replaced.

12. Pan Pac has almost completed a full planning assessment to replace the old section of pipe [the old section was where the leak was] and have indicated to HBRC that they will be replacing the old pipe in the very near future.

#### **Decision Making Process**

13. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives and notes the *"Update on the Pan Pac Pipeline"* staff report.

Authored by:

Malcolm Miller MANAGER CONSENTS Wayne Wright MANAGER COMPLIANCE

Approved by:

Liz Lambert GROUP MANAGER REGULATION

#### Attachment/s

There are no attachments for this report.

# **ENVIRONMENT AND SERVICES COMMITTEE**

# Wednesday 10 April 2019

#### Subject: APRIL 2019 HOTSPOTS UPDATE

#### Reason for Report

1. To provide an update on the Freshwater Improvement Fund and Hotspots environmental projects.

#### Tūtira Pine Harvest Update

- 2. Project vision: The Tūtira Pine Forest is harvested in a manner that minimises environmental and cultural impacts while maintaining financial return. Project Manager: Ben Douglas.
- 3. **Objective One:** Forest access roads will be established to allow harvest of Tūtira Regional Park pines
- 4. <u>Braesomar access road</u>: Construction of the second and final stage of forest access road through property owned by Braesomar Trust is expected to be complete by the end of April. It is approximately three weeks behind schedule due to wet weather in November and December reducing time available to carry out earthworks.
- 5. Sediment loss has been minimised by reinstating topsoil and regrassing as road construction has progressed, benching batters greater than 5m in height, installing greater than the required number of culverts and water cutouts to restrict water velocity, installing culvert socks over road fill.
- 6. Sediment that has been lost has been retained by sediment retention dams and silt fences.
- 7. There are two bridges crossings required to complete this access road, which cross the Papakiri and Kahakanui Streams respectively.
- 8. The first bridge on the Papakiri stream been identified as an ideal site to locate a hydrological monitoring platform. Engineering are currently modelling the impact of the proposed monitoring platform design and the bridge on flood capacity as part of the consenting process. Once that is done we will progress to detailed design which will take one month to complete.
- Hydrological analysis and modelling work to set the height of the bridge over the Kahakanui Stream is underway and scheduled for completion on the 26 April 2019. Once completed structural and geotechnical design consultants will be engaged to complete the design.
- 10. Access to north of forest: Four options for the second forest access road have been generated. The confirmed route will be decided on the criteria of visual impact, sediment generation, impacts on native forest and cost. The decision will be made following discussion with the company awarded the contract to manage harvest of the forest. Construction of the road will be included in their contract.
- 11. **Objective Two:** A post-harvest replanting plan is created that best provides for the various identified values of the Tūtira Regional Park:
- 12. The post-harvest replanting plan has been put on hold pending the completion of a Tūtira Regional Park FEMP being carried out under the Te Waiū o Tūtira Project. A recommendation for replanting will then be presented alongside other recommended actions arising from the FEMP, to provide recommendation for most appropriate landuse options for the Park as a whole rather than the pine forest in isolation.
- 13. **Project budget update:** All costs of road and bridge construction will be repaid as log sales proceed on harvest of the forest.

14. The total cost of forest access is estimated at \$1,000,000 comprising: \$250,000 spent in Year One for tarsealed State Highway access way, 1300m of road, 2600m of laneway fencing and two cattlestops, and \$750,000 anticipated spending in Year Two (the current year) on a further 2600m of road and associated cattlestops and fencing, and the design and construction of the two bridges. Net returns from harvest are estimated at \$2,000,000.

# Freshwater Improvement Fund (FIF) Project: Lake Tūtira (Te Waiū o Tūtira, The Milk of Tūtira), HBRC partnership with Maungaharuru-Tangitū Trust, 2018-2022.

- 15. Project Vision: To restore the mauri of Lakes Tūtira, Waikōpiro, and Orakai, making place that families can happily return to, and where children can swim". By empowering and aligning community, implementing well-researched actions now, the goal of restoring the mauri of Lakes Tūtira and Waikōpiro, making them swimmable by 2020, is achievable and realistic.
- 16. Project Budget 2018-2022: The total project cost is \$3.35m. The total expenditure for Year 1 totalled \$213,242.58. Year 2 budget estimated is \$1,132,735.37.
- 17. Project Manager, Te Kaha Hawaikirangi, has left Hawke's Bay Regional Council and recruitment for the role is now occurring in partnership with Maungaharuru Tangitu Trust (MTT). It is expected the role will be filled by the end of April 2019.
- 18. **Objective One:** Iwi/hapū, Māori landowners, farmers, community and local authorities are aligned in their vision for Tūtira through establishment of an Integrated Catchment Management Plan (ICMP) and Farm Environmental Management Plans (FEMP).
- 19. <u>Integrated Catchment Management Plan</u>: The integrated catchment management plan for the Lake Tūtira catchment is nearing completion and will be available in draft for the Lake Tūtira Governance Group to review ahead of the May 2019 meeting. The Governance Group will also need to make a decision on the process and timeframe for socialising the draft ICMP with the community. Notwithstanding the extent of changes required to the draft, the ICMP could be endorsed by the Governance Group by the end of the financial year.
- 20. <u>Farm Environmental Management Plans</u>: There are 22 landowners targeted for environment plans in Tutira. To date discussions have been had with seven landowners, and we have completed four FEMPs. We prioritised our efforts in developing the environmental plans on properties bordering the lakes and have carried out environmental assessments over 924 hectares. Nutrient budgets have been provided for two properties where benefits were thought to be likely.
- 21. There is a good buy in from landowners, and opportunities have arose from the plans as a result of a greater understanding of environmental issues on their property and the potential availability of financial assistance.
- 22. The farmers with environmental plans are now developing actions from their plans. Actions range from slope stability planting using both exotic and native plants, riparian planting and wetland development. The project funding will be used to assist this work and where possible we are supporting farmers in seeking Te Uru Rakau One Billion Trees fund and our own Erosion Control Scheme funds. Works will occur over winter straddling the two financial years. Fencing will occur now (2018/2019) and planting will largely occur across the two FYs in June/July.
- 23. **Objective Two**: Maungaharuru-Tangitū Trust (MTT) will develop and establish a cultural monitoring programme (CMP) and will support the water quality education program in Tūtira.
- 24. <u>Cultural Monitoring Programme update</u>: Due to internal resourcing restraints MTT are looking at third party options to complete the Cultural Monitoring Programme.
- 25. **Objective Three**: The Papakiri Stream will be reconnected to Lake Tūtira, and an outlet will be created by 2021 at the southern end of the lake complex, to provide longitudinal flow and fish passage, improving the mauri of the lake.

- 26. <u>Papakiri Stream reconnection</u>: On-going engagement with the chairperson of the Tūtira B7 & B19 Land Blocks. At our last hui we discussed the budget and draft designs for the re-connection of the Papakiri stream. The Chairperson confirmed the Trust would call a meeting to determine whether they would support the proposed re-connection.
- 27. <u>Monitoring Platform</u>: Engineering are currently modelling the impact of the proposed monitoring platform design on flood capacity as part of the consenting process. Once that is done we will progress to detailed design and would hope to begin construction within one month of completing the design
- 28. <u>Southern Outlet</u>: An Environmental Effects Assessment (EEA) is being done internally and is due to be completed by the 30 June 2019, which will focus on potential effects to the lake ecosystems involved, as well as streams and fish populations. NIWA are also being contracted to ensure there will be no risk of Hydrilla spreading due to a proposed southern outlet.
- 29. **Objective Four:** Sediment mitigations will be established at critical source areas within the Kahikanui and Te Whatu-Whewhe sub-catchments, reducing sediment entering the lake system.
- 30. The previous sediment plan needed revision following an onsite review with various stakeholders and an internal peer review of the proposals. A consultant has been engaged to complete a revised sediment plan by the 26 April 2019.
- 31. **Objective Five**: An aeration curtain is installed in Lake Tūtira, improving the water quality to a swimmable level.
- 32. The air curtain experiment trial in Waikopiro is still not providing a clear answer. Oxygen levels and algae levels are relatively good at the moment, and no fish kills were observed this year despite very warm water.
- 33. Cyanobacterial blooms have been experienced in Waikopiro this season despite the air curtain operating quite well (physically). When the air curtain was off, the cyanobacterial blooms were far worse, which suggests the air curtain helps suppress the worst of the blooms.
- 34. Waikopiro, however, has had its worst cyanobacterial blooms in the season immediately before and since the air curtain went in. Dissolved phosphorus levels have been comparatively high in the lake since the oxygen crash in January 2018, and there is some evidence that water quality has been deteriorating since grass carp were introduced and the aquatic vegetation has reduced in cover.
- 35. These complexities confound our ability to make a clear assessment of the performance of the air curtain. By contrast, Tutira has had two seasons without bad blooms while the air curtain trial has been operating. Cyanobacteria counts have never breached the recreational water quality guidelines for the last two seasons (i.e. it has been 'safe to swim'), and summer trout fishing has yielded fish in excellent condition.
- 36. There is, however, no oxygen in Tutira below about 10m of depth at the moment. Tutira has periods with and without algal blooms, and so it is difficult to say what next year will bring. A science slide show will be given to outline some of these complexities.

# Hot Spot: Te Whanganui-ā-Orotu (Ahuriri Estuary)

- 37. Results of the aerial survey of the Ahuriri Estuary undertaken in December have been received, analysis is to take place. Results will allow us to estimate the volume of invasive tubeworm in the estuary and inform ongoing removal efforts. It will also let us know the success of our progress.
- 38. Contracting an external engineer to create the Wharerangi Stream stabilisation plan will take place in March, slightly later that initially anticipated. The Wharerangi stream is one of the largest tributaries to enter the Ahuriri estuary, the stream banks are highly erodible and a key source of sediment into the Ahuriri estuary. The purpose of this plan is to assess the lower stem of the stream in particular and provide mitigation/actions to prevent further erosion of the stream banks and reduce sediment loss.

- 39. Andrew has continued engagement with the landowners and has commitment from more farmers to do Hot Spot work. Where appropriate farmers are being supported in seeking 1 Billion Tree funding. Fencing has now started.
- 40. The Ahuriri SOURCE model development to identify water pathways and contaminant transfer mechanisms to support management of nutrients and bacteria is being reviewed by HBRC.

# Freshwater Improvement Fund (FIF) project: Whakakī Lake (Sunshine, wetlands and bees will revitalize the taonga of Whakakī).

- 41. <u>FIF application update</u>: The FIF project team continue to work with landowners and have received more signed Affected Party forms. The consenting process has started. More landowners have been identified as being 'affected'. On 14 March 2019, HBRC Consents team issued 'Limited Notifications' to 14 landowners. Submissions are due by 15 April. We are now waiting to see if landowners lodge any submissions. MfE provided HBRC with a 12 month extension to submit their FIF application, which ends 30 April 2019.
- 42. <u>Update Hot Spot Whakakī FY18/19</u>: On the ground activities are being delivered according to our plans. The construction of a new fence (1 km) along the Paatangata / Rahui channel will start early April.

#### Hot Spot: Lake Whatuma

- 43. Our long term objective is to partner with tangata whenua, and other key stakeholders, for the long term restoration and management of Lake Whatuma. We want to help create a foundation that will provide a platform for establishing a shared vision and collaborative decision making, to pursue potential actions for enhancing Lake Whatuma.
- 44. Currently there is no clear path to achieve this, but an opportunity currently exists in acquiring land to make the long term objective potentially realizable.
- 45. Discussions with representatives of a syndicate of owners of the majority of the lake and separately with tangata whenua have taken place over several months. This has been to clarify opportunities around lake ownership, expectations around a sale price and potential conditions of sale.
- 46. If these discussions are successful we would be in a strong position to consider a long term project in partnership with tangata whenua and the community for the lake and would be bringing back to Council a detailed proposal in support of this.

#### Hot Spot: Marine

#### Subtidal Habitat Investigations

47. Contracting is underway for mapping of the Clive Hard area. Once contracts have been finalised, mapping is expected to occur before June 30.

#### Sediment Characteristics and Behaviour

48. Work is continuing on mapping sediment characteristics in Hawke Bay, and measuring the levels of silt and clay that enter the Bay during storm events.

#### **Decision Making Process**

49. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives and notes the "April 2019 Hotspots Update" staff report.

#### Authored by:

Nicolas Caviale-Delzescaux LAND MANAGEMENT OFFICER -EXTENSIVE HILL COUNTRY

Dean Evans CATCHMENT MANAGER TUKITUKI/SOUTHERN COASTS

Jolene Townshend PROJECT MANAGER, RESOURCE MANAGEMENT

Approved by:

Iain Maxwell GROUP MANAGER INTEGRATED CATCHMENT MANAGEMENT

# Attachment/s

There are no attachments for this report.

Ben Douglas FOREST MANAGEMENT ADVISOR

Anna Madarasz-Smith TEAM LEADER/PRINCIPAL SCIENTIST MARINE AND COAST

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: NGARURORO WATER CONSERVATION ORDER UPDATE

#### **Reason for Report**

- 1. This report provides a brief update on proceedings regarding the application for a Water Conservation Order (WCO) for the Ngaruroro and Clive Rivers.
- Stage 2 of the hearing ran from 26 February to 8 March 2019. The Special Tribunal has adjourned the hearing until the Applicant provides their closing submissions. The Regional Council is a submitter in these proceedings and it seems timely to provide Committee members with an update on that hearing and next steps in the WCO application process.

#### Background

- The joint application has been made by New Zealand Fish & Game Council, Hawkes Bay Fish & Game Council, Operation Pātiki Ngāti Hori ki Kohupātiki, Royal Forest & Bird Protection Society, Whitewater NZ Incorporated and Jetboating New Zealand (the Applicants).
- 4. The Applicants seek a WCO to protect the entire length of the Ngaruroro River, the tributaries and connected groundwater, and the 7km long Clive River. Their application stated that the rivers have certain outstanding values including:
  - 4.1. significance in accordance with tikanga Māori
  - 4.2. cultural and spiritual purposes
  - 4.3. habitat for rainbow trout
  - 4.4. rainbow trout fishery
  - 4.5. angling, amenity and recreation
  - 4.6. habitat for avifauna
  - 4.7. habitat for native fish
  - 4.8. whitewater kayaking and rafting amenity and recreation
  - 4.9. jetboating amenity and recreation
  - 4.10. wild, scenic and natural characteristics
  - 4.11. scientific and ecological values.
- 5. The Regional Council is a submitter in these proceedings. It is not the decision-maker nor administrator of the proceedings. The Regional Council opposes the application on the grounds that outstanding values do not exist on a nationally comparable basis, and to the extent that outstanding values exist, a WCO is not necessary for the protection of those values.
- 6. MFE has contracted the Environmental Protection Authority to manage the application process and support the Minister-appointed Special Tribunal set up to consider and report on the WCO application. For many of the documents and materials filed in the proceedings, refer to the EPA's webpage (<u>https://www.epa.govt.nz/publicconsultations/in-progress/water-conservation-order-ngaruroro-and-clive-rivers/</u>).
- 7. The table below provides an overview of key milestones to date.

Date	Milestone
2015	Application filed with Minister for the Environment

Date	Milestone		
2016	RPC recommend Council write to the Minister.		
February 2017	The Minister appoints a Special Tribunal to consider the application.		
August 2017	Council decide to oppose the WCO.		
October 2017	The Tribunal split the hearings into two stages, upper and lower, and deliver one decision after both hearings have been completed.		
14 November 2017 – 6 December 2017	Stage 1 of the hearing is held, focussing on the Upper Ngaruroro, which for the purposes of these hearings is considered to be the mainstem and all tributaries above Whanawhana Cableway. The Regional Council provides evidence and legal submissions in opposition of the WCO application.		
June 2018	The Tribunal decide further public notification was required due to new scientific evidence regarding the extent of hydraulic connections throughout the Ngaruroro and Clive Rivers.		
26 February 2019 – 8 March 2019	Stage 2 of the hearing is held, focussing on the Lower Ngaruroro (below Whanawhana Cableway for the purposes of these hearings) and the Clive River.		
	The Regional Council provides evidence and legal submissions in opposition of the WCO application.		
	The hearing is adjourned until the Applicants provide closing submissions on 29 March 2019.		
29 March 2019	Applicants written closing submissions due.		

# Stage 2 Hearing

- 8. The hearing for the lower reaches of the Ngaruroro River and the Clive River took place over 26 February to 8 March 2019. The Tribunal also went on a site visit on 4 March 2019.
- 9. The Regional Council provided evidence opposing the WCO application, covering a range of subject areas as outlined in the table below.

Date	Name	Subject	
28 February Dr Jeffery Smith		Hydrology	
	James Palmer	General summary of HBRC stance	
1 March	Phil Maw (WynnWilliams)	Opening and legal submissions	
	Andrew Hicks	Water quality, indigenous fish	
	Thomas Wilding	Indigenous fish habitat	
	John Craig	Native bird values	
	lan Jowett	Hydrology	
	Philip Mitchell	Planning	
5 March	Adam Forbes	Ecology, beach raking practices	

- 10. Other submitters in opposition of a WCO for the lower Ngaruroro River and Clive River were mainly from associations, businesses and individuals representing the region's growers and farmers.
- 11. Some submitters provided a range of views, including the Hastings District Council and Napier City Council who made a joint legal submission.
- 12. The Hawke's Bay District Health Board and the Department of Conservation submitted in support of the WCO.

13. All the evidence provided and submissions made to the Tribunal can be viewed on the EPA website.

#### Important developments

- 14. As a result of evidence provided by opposing submitters, the Applicant's decided that they would not seek protection of water quality as an outstanding value in of itself for the Lower Ngaruroro.
- 15. Some submitters, including the Regional Council, were asked to suggest an appropriate point for delineation between the Upper and Lower in the final Order. The Regional Council recommended that the appropriate point would depend on the values sought to be protected. For example, it is the Regional Council's opinion that Kuripapango as a more appropriate point of delineation than Whanawhana Cableway for water quality.

# Applicants' Right of Reply

- 16. A WCO hearing does not allow for cross-examination, meaning only the Tribunal can question a witness and the Applicants cannot rebut issues raised through the course of the hearing as they are raised. Applicants are permitted a closing submission or "right of reply" to respond to and clarify any issues raised. Applicants may not provide new evidence in this submission.
- 17. The Applicants written right of reply was due to the Tribunal on 29 March 2019.
- 18. The Applicants closing submission responded to several issues:
  - 18.1. Clarifying legal issues such as the test for 'outstandingness', the ability of a WCO to respond to complex matters and the relevance and overlap of other statutory planning documents.
  - 18.2. Evidential gaps, particularly in relation to primary and secondary needs and significance in accordance with Tikanga Maori.
  - 18.3. The connection between the outstanding characteristics identified and the protections sought through the Order.
- 19. The Applicants also submitted Version 5 of the draft Order.

#### **Next Steps**

- 20. On 8 March 2019, the hearing was adjourned until the Applicants provide closing submissions on 29 March 2019.
- 21. The Tribunal is yet to issue any further directions about its own process and/or what it may require the Applicants and/or submitters to do in the coming months.
- 22. What is anticipated is that the Tribunal will now prepare a report and a recommendation. There is no set timeframe within which the Tribunal must prepare this report. For previous WCO applications, the report has taken anywhere between 1 and 17 months following the hearing.
- 23. The report will be sent to all parties and anyone who made a submission then has a further right of submission to the Environment Court. If the Environment Court receives one or more submissions, it must hold and enquiry and make a recommendation to the Minister on whether the Tribunal's report should be accepted or rejected, with or without modifications.
- 24. The Minister must decide whether to accept or reject Tribunal or the Environment Court's recommendation and give written reasons for their decision to the House of Representatives, the Applicants and any submitters. If a WCO is recommended, it will be made by the Governor-General by Order in Council. There is no prescribed timeframe for these steps.
- 25. If a WCO is recommended by the Minister and made by the Governor-General, regional planning documents may need adjusting to ensure alignment with the Order. Given the potential of appeal and related timeframes, there would likely be too much uncertainty to make any adjustments to the TANK Plan Change ahead of any final determination.

#### **Decision Making Process**

26. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Environment and Services Committee receives and notes the *"Ngaruroro Water Conservation Order Update"* staff report.

Authored by:

Ellen Humphries POLICY PLANNER

Approved by:

Tom Skerman GROUP MANAGER STRATEGIC PLANNING

#### Attachment/s

There are no attachments for this report.

# ENVIRONMENT AND SERVICES COMMITTEE

# Wednesday 10 April 2019

# Subject: DISCUSSION OF MINOR ITEMS NOT ON THE AGENDA

# **Reason for Report**

1. This document has been prepared to assist Committee Members to note the Minor Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

Item	Торіс	Raised by
1.		
2.		
3.		
4.		
5.		