



## Meeting of the Regional Planning Committee

**Date:** Wednesday 19 August 2020  
**Time:** 1.30pm  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

ITEM	TITLE	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee held on 3 June 2020 and the Extraordinary Regional Planning Committee held on 22 July 2020	
4.	Call for Minor Items Not on the Agenda	3
<b>Decision Items</b>		
5.	TANK Plan Change Hearing Commissioners and Panel Appointments	5
6.	Outdoor Burning	81
7.	Mohaka Plan Change	135
8.	Tukituki Plan Change 6A	157
<b>Information or Performance Monitoring</b>		
9.	Resource Management Policy Projects August 2020 Update	169
10.	August 2020 Statutory Advocacy Update	187
11.	State of our Environment – 5 Yearly Trends Report ( <i>Late report to follow</i> )	
112.	Discussion of Minor Matters Not on the Agenda	205

## Parking

There will be named parking spaces for Tangata Whenua Members in the HBRC car park – entry off Vautier Street.

## Regional Planning Committee Members

Name	Represents
Karauna Brown	Te Kopere o te Iwi Hineuru
Tania Hopmans	Maungaharuru-Tangitu Trust
Tania Huata	Ngati Pahauwera Development and Tiaki Trusts
Nicky Kirikiri	Te Toi Kura o Waikaremoana
Joinella Maihi-Carroll	Mana Ahuriri Trust
Mike Mohi	Ngati Tuwharetoa Hapu Forum
Liz Munroe	Heretaunga Tamatea Settlement Trust
Peter Paku	Heretaunga Tamatea Settlement Trust
Apiata Tapine	Tātau Tātau o Te Wairoa
Rick Barker	Hawke's Bay Regional Council
Will Foley	Hawke's Bay Regional Council
Craig Foss	Hawke's Bay Regional Council
Rex Graham	Hawke's Bay Regional Council
Neil Kirton	Hawke's Bay Regional Council
Charles Lambert	Hawke's Bay Regional Council
Hinewai Ormsby	Hawke's Bay Regional Council
Martin Williams	Hawke's Bay Regional Council
Jerf van Beek	Hawke's Bay Regional Council

Total number of members = 18

### Quorum and Voting Entitlements Under the Current Terms of Reference

#### Quorum (clause (i))

The Quorum for the Regional Planning Committee is 75% of the members of the Committee

At the present time, the quorum is 14 members (physically present in the room).

#### Voting Entitlement (clause (j))

Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the Committee members present and voting will be required. Where voting is required all members of the Committee have full speaking rights and voting entitlements.

Number of Committee members present	Number required for 80% support
18	14
17	14
16	13
15	12
14	11

# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 19 August 2020

**Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA**

**Item 4**

### Reason for Report

1. This item provides the means for committee members to raise minor matters they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
  - 2.1. "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."

### Recommendations

3. That the Regional Planning Committee accepts the following "Minor Items Not on the Agenda" for discussion as Item 12:

Topic	Raised by

**Annelie Roets**  
**GOVERNANCE LEAD**

**James Palmer**  
**CHIEF EXECUTIVE**





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 19 August 2020

### Subject: TANK PLAN CHANGE HEARING COMMISSIONERS AND PANEL APPOINTMENTS

Item 5

#### Reason for Report

1. This agenda item seeks the Committee's recommendations on appointments to form a Panel of accredited RMA hearing commissioners to hear submissions made on Proposed TANK Plan Change 9, as drafted in response to the following resolution of the Regional Planning Committee made on 18 March 2020 when the Proposed TANK Plan was adopted for notification, being:
  - 1.1. *...identify a shortlist of suitable qualified and experienced Resource Management Act accredited Hearing Commissioners for consideration by the Regional Planning Committee for appointment to the Hearing Panel to hear and make recommendations on the proposed Plan Change 9 in response to submissions and further submissions received.*

#### Executive Summary

2. Preparations are being made for a hearing to hear submissions (including further submissions) lodged on Proposed TANK Plan Change 9 (TANK Plan Change). This paper requests the Regional Planning Committee (the RPC) to identify a list of suitably qualified Hearing Commissioners to hear and make recommendations on the TANK Plan Change, in response to submissions received.
3. To help inform the RPC about its choices for recommending panel appointees, this agenda item covers:
  - 3.1. Size of panel
  - 3.2. Ideal expertise for panellists, and
  - 3.3. A pool of suggested commissioners.

#### Background /Discussion

4. The Proposed TANK Plan Change was publicly notified on 2 May 2020 and proposes to add new rules to the Regional Resource Management Plan (RRMP) to manage water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments. It is one of a series of workstreams currently being undertaken to update the RRMP and to give effect to the National Policy Statement for Freshwater Management.
5. The period for lodging submissions closed on 14 August 2020. Staff are now preparing the summary of submissions and making preliminary arrangements for a hearing of all submissions. At the time of writing this report, an overview of submissions received was not possible to provide.
6. In June 2020, letters were sent to relevant iwi authorities inviting nominations of qualified hearing commissioners with an understanding of tikanga Māori and perspectives of local iwi or hapū, who could be considered by the RPC for appointment onto the Proposed TANK Plan hearings panel.
7. The Committee made a similar decision in respect of hearing commissioners for the Plan Change 7 hearings panel at an extraordinary meeting on 22 July 2020. The committee is referred to the 22 July report which outlines the role of the Hearings Panel, the Regional Planning Committee's functions, and information about conflicts of interest for persons appointed to hearings panels in this part of the plan change process in

respect of Plan Change 7. That information applies to the Proposed TANK Plan process and is not repeated here.

### Next Steps

8. Table 1 presents indicative timeframes for progression of the Proposed TANK Plan through the RMA's submission and hearing phases.

Table 1: Indicative dates of key milestones for Proposed TANK Plan		
2020		
2 May	Proposed TANK Plan publicly notified for submissions (the original date for notification was 28th March but this was delayed due to Covid-19)	
18 June	Iwi authorities invited to nominate Hearing commissioners who have an understanding of Tikanga Māori and perspectives of local iwi or hapū	
14 August	Submissions closed (submission period was extended from 3 July in response to drought and Covid-19 pressures on community)	
19 August	RPC consider nominations and select pool of hearing commissioners to hear submissions on the Proposed TANK Plan	← We are here
September	Submission summary finalised and notified and further submissions invited (NB: time taken to summarise will depend on the final number of submissions receive)	
October	Further submissions received (NB: 10 working day submission period)	
October –	Staff drafting reports and recommendations on submitters' requests	
2021		
- February	Staff continue drafting reports and recommendations on submitters' requests	
February	Staff reports on submissions published and distributed to Panel & submitters Pre-hearing meetings provided for where appropriate	
March	Hearings, deliberations and decision making	
April	RPC meeting (NB: only required if Panel is not delegated authority to hear and decide upon submissions)	
Mid 2021	Decisions issued	
Mid 2021 onwards	Period for lodging appeals to the Environment Court	
	Resolution of Environment Court appeals (if any)	

### Hearing Panel Selection

9. Attachment 2 to the 22 July RPC report set out a number of considerations in panel selection. Much of the content of the attachment has been sourced from [www.qualityplanning.org.nz](http://www.qualityplanning.org.nz) and tailored for plan and policy statement hearings (as opposed to resource consent hearings).
10. Due to exact hearing dates, and subsequent availability of commissioners, not yet being known staff recommend that instead of appointing specific individuals to the Panel for the Proposed TANK Plan Change now and risk one or more of them becoming unavailable, that the RPC make recommendations to Council on the following matters:
- 10.1. The size of the Hearing Panel (Paragraph 13 to 14)
  - 10.2. The makeup of the Hearing Panel (Paragraphs 15 to 16)
  - 10.3. A pool of suitable commissioners, any of which, the RPC supports to hear submissions on the Proposed TANK Plan (Paragraphs 17 to 23)
  - 10.4. Delegating authority to the Hearing Panel to hear and issue decisions on the Proposed TANK Plan (Paragraphs 24 to 28).
  - 10.5. Delegating authority to the Chief Executive or his nominee to undertake all the necessary operational and logistical arrangements to establish the Panel and support it in carrying out its functions (Paragraph 29).
11. During selection, the Committee should keep in mind that:

- 11.1. All panel members must be appropriately trained and eligible (certified) commissioners, which may include members of the Regional Planning Committee providing there is no conflict of interest.
- 11.2. The Chair of the Panel must also possess Chairs endorsement certification through the Making Good Decisions training programme.
- 11.3. Remuneration of Hearing Panel members will be in accordance with the Council's adopted policies as applicable (e.g. contracting of professional services and also the local authority member's remuneration determination).

#### *Size*

12. Given the complexity of the Plan, potential for technical arguments, and the likelihood of a high number of submissions raising a range of issues, staff suggest a panel of four commissioners (including a Chair). This number would enable the panel makeup to reflect a range and depth of backgrounds, expertise and experience proportionate to the Proposed TANK Plan Change.
13. At the extraordinary meeting on 22 July, the Committee discussed the benefit for an odd number of commissioners for avoiding a 'stalemate' in commissioner's discussions. For the TANK Plan Change, three commissioners are unlikely to cover the potential range of issues. Typically, panels with larger numbers pose greater logistical challenges than smaller-sized panels and the cost of each additional commissioner must be carefully weighted. In this instance, a total of four commissioners is seen to strike the right balance.

#### *Panel makeup*

14. Given the scope, purpose and potential issues arising in the Proposed TANK Plan, staff consider core competencies of the Panel collectively should comprise of at least the following (in no particular order):
  - 14.1. understanding of tikanga Māori, cultural and spiritual values, and the perspectives of local iwi or hapū
  - 14.2. familiarity or previous experience with the Hawke's Bay land and water setting
  - 14.3. policy development and decision-making in RMA setting
  - 14.4. technical or scientific expertise relating to freshwater in terms of water quality and water quality
  - 14.5. at least one member to act as Chair of the Panel who has a 'Making Good Decisions' chairing endorsement.
15. Any one member may meet one or more of these criteria but are unlikely to hold all. It should be noted that this approach differs from the Plan Change 7 commissioner selection process which preferred commissioners who held all or most of the core competencies. For TANK, staff recommend that the Committee select a panel of commissioners who each hold particular expertise and experience to ensure a balanced approach overall.
16. A panel of commissioners holding certain expertise may also help avoid stalemate situations. If particular issues arise, members with the relevant expertise can provide deeper understanding and explanation for other panel members.

#### *Pool of commissioners*

17. Table 2, sets out a list of independent commissioners who have one or more of the competencies detailed in Paragraph 15 and who have indicated that they are interested to hear submissions on the Proposed TANK Plan Change.
18. The RPC's terms of reference record that members of the Committee may also be eligible for selection as hearings panel members. In such an instance, the RPC member would need to be an accredited hearings commissioner, have no conflicts of interest, plus have the relevant experience and expertise to perform the duties of the hearing

panel considering a proposed freshwater plan change (as distinct from experience in a resource consent context).

19. In June, iwi authorities in the TANK catchments were invited to nominate commissioners who have an understanding of tikanga Māori and perspectives of local iwi/hapū. The nominations received are recorded in Table 2. Heretaunga Tamatea Settlement Trust were the only iwi authority of the four contacted to respond with suggested commissioners.
20. Note that many of the suggested commissioners have been selected as panellists or reserves for the Plan Change 7 (Outstanding Water Bodies) process. They have all shown interest and expressed availability to also be involved in the Proposed TANK Plan Change process.
21. Staff recommend a panel of four members who collectively, rather than individually, hold the core competencies listed in Paragraph 15. The commissioners highlighted below reflect a variety of backgrounds and particular expertise in freshwater science, tikanga Māori and RMA law. All are highly experienced in freshwater plan changes and have previous experience in the Hawke's Bay land and water setting.
22. Staff have recommended Rauru Kirikiri as the commissioner with tikanga Māori expertise, noting that he was nominated by Heretaunga Tamatea Settlement Trust and his CV also references previous experience in Hawke's Bay. Staff note there are a number of highly experienced commissioners listed in Table 2 who have an understanding of tikanga Māori and seek the input of the tāngata whenua representatives of the Committee regarding this selection.

**Table 2: Independent Hearing Commissioners**

Name	Relevant Experience	Nominated by iwi authority	Chair Certificate
Andrew Fenemor	Policy development and RMA decision-making Freshwater science (particularly hydrology) Previous experience in HB land and water setting	No	Yes
Antoine Coffin	Policy development and RMA decision-making Tikanga Māori	Heretaunga Tamatea Settlement Trust	Yes
Gina Sweetman	Policy development and RMA decision-making RMA planning	No	Yes
Glenice Paine	Tikanga Māori Policy development and RMA decision-making	No	No
Greg Ryder (Dr)	Policy development and RMA decision-making Freshwater science (particularly ecology and water quality) Previous experience in HB land and water setting	No	Yes
Mark Farnsworth MNZM	Policy development and RMA decision-making RMA planning	No	Yes
Philip Milne	Policy development and RMA decision-making RMA law Previous experience in HB land and water setting	No	Yes
Rauru Kirikiri	Tikanga Māori Policy development and RMA decision-making Previous experience in HB land and water setting	Heretaunga Tamatea Settlement Trust	No
Richard Allibone	Policy development and RMA decision-making Freshwater science (particularly ecology)	No	No
Richard Fowler	Policy development and RMA decision-making RMA law Previous experience in HB Land and water setting	No	Yes
Roger Maaka	Policy development and RMA decision-making Tikanga Māori Local, familiar with the Hawke's Bay land and water setting	No	No
Sheena Tepania	Policy development and RMA decision-making Tikanga Māori	No	Yes

Name	Relevant Experience	Nominated by iwi authority	Chair Certificate
	RMA law		

23. Of the four suggested commissioners, three have the Chair Certificate. Staff suggest allowing the panel members to determine who shall be the Chair so that they can take into consideration other workloads.

### Hearing Panel Directions

24. The appointed Hearing Panel will receive presentations from those submitters who wish to speak to their written submissions. After the hearings, the Hearing Panel will complete its deliberations.
25. After deliberations, the Hearing Panel can either forward its recommendations to the RPC and Council will issue decisions on the Proposed TANK Plan Change (including reasons for accepting or rejecting submissions), or the RPC can delegate authority to the Hearing Panel to issue decisions on their behalf. In both cases, the Hearing Panel will need to provide clear reasons in its report for accepting or rejecting submissions.
26. If the RPC prefers that the Hearing Panel make recommendations back to the RPC instead of issuing decisions on the Committee's behalf, it is important to note that the Hearing Panel's recommendations cannot be materially changed unless the RPC arranges to re-hear submissions on the Proposed TANK Plan. The principle of 'natural justice' is applicable here.
27. Either way, after decisions have been issued, submitters then have the right to appeal the decisions on their submissions to the Environment Court.
28. Senior planning staff recommend that RPC delegate authority to the Hearing Panel to hear and issue decisions on the Proposed TANK Plan. This recommendation presumes that the RPC will be comfortable with the pool of commissioners set out in Table 2.

#### *Delegating authority to the Chief Executive to establish the panel*

29. Senior planning staff recommend the RPC delegate authority to the Chief Executive or his nominee to undertake all the necessary operational and logistical arrangements to establish the Panel, including replacing a commissioner should they become unavailable (see Recommendation 3), and support it in carrying out its functions in a timely and cost-efficient manner.

### Strategic Fit

30. The Proposed TANK Plan Change delivers on several of the Council's strategic goals especially in relation to sustainable land and water use and efficient infrastructure.
31. The Plan Change also reflects Māori values, establishes objectives and limits for water quality and quantity and adopts policies and methods to improve ecosystem health in TANK water bodies.

### Considerations of Tangata Whenua

32. Tāngata whenua have special cultural, spiritual, historical and traditional associations with freshwater. A number of the hearing commissioners identified in Table 2 have a good understanding of tikanga Māori and cultural and spiritual values relating to land and freshwater.
33. As discussed in Paragraph 15, it is recommended that at least one of these commissioners are on the hearing panel for the Proposed TANK Plan Change. This will ensure that the Hearing Panel has appropriate expertise in this area.

### Financial and Resource Implications

34. Preparation of the Proposed TANK Plan Change and progressing this plan change through the submission and hearings phases is provided for in Project 192 (Strategy and Planning).

35. No additional external expenditure budget is needed at this time in relation to the RPC's choice of Hearing Panel members. It is expected that the Hearing Panel would conduct its duties in a manner that is commensurate with the issues raised and their complexity, while not unnecessarily incurring lengthy delays or additional ancillary expenses on HBRC or other parties.
36. Internal staff time to support the hearing phase is catered for within existing budgets, and remuneration for the hearing commissioners will be in accordance with Council's adopted policies as applicable to RMA plan hearing panels.
37. Any substantial additional resourcing needs may be addressed through reviewing other workstreams and/or the Long Term Plan process (for example, if there are Environment Court appeals).

### **Decision Making Process**

38. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 38.1. The decision does not significantly alter the service provision or affect a strategic asset
  - 38.2. The use of the consultative procedure is prescribed under the RMA
  - 38.3. The decision does not fall within the definition of Council's policy on significance
  - 38.4. The persons affected by this decision are all persons with an interest in the region's management of water resources under the RMA. Those persons have had an opportunity to make a submission on proposed TANK Plan Change content after it was publicly notified in May 2020.

### **Recommendations**

1. That the Regional Planning Committee receives and considers the "TANK Plan Change Hearing Commissioners and Panel Appointments" staff report.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
  - 2.1. For the Proposed TANK Plan hearings, appoints the following four people as Commissioners.
    - 2.1.1. Commissioner 'A': Andrew Fenemore \*Chair Certificate
    - 2.1.2. Commissioner 'B': Greg Ryder \*Chair Certificate
    - 2.1.3. Commissioner 'C': Rauru Kirikiri
    - 2.1.4. Commissioner 'D': Philip Milne \*Chair Certificate
  - 2.2. For the Proposed TANK Plan hearings, agrees that the following four people are Reserve Commissioners:
    - 2.2.1. Commissioner 'E': Mark Farnsworth \*Chair Certificate
    - 2.2.2. Commissioner 'F': Richard Allibone
    - 2.2.3. Commissioner 'G': Dr Roger Maaka
    - 2.2.4. Commissioner 'H': Sheena Tepania \*Chair Certificate
  - 2.3. Delegates authority to the Proposed TANK Plan Hearing Panel to hear and issue decisions on the Council's behalf relating to submissions received on the Proposed TANK Plan Change.
3. Delegates authority to the Chief Executive or his nominee to undertake all the necessary operational and logistical arrangements to establish the Panel, including replacing a commissioner should they become unavailable, and support it in carrying out its functions in a timely and cost-efficient manner.

**Authored by:**

**Ellen Robotham  
POLICY PLANNER**

**Approved by:**

**Ceri Edmonds  
ACTING GROUP MANAGER STRATEGIC  
PLANNING**

**Attachment/s**

- [↓1](#) Andrew Fenemore CV
- [↓2](#) Antoine Coffin CV
- [↓3](#) Gina Sweetman CV
- [↓4](#) Glenice Paine CV
- [↓5](#) Greg Ryder CV
- [↓6](#) Mark Farnsworth CV
- [↓7](#) Philip Milne CV
- [↓8](#) Rauru Kirikiri CV
- [↓9](#) Richard Allibone CV
- [↓10](#) Richard Fowler CV
- [↓11](#) Roger Maaka CV
- [↓12](#) Sheena Tepania CV





Andrew Fenemor is an accredited RMA commissioner (chair endorsement) and a hydrologist and water management researcher. Based at Landcare Research, Nelson, he has over 40 years' experience in catchment management, hydrology, water policy and RMA decision-making. His research interests include

- water allocation and management, including water allocation methods, market-based instruments such as water trading, water augmentation, and river-aquifer modelling
- catchment-scale sustainability, including how to involve and motivate communities in integrated catchment management, and how to balance diverse values for water and translate that into effective policy.

Between 2002 and 2011 Andrew led the Integrated Catchment Management (ICM) research programme based in the Motueka catchment (see <http://icm.landcareresearch.co.nz/>). Prior to that, he held various water and environmental management roles at Tasman District Council and predecessor organisations, as well as in the US.

Since 2008, Andrew's RMA work<sup>1</sup> has included being a hearings commissioner for the 60000ha Central Plains Irrigation project, changes to the Rakaia Water Conservation Order, the 58000ha Hurunui Water Project, ECan's regional plans for the lower Waitaki, South Coastal Canterbury and Banks Peninsula, for dairy discharge consents in Otago's Kakanui catchment, and BOP Regional Council's water allocation plan. Most recently he has been a member of the Freshwater Independent Advisory Panel for Minister David Parker's Essential Freshwater reforms 2019-2020.

Technical work has included modelling catchment-scale nitrogen losses from farming (Waimea Plains Tasman), and as expert witness on the impacts of irrigation water allocation and farming on water allocation and quality limits for the Te Waikoropupū Springs (Water Conservation Order application, Takaka). Andrew's recent research includes conceptual models for Integrated Catchment Management, and research supporting the design and implementation of collaborative freshwater planning processes – including with Māori - in the Wheel of Water (WOW) and Values, Monitoring & Outcomes (VMO) research programmes.

<sup>1</sup> Andrew now works part time for Manaaki Whenua Landcare Research and is available to carry out commissioner work in a private capacity

## New Zealand RS&amp;T Curriculum Vitae – Andrew FENEMOR

## PART 1

<b>1a. Personal details</b>			
Full name	Mr	Andrew	Donald Fenemor
Present position	Senior Scientist – Integrated Catchment Management		
Organisation/Employer	Manaaki Whenua Landcare Research (MWLR)		
Contact Address	[REDACTED]		
	[REDACTED]		
		Post code	[REDACTED]
Work telephone	[REDACTED]	Mobile	[REDACTED]
Email	[REDACTED]		
Personal website (if applicable)	<a href="http://www.landcareresearch.co.nz/about/people/">http://www.landcareresearch.co.nz/about/people/</a> <a href="http://icm.landcareresearch.co.nz/">http://icm.landcareresearch.co.nz/</a>		

<b>1b. Academic qualifications</b>	
1992 Dip. Bus. St (Management)	Massey University, Palmerston North, NZ
1978 M.S. (Agr.Engineering)	Ohio State University, Columbus, Ohio, USA
1976 B.E.(Hons)(Agr. Engineering)	University of Canterbury, Christchurch, NZ

<b>1c. Professional positions held</b>	
2012 – present	Senior Scientist ICM, Landcare Research, Nelson
2002 - 2012	Programme Ldr Integrated Catchment Management, LCR, Nelson
1999 - 2002	Manager Environmental Information, Tasman District Council
1992 - 1999	District Resource Analyst, Tasman District Council
1989 - 1992	Manager Resources, Nelson-Marlborough Regional Council
1985 - 1989	Senior Water Conservator, Nelson Catchment Board
1980 - 1984	Groundwater Scientist, MWD/DSIR Hydrology Centre, Chch
1978 - 1979	Agricultural Research Engineer, USDA Soil Drainage Research
1977 - 1978	Research Associate, Ohio Agricultural Research and Devt Center
1976 - 1977	Water Resources Officer, Nelson Catchment Board

<b>1d. Present research/professional speciality</b>	
<ul style="list-style-type: none"> <li>• Water (including groundwater, and water quality) allocation</li> <li>• Collaborative natural resources management and governance</li> <li>• Integrated Catchment Management (ICM) as a complex systems process</li> <li>• Irrigation and RMA catchment policy and resource consents, commissioner decisions</li> <li>• How to apply science, community and indigenous knowledge in resource management</li> <li>• Applied hydrology, socio-hydrology, freshwater and SOE monitoring.</li> </ul>	

<b>1e. Total years research experience</b>	39
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<b>1f. Professional distinctions and memberships (including honours, prizes, scholarships, boards or governance roles, etc)</b>	
2019 – 2020	Appointed member Minister for the Environment's Freshwater Independent Advisory Panel (chair David Sheppard)
2013 – 2018	Appointed member GWRC Science Advisory Committee
2012 – 2014	Appointed member, MPI expert panel for Irrigation Acceleration Fund
2012 – 2014	Appointed member GWRC Wairarapa Water Use Project panel
2008 - present	Certified RMA commissioner (chair endorsement 2016)
2009 – 2015	Civil & Natural Resources Engineering Advisory Board, Canterbury Uni

NZRSTCV-082018

2006	NZ Hydrological Society Outstanding Achievement Award
2006	International reviewer, CRC for Irrigation Futures, Australia
2003	Member, NZ Government delegation to 3 <sup>rd</sup> World Water Forum, Japan
2002 – 2008	Chair, Fruitgrowers Chemical Remediation Peer Review Committee
1996 – 2000	President, New Zealand Hydrological Society
1994 – 2010	Tutor, Commonwealth Science Council & UNESCO courses in groundwater modelling, groundwater quality management, ICM
1993	NZ Local Government Study Award, North America
1978	Taiganides Award, best MSc in Ag Engineering, Ohio State University
1977	Templin Travelling Scholarship for study in USA

1g. Total number of peer reviewed publications and patents	Journal articles	Books, book chapters, books edited	Conference proceedings	Patents
	26	13	28	0

## PART 2

### 2a. Research publications and dissemination

#### Peer-reviewed journal articles

- Kirk, N., Robson-Williams, M. **Fenemore, A.**, and Heath, N. 2020. Exploring the barriers to freshwater policy implementation in New Zealand. *Australasian Journal of Water Resources* <https://doi.org/10.1080/13241583.2020.1800332>
- Taylor L., **Fenemore A.**, Roku M, Sayers T A, Porou T, Hikuroa D, Harcourt N, White P, and O'Connor M. 2020. Ngā Puna Aroha: Towards an Indigenous-Centred Freshwater Allocation Framework for Aotearoa New Zealand. *Australasian Journal of Water Resources* special issue on indigenous water knowledge and values. <https://doi.org/10.1080/13241583.2020.1792632>
- Turner J, Allen W, Fraser C, **Fenemore A**, Horita A, White T, Chen L, Atkinson M, Rush M. 2020. Navigating institutional challenges: design to enable community participation in social learning for freshwater planning. *Environmental Management*. <https://doi.org/10.1007/s00267-020-01256-x>
- Berkett, N; **Fenemore, A**; Newton, M; Sinner, J. 2018. Collaborative freshwater planning: changing roles for science and scientists. *Australasian Journal of Water Resources*. <https://doi.org/10.1080/13241583.2018.1465246>
- Fenemore, AD** (2017). Water governance in New Zealand - challenges and future directions. *New Water Policy and Practice* 3(1): 9–21. <https://doi.org/10.18278/nwpp.3.1.3.2.2>
- Neto S, Camkin J, **Fenemore A**, Tan PL, Baptista JM, Ribeiro M, Schulze R, Stuart-Hill S, Spray C, Rahmah E. 2017. OECD Principles on Water Governance in practice - an assessment of existing frameworks in Europe, Asia-Pacific, Africa and South America. *Water International*. <http://www.tandfonline.com/doi/full/10.1080/02508060.2018.1402650>
- Cook, B. R., Atkinson, M., Chalmers, H., Comins, L., Cooksley, S., Deans, N., Fazey, I., **Fenemore, A.**, Kesby, M., Litke, S., Marshall, D., Spray, C. 2013. Interrogating participatory catchment organisations: cases from Canada, New Zealand, Scotland and the Scottish-English Borderlands. *The Geographical Journal*.
- Gusyeve M; Toews M; Daughney C; Hong T; Minni G; Ekanayake J; Davie T; **Fenemore A**; Basher L; Thomas J. 2012. Groundwater abstraction scenarios implemented in a transient groundwater-river interaction model of the Upper Motueka River catchment. *J Hydrology (NZ)* 51(2):85-110.
- Fenemore AD**, Russell S, Neilan D, Allen W 2011. Improving Water Governance – Stakeholder Views of Catchment Management Processes and Plans. *Policy Quarterly* 7(4):10-19. Special Issue 'Governance for sustainability'.
- Allen WJ, **Fenemore AD**, Kilvington M, Harmsworth GR, et al. 2011. Building collaboration and learning in integrated catchment management: the importance of social process and multiple engagement approaches. *New Zealand Journal of Marine and Freshwater Research* 45(3): 525-539

NZRSTCV-082018



**Fenemor AD**, Young R, Bowden WB, Phillips C, Allen W. 2011. Integrated Catchment Management –a decade of research in the Motueka River catchment. *New Zealand Journal of Marine and Freshwater Research* 45

**Fenemor AD**, Phillips C, Allen WJ, Young RG, et al. 2011. Integrated Catchment Management – interweaving social process and science knowledge. *New Zealand Journal of Marine and Freshwater Research* 45(3): 313-331

Kilvington M, Allen W, **Fenemor A** 2011. Three frameworks to understand and manage social processes for integrated catchment management. *New Zealand Journal Marine and Fresh Water Research* 45(3): 547-561.

Phillips CJ, Allen W, **Fenemor A**, Bowden B, Young R. 2010. Integrated catchment management research: Lessons for interdisciplinary science from the Motueka Catchment, New Zealand. *Marine & Freshwater Research* 61:749-763.

Dymond JR, Davie TJA, **Fenemor AD**, et al. 2010. Integrating environmental and socio-economic indicators of a linked catchment–coastal system using variable environmental intensity. *Journal of Environmental Management* 46: 484–493.

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**Fenemor A.**, Davie T, Markham S 2006. Hydrological information in Water Law and Policy: New Zealand's devolved approach to water management. Chapter 12 in *Hydrology and Water Law – Bridging the Gap* (eds. J Wallace and P. Wouters). IWA Publishing London.

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**Fenemor AD**, Robb CA 2001. Groundwater Management in New Zealand. Chapter 11 in *Groundwaters of New Zealand*. New Zealand Hydrological Society. Caxton Press.

**Fenemor AD** 1997. Floods and Droughts: Case Studies. Chapter 11 in *Floods and Droughts - the New Zealand Experience*. New Zealand Hydrological Society. Caxton Press.

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**Fenemore AD**, Atkinson MA 2005. The *Travelling River* art-science project - sharing science and community stories in NZ's Motueka River catchment. Invited plenary presentation. Proc. Art Culture Nature *Earth Rites conference*. U.Washington, Bothell.

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**Fenemor, A.D.** 2014. Managing Technical Communication and Information Risks during Collaborative Catchment Limit-Setting Processes. Landcare Research contract report LC1881 for Environment Canterbury, 53p.

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**Salmon P (QC), Fenemor A, Kirikiri R** 2012. Decision and recommendations of independent commissioners to vary the Water Conservation Order (Rakaia River). 108p.

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**Fenemor AD, Sinner J, Anastasiadis S, Cradock-Henry N, Crengle H, Harris S, Bright J, Greenhalgh S, Kerr S** 2012. Simulating Market-Based Instruments (MBIs) for Water Allocation and Quality in New Zealand. Landcare Research client report for MPI, 130p.

Doornbos B, Chancusig M, **Fenemor A**, et al. 2012. Informe del inventario hídrico (Hydrological Inventory of the River Nagsiche catchment, Cotopaxi province, Ecuador). Published by CESA, LCR, Intercooperation America Latina. 140p. In Spanish.

Sinner J, **Fenemor A**, Kilvington M, Allen W, Tadaki M 2012. Valuing Our Waters - A Case Study in Tasman District. Cawthron Institute Report 2107. 132pp.

**Fenemor A**, Meurk C, Hunter G, et al. 2010. Best Practice Guide for Watershed Management in Pacific Islands. COWRIE project of CRISP (Coral Reef Initiatives for the Pacific) for the University of the South Pacific. 93pp. USP, Suva, Fiji.

**Fenemor AD**, Grace E 2009. Water Allocation Options and Resource Consent Requirements for the Waimea Water Augmentation Project. Landcare Research contract report LC0910/059 for the Waimea Water Augmentation Committee. 49pp.

**Milne P, Fenemor A, Nixon R, O'Callaghan R** 2010. Joint decision and recommendation of independent commissioners 28 May 2010 to grant Resource Consents and recommend a Notice of Requirement for the Central Plains Water (CPW) irrigation scheme. 609pp.

**Fenemor AD, Fenemor HA, Gaul S** 2008. Motupipi Catchment Nutrient Management: an ICM project with landowners of the Motupipi catchment, Golden Bay. Envirolink report LCR0809/014 for Motupipi landowners and TDC. 43pp.

**Fenemor AD, Pickens A, Davie TJA**, et al. 2007. Water Augmentation Options for Irrigation in the Motupiko catchment. Landcare Research report LC0607/157. 69pp.

Sinner J, **Fenemor AD** 2007. Opportunities for separating the take and use of water in planning frameworks and resource consents. Ministry for the Environment, Wgtn. 37pp.

**Fenemor AD, Sinner J** 2005. Institutional Inertia? Case Studies of Transferable Water Permits in New Zealand. Ecologic Research Report No 6. Ecologic Foundation Inc.

Dicker MJI, **Fenemor AD**, Johnston MR 1992. Geology and Groundwater Resources of the Waimea Plains, Nelson. Geological Bulletin, DSIR Geology and Geophysics, 59 pp.

## 2b. Previous research work

**Research title:** Improving NZ water governance

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<p><b>Principal outcome:</b> Macro-scale governance options were identified for improved water allocation and water quality management, including in the MBIE-funded <i>Values Monitoring &amp; Outcomes</i> and <i>Wheel of Water</i> programmes.</p> <p><b>Principal end-users:</b> Environment Canterbury <a href="mailto:tim.davie@ecan.govt.nz">tim.davie@ecan.govt.nz</a>; Tasman District Council <a href="mailto:lisa.mcglinchey@tasman.govt.nz">lisa.mcglinchey@tasman.govt.nz</a></p>
<p><b>Research title:</b> Integrated Catchment Management</p> <p><b>Principal outcome:</b> Developed and demonstrated the integration of biophysical and social sciences for ridgetops-to-sea management of a catchment-coastal system, using the Motueka catchment as a national NZ and UNESCO-HELP case study 2000-2012. See ICM special issue of NZJ Marine &amp; Freshwater Res:45 2011 &amp; <a href="http://icm.landcareresearch.co.nz/">http://icm.landcareresearch.co.nz/</a></p> <p><b>Principal end-users:</b> Rob Smith, <a href="mailto:Rob.Smith@tasman.govt.nz">Rob.Smith@tasman.govt.nz</a></p>
<p><b>Research title:</b> Groundwater modelling for integrated water resource management</p> <p><b>Principal outcome:</b> NZ's first 3-D river-aquifer model was developed for the Waimea Plains aquifers, informing the setting of sustainable water allocation limits; this approach subsequently applied in river-aquifer modelling in the Motueka, and other NZ catchments</p> <p><b>Principal end-users:</b> Tasman District Council <a href="mailto:joseph.thomas@tasman.govt.nz">joseph.thomas@tasman.govt.nz</a></p>
<p><b>Research title:</b> Freshwater management under the RMA</p> <p><b>Principal outcome:</b> Various projects including regional water plan changes and water augmentation for Environment Canterbury, Tasman District Council, Nelson CC, Otago RC, BOPRC; MfE on redefining <i>take</i> and <i>use</i> permits, MPI on market-based instruments for water, Minister Parker's independent panel on <i>Action for Healthy Waterways</i>.</p> <p><b>Principal end-users:</b> MPI <a href="mailto:darran.austin@mpi.govt.nz">darran.austin@mpi.govt.nz</a>; MfE <a href="mailto:Jo.Burton@mfe.govt.nz">Jo.Burton@mfe.govt.nz</a></p>
<p><b>Research title:</b> Maori and environmental decision making</p> <p><b>Principal outcome:</b> Co-led development of ideas on matauranga-led freshwater allocation in NZ, and a cultural values framing for assessing land use options for Maori lands. Land suitability planning for Wakatu Incorporation (Motueka) and Makirikiri Incorporation (Pukaha). Facilitated iwi-led research with Tiakina te Taiao.</p> <p><b>Principal end-users:</b> Barney Thomas (Ngati Rarua) <a href="mailto:bthomas@doc.govt.nz">bthomas@doc.govt.nz</a></p>

## 2c. Describe the commercial, social or environmental impact of your previous research work

- ICM as a process for managing land and water at whole catchment scale has been mainstreamed by regional councils, MfE, MPI and sector groups
- Water governance approaches including water user committees, catchment management groups, transferable water permit schemes and water allocation methods have been defined and trialled for improved water management
- Demonstrated through RMA planning how groundwater modelling can be practically used to set water allocation limits for catchments
- Whole catchment management, including hydrometric network design, is increasingly applied in developing countries through Aid projects
- Maori perspectives on catchments are better understood, and processes for applying tikanga and kaitiakitanga in catchment management being developed

## 2d. Demonstration of relationships with end-users

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Attachment 1

Item 5

- Well networked with regional councils, MfE, MPI, MFAT and other research organisations through regular land-water fora, with Resource Management Law Association, as a co-designer of Dame Anne Salmond's *Te Awaroa* - 1000 Rivers project, and through the NZ Hydrological Society of which Andrew is a former president
- Particular links with Tasman District Council in water allocation, water augmentation, SOE monitoring design, collaborative freshwater processes, contaminated sites management and RMA land and water policy; ORC, ECan, BOPRC, MfE as RMA commissioner and technical process adviser
- Built local networks for ICM through the Motueka catchment including the Sherry farmer group, to demonstrate how ICM can work as a people-driven process
- International work for NZ Aid (Colombia-Ecuador ICM 2014-2020; Ecuador livelihoods 2008-12), French aid agency (ICM project in Fiji/Vanuatu), advisory member for the UNESCO global programme Hydrology for the Environment, Life & Policy (HELP)
- Connected with iwi, hapu and whānau groups through projects and interaction with Tiakina te Taiao (Nelson-Tasman), Ngai Tahu (Canterbury & Southland), Raukawa & Tainui (Waikato), Kahungunu (Hawkes Bay) and Maori researchers within Manaaki Whenua Landcare Research.

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## ANTOINE COFFIN

### Disciplines

- Māori values and cultural impact
- Cultural and historic heritage management
- Māori resource management and planning
- Strategic planning
- Community engagement
- Māori Commissioner specialising in freshwater, wastewater, heritage and planning.



Antoine is a specialist in Māori resource management, cultural heritage planning, community engagement and facilitation. He has worked in regional and local government, private sector, non-government organisations, community groups and academic institutions and held a number of community and iwi leadership positions.

He has been awarded NZ Planning Institute's 'Nancy Northcroft Planning Practice Award', the Institute's supreme award for excellence in planning practice for project managing and writing the Ngāti Rangitahi Environmental Management Plan.

Antoine has led his iwi Ngāti Ranginui to two settlements. He was the lead on completing the Fisheries Settlement and established the Ngāti Ranginui Fisheries Trust and the Ngāti Ranginui Fisheries Company, for which he was the inaugural Chair. He led as the independent Chair, the negotiations with the Crown and signing of the Deed of Settlement in June 2012. He was the inaugural chair for the Ngāti Ranginui Settlement Trust. He established the Tauranga Moana Iwi Collective asset holding company to manage properties that were in the transition of the settlements.

Antoine hails from Ngai Te Rangi, Ngāti Ranginui, and Ngāti Raukawa iwi of Tauranga and is a New Zealand descendant of French and American settlers.

### PROFESSIONAL EXPERIENCE

**Director, Te Onewa Consultants** 2014 – present.

**Principal, Boffa Miskell Ltd** 2006-2008/2010-2014.

**Māori Partnerships and Business Development**

**Executive,** Auckland War Memorial Museum 2008-2010.

**Team Leader/Māori Planner,** Iwi Relations, Auckland Regional Council 2000-2005.

**Heritage Advisor,** NZ Historic Places Trust 1999-2000.

**Researcher,** Tauranga Historic Village, Te Papa National Services, Ngaiterangi, Ngāti Ranginui, Ngāti Pukenga 1999.

### CURRENT COMMUNITY POSITIONS

**Freshwater Independent Advisory Panel.**

Proposed National Policy Statement (NPSFM) and Environmental Standards (NES) for freshwater. 2019-2020.

**Member of Kahui Maori Advisory** to CEO and SMT Ministry for the Environment. 2019-ongoing

**Board member,** Priority 1, Western Bay of Plenty Economic Development Agency. 2014-present

**Board member and Chair,** Te Maru o Mauao ki Tauranga Moana (Basketball Club). 2017-present.

**TE ONEWA**  
CONSULTANTS

## RELEVANT EXPERIENCE - COMMISSIONER

Rotorua Significant Natural Areas Plan Change 3, 2020

Independent Commissioner/Chair. Amendments to the Operative District Plan to upgrade information regarding 75 significant natural areas.

National Policy Statement / NES Independent Freshwater Panel, 2019-2020

Member of independent panel to review the National Policy Statement Freshwater and National Environmental Standards Freshwater. Chaired by retired Judge David Sheppard. Ministry for the Environment.

Technical Advisory Panel National Policy Statement Urban Development 2019-2020

Member of advisory panel to review the National Policy Statement Urban Development. Chaired by Greg Hill. Ministry for the Environment.

Oakura Private Plan Change 48, 2019-2020

Independent Commissioner. Private Plan Change to New Plymouth District Plan to enable greenfields residential and rural-lifestyle development at Oakura. New Plymouth District Council.

Taipa Wastewater Treatment Plant Consenting, 2019

Independent Commissioner. Reconsenting of Far North District Council wastewater treatment plant and marshlands at Taipa, Northland. Key issues were effects on health, cultural, customary harvest and ecology. Northland Regional Council

Project Martha - Waihi Gold Mine, 2018

Independent Commissioner. Proposal for resource consents to establish a new underground mine and conduct rehabilitation works to a collapse pit wall. Key issues were Maori matters, noise, discharges to air and water, traffic, vibration, stability and settlement. Bay of Plenty Regional Council and Tauranga City Council.

Transpower Re-alignment of Transmission Line, 2018

Independent Commissioner. Proposal for resource consents to realign an existing transmission line at Maungatapu-Matapihi. Tauranga. Bay of Plenty Regional Council and Tauranga City Council.

Bay of Plenty Regional Plan Change 9 Freshwater Quantity, 2018

Independent Commissioner and Chair. Plan Change to the Land and Water Plan for the Allocation of Freshwater. Bay of Plenty Regional Council.

Cresswell Bottling Plant, 2018

Independent Commissioner. Proposal to expand a bottling plant involving an alteration to land use consent, earthworks consent, discharge consents and a groundwater take. Whakatane District Council and Bay of Plenty Regional Council.

Waihou River Café, 2016-2017

Independent Commissioner. Proposal to establish a café, accommodation and function facility adjacent to Waihou River. South Waikato District.

Bonway Investments Ltd, 2016

Independent Commissioner. A proposal to establish a hotel in a residential zone. Rotorua. Land-use consent - Discretionary activity. Rotorua Lakes Council.

Makauri Aquifer Recharge Consents, 2016

Independent Commissioner. Managed Aquifer Recharge (MAR) trial project for the Makauri aquifer. Gisborne District Council.

Change to the Bay of Plenty Regional Policy Statement, 2016

Independent Commissioner. A change to the RPS to provide for the Rangitiki River Plan prepared by the Rangitiki River Forum under the Treaty Settlement legislation; Ngati Whare Claims Settlement Act 2012 and Ngati Manawa Claims Settlement Act 2012.



**Gisborne Freshwater Plan, 2016-2017**

Independent Commissioner. Proposed Regional Policy Statement and Regional Plan for Freshwater. Four hearings. Gisborne District Council.

**New Plymouth District Plan Changes 40 & 43, 2015**

Independent Commissioner. Wahi Taonga/Maori Sites of Significance and Archaeological sites. New provisions and inclusion of new sites of Ngati Rahiri, hapu of Te Ati Awa. New Plymouth District Council.

**Gisborne Waster Treatment Plan Variation to Consent, 2015**

Independent Commissioner. Changes to conditions of consent regarding monitoring to allow for detailed investigations into new mitigation technology. Gisborne District Council.

**Kaituna Re-diversion Consent, 2015**

Independent Commissioner. The re-diversion of Kaituna River into the Maketu estuary for ecological and cultural restoration objectives. Bay of Plenty Regional Council.

**Papamoa Comprehensive Stormwater Consents, 2015**

Independent Commissioner. Changes to conditions of consent to reduce land-based attenuation of stormwater and establish larger wetland and overflow discharge areas for 1 in ten year floods. Bay of Plenty Regional Council.

**Rotorua District Plan Review, 2014**

Independent Maori Commissioner. Four hearings – Rural, Definitions, Subdivision, Reserves/Community Assets and Water. Rotorua District Council.

**South Waikato District Plan Review, 2013-2014**

Independent Iwi Commissioner. Five hearings - Urban, Network utilities, Subdivision, Esplanades, Landscapes Heritage Protection, Biodiversity, and Farming. South Waikato District Council.

**OTHER WORK EXPERIENCE****Outstanding Waterbodies of the Waikato Region, 2020-current**

Advisor and engagement management for Waikato Regional Council's iwi partners to identify how partners wish to be involved in the process of identifying outstanding fresh water bodies (OFWB) and significant values of OFWB, in the Waikato Region; Facilitate iwi partners' involvement in the development of the framework and to establish thresholds or a ranking basis, and apply criteria to a preliminary long list of fresh water bodies; development of the framework of attributes and criteria.

**Master Planning and Plan Changes for Tauriko West and Te Tumu Future Urban Growth Areas, Tauranga, 2017-current**

Advisor to projects for heritage, engagement and Maori issues. Key issues are natural hazards, cultural heritage, landscape management, stormwater, recreation, infrastructure and urban design.

**Waikeria Prison Capacity Building project, 2016-current**

Cultural advice to the Department of Corrections and engagement with iwi regarding conditions of Designation. Key issues are wastewater, stormwater, cultural heritage sites, iwi engagement and relationships with ancestral lands and waters, input into design, wetland mitigation and restoration.

**Rotorua Wastewater Treatment Plant Redevelopment, 2015-current**

Cultural Impact Assessment of alternatives for development of the Rotorua wastewater treatment plant process, technology and discharge method.

**Refining NZ Reconsenting, 2019-current**

Consultant advisor for engagement with iwi and approaches to addressing issues of concern to Māori. Key issues include social, cultural environmental and economic matters. 2019



**Soil Health and Resilience Research, 2016-2019**

Research project with Landcare Research regarding Māori gardening soils. Ruia ngā purapura is a research project investigating the link between traditional Māori gardening and soil health using anthropological and Māori perspectives for the purpose of identifying potential soil ecosystem health and resilience characteristics.

**Review of Iwi Management Plans, Deeds of Settlement and other non-statutory documents, 2018**

Review of iwi management plans, deeds of settlement and legislation, statutory and non-statutory documents and other literature for the purposes of identifying issues, concerns and opportunities for tangata whenua. Prepared for the Te Tumu Structure Plan and Rezoning Project, Tauranga City Council.

**Peer Review, Te Awanui - Tauranga Harbour Iwi Management Plan, 2016**

Review of Tauranga Harbour Iwi Management Plan prepared by and on behalf of Ngai Te Rangi, Ngati Ranginui and Ngati Pukenga. Peer review covered mandate, ownership, spatial extent, duration of plan, intellectual property and copyright, text and language, consistency, accuracy, specifics of policies, implementation of the plan, limitations, referencing and appendices.

**Peer Review, Tai Timu, Tai Pari Tai Ao / Waikato-Tainui Environmental Plan, 2014**

Peer review of Waikato-Tainui iwi environmental management plan at draft text stage to ensure document meets highest professional standards.

**SmartGrowth Strategy Plan, 2008-2013**

Launched in 2004, and reviewed in 2013, the SmartGrowth Strategy provides a unified vision, direction and voice for the future of the western Bay of Plenty as we help develop a great place to live, learn, work and play. Facilitation of Combined Tangata Whenua Forum (24 iwi and hapu), led writing of Māori sections of plan and member of Technical Leaders Group.

**He Rautaki Taiao / Raukawa Environmental Management Plan, 2013**

Content Manager and iwi engagement leader for comprehensive iwi management plan for Raukawa of the Waikato. The project involved wide and intimate engagement with Raukawa people including rangatahi. A stakeholder engagement group and a Kaitiaki group supported the project.

**Ngati Rangitahi Iwi Environmental Management Plan. Prepared for Te Mana o Ngati Rangitahi 2011-2012.**

Project manager and author. The development of a detailed cultural heritage inventory, mapping of customary rights areas, places of significance and important water bodies within the interest area of Ngati Rangitahi (Maketu to Rangitaiki River, inland to kainga roa Forests and Lake Tarawera). The plan provides policies and objective across a range of cultural/environmental/social and economic topics. Winner of NZPI Non-Statutory Planning document award and Nancy Northcroft Supreme Award, 2013.

**Auckland Unitary Plan - Māori Cultural Heritage, 2012**

Review of literature, preparation of presentations and facilitation of workshops with manawhenua of Auckland regarding approaches to Māori cultural heritage – framework and inventory.

**Tauranga City Plan Significant Māori Areas, 2011-2012**

Inventory, assessment and policy framework for 132 significant Māori areas in the Tauranga City area with the Tangata Whenua Collective and Tauranga City Council.

**Wynyard Quarter Sustainable Development Framework, 2009**

Identification of sustainability indicators, benchmarks and targets; creation of sustainability framework. The framework and vision were developed around indicators and targets for environmental, social, cultural and economic outcomes. The 17 discrete indicators range from technical solutions, such as green buildings and energy efficiency, to community engagement and place making factors, such as measuring residents' sense of community and the availability of local jobs to residents. The framework was completed in April 2009.





**Sustainable Development Framework for Hobsonville Point, 2008**

The Sustainable Development Framework guides the Hobsonville Point project. It lists the elements of the framework and the long term and development indicators for each dimension.

**Te Aranga Maori Cultural Landscape Strategy, 2006**

From the 16th of November 2006 a hui of Maori professionals and supporters spanning architecture, landscape architecture, planning, engineering, design, iwi/hapu development, education, arts and local & central government, gathered with the hau kainga at Te Aranga Marae in Flaxmere to discuss and formulate a draft National Maori Cultural Landscape strategy.

**PROFESSIONAL AFFILIATIONS**

Member Institute of Directors  
Papa Pounamu (New Zealand Planning Institute)

**QUALIFICATIONS**

Making Good Decisions (Chair endorsement), Opus Training Centre and Ministry for the Environment 2014-2019, 2019-2024.

Making Good Decisions Certificate, University of Auckland and NZ Planning Institute 2011.

Economics of Planning, New Zealand Planning Institute 2013.

Museum Exhibition Design and Installation, University of Victoria, British Columbia, Canada 2010.

Certificate of Company Director, NZ Institute of Directors 2007.

He Kahui Kakakura Strategic Leadership Programme, Victoria University of Wellington & Te Papa Tongarewa 2004.

Emerging Leaders Programme, Auckland Regional Council and University of Auckland Business School 2003-2004.

Certificate of Land Resource Management, Bay of Plenty Polytechnic, Tauranga, 1997.

**PREVIOUS GOVERNANCE AND ADVISORY POSITIONS**

<b>Board member</b>	Ngā Poutiriao, Mauao Joint Management Board.	2014-2019
<b>Advisor</b>	Ministry for Culture and Heritage CE and SMT.	2017-2018
<b>Board member</b>	Māori Basketball New Zealand.	2016-2018
<b>Board member</b>	St Marys Catholic School Board of Trustees.	2016-2018
<b>Board member</b>	Heritage NZ Māori Heritage Council.	2015-2017
<b>Advisor</b>	Technical Leaders Group, Waikato Regional Council & 5 Waikato River Iwi. Wai ora - Healthy Rivers.	2014-2017
<b>Member</b>	SmartGrowth Implementation Committee and SmartGrowth Combined Tangata Whenua Forum.	2014 – 2015
<b>Deputy Chair</b>	He Mauriohoho BOP Maori Economic Development Strategy Māori Advisory Group.	2014-2015

**TE ONEWA**  
CONSULTANTS

<b>Board member</b>	Ngāti Ranginui Fisheries Trust.	2012-2015
<b>Establishment Chairman and Director</b>	Tauranga Moana Iwi Collective Leasing Company.	2012
<b>Chairman</b>	Ngāti Ranginui Settlement Trust.	2012
<b>Chairman</b>	Te Roopu Whakamana o Nga Hapu o Ngāti Ranginui.	2010-2012
<b>Co-Chair</b>	Indigenous Section, International Association of Impact Assessment.	2008

### CONTACT

Antoine Coffin, Director  
Te Onewa Consultants limited

[REDACTED]

[REDACTED]

M: [REDACTED]

E: [REDACTED]





## Gina Sweetman

### Sweetman Planning Services

Bachelor of Planning, Auckland University, 1993  
 Masters of Planning (First Class Honours), Auckland University, 2006  
 MNZPI, Distinguished Services Award 2014

*I am an accredited and experienced RMA Hearings Commissioner (Chair endorsement), one of 20 appointed Development Contribution Commissioners nationwide, independent chairperson and facilitator. I have a wide range of management, planning and policy experience, having worked for over twenty-six years in local government, central government and private practice. I have a strong knowledge of all aspects of Resource Management Act (RMA), and wider natural resources planning in New Zealand, with particular strengths in policy analysis and advice, freshwater policy, development contributions policy, statutory planning, Māori planning issues training and implementing best RMA practice into everyday practice. Through my work with central government, I have significant experience with policy development and government processes. I have provided expert evidence to both council hearings, the Environment Court and have been involved in central government committee processes. I am also a recipient of the NZPI Distinguished Service Award.*

#### Areas of particular expertise:

- ✓ Accredited Hearings Commissioner (Chair endorsement)
- ✓ Development Contributions Commissioner
- ✓ Facilitator
- ✓ Expert witness
- ✓ Policy and plan development and review
- ✓ Development and financial contributions policy and implementation
- ✓ Central and local government processes, including budgeting, reporting, staff development, policy development and advice, development, implementation, evaluation and audits
- ✓ Team and project management and leadership
- ✓ Consent processing and reviews
- ✓ Māori planning issues
- ✓ Best practice, training and guidance
- ✓ RMA, Treaty, Takutai Moana, aquaculture, freshwater and climate change

#### Professional Affiliations and Responsibilities:

Member New Zealand Planning Institute  
 Member Resource Management Law Association  
 Chair Certification, Making Good Decisions  
 Development Contributions Commissioner

## Relevant Experience

### *Independent Commissioner/Facilitation*

#### Policy

- Alternate Chair, Proposed Selwyn District Plan [current]
- Hearings Panel Member for the Proposed Regional Policy Statement for the Canterbury Region, with Judge David Sheppard and Edward Ellison.
- Hearings Panel Member for Proposed Plan Change 10 to the Bay of Plenty Regional Plan – setting nutrient limits for Lake Rotorua, Bay of Plenty Regional Council
- Hearings Panel Member for Plan Change 4 to the BoPRS to amend the Urban Growth Boundary (streamlined planning process), Bay of Plenty Regional Council
- Hearings Panel Member for Notable Trees Plan Change, Upper Hutt City
- Hearings Panel Member for Medium Density Plan Change, Upper Hutt City
- Rezone Plan Change, Upper Hutt City (sole commissioner)
- Hearings Panel Member for Plan Change 6 to Auckland Unitary Plan - new suburb, Auckland Council
- Plan Change 64, Manawatu District Council (chair)
- Rezone Plan Change, Hutt City Council (sole commissioner)
- Hearings Panel Member for Plan Change 27 to the Auckland Unitary Plan – Historic Heritage Schedule

#### Consents

- Reconsenting of a wastewater treatment plant, Greater Wellington Regional Council (chair) [current]
- Hearings Panel member - land use – visitor accommodation, Queenstown District Council (current)
- Objection to the refusal of a non-notified consent, Upper Hutt City Council (chair, current)
- Land use and subdivision, Manawatu District Council (chair, current)
- Hearings Panel member for two permits to discharge aquatic herbicide within the Rotorua Lakes
- Water take, limited notified with iwi submitter, Bay of Plenty Regional Council (sole commissioner)
- Residential subdivision and development (chair of hearings panel); Porirua City Council and Greater Wellington Regional Council
- Renewal of consent for discharge to air from an abattoir and rendering plant (chair of hearings panel); Greater Wellington Regional Council
- Land use and subdivision, Wellington City Council (sole commissioner)
- Hearings Panel member for a large scale redevelopment of a city block, involving the demolition of heritage buildings, Invercargill City Council
- Social housing multi-unit redevelopment, Wellington City Council (sole commissioner)
- New private tennis centre, Queenstown Lakes District Council (chair)
- New golf course and residential/visitor accommodation, Queenstown Lakes District Council (chair)
- Notice of requirement for a new water reservoir, Porirua City Council (sole commissioner)
- Hearings Panel member for a new hotel development, Queenstown Lakes District Council
- Residential subdivision and land use, Porirua City Council (chair)
- Lighting of a new bridge, Palmerston North City Council (sole commissioner)
- Residential subdivision and land use, Porirua City Council (chair)
- Extension to a retirement village, Manawatu District Council (chair)
- S127 to an established restaurant in a residential area, Wellington City (sole commissioner)
- Non-complying subdivision and land use resource consent, Wellington City (sole commissioner)
- Hearings Panel Member for proposed Bunnings out of zone, Queenstown Lakes District Council
- Residential development under the Housing Accords and Special Housing Area Act, Wellington City (sole commissioner)



- Hearings Panel Member for s128 review of the Te Rere Hau windfarm, Palmerston North
- Hearings Panel Member for new commercial windfarm, South Taranaki District Council
- Hearings Panel Member for Omaha Wastewater Treatment Plant consenting and expansion, Auckland Council
- Hearings Panel Member for Whitby Rest Home extension resource consent, Porirua City
- Section 357 cost objection, Wellington City (sole commissioner)
- Non-notified recommendation to decline, Wellington City (sole commissioner)
- New bar/restaurant/tavern in a residential area, resource consent, Wellington City (sole commissioner)
- Garage extension resource consent, Kapiti Coast District (sole commissioner)
- New Quarry, Kapiti Coast District (chair of hearings panel)
- New public road, Upper Hutt (sole commissioner)

#### Facilitator

- Facilitator, public meeting, pre-hearing for consenting of a wastewater treatment plant settlement pond, Horowhenua
- Facilitator, pre-hearing meeting for a KiwiRail 181(1) application
- Facilitator, pre-hearing meetings for Greater Wellington Regional, Porirua and Hutt City Councils for a new quarry operation
- Facilitator for Transmission Gully Implementation, on behalf of Greater Wellington Regional, Kapiti Coast District and Wellington, Porirua and Upper Hutt City Councils
- Independent Chairperson, Project Mill Creek Community Liaison Group (May 2012 – June 2015)
- Involved in the development, delivery and review of the Making Good Decisions Programme.

#### *Relevant Council Policy Development and Review*

- Private Plan Change, potential streamlined process, Nelson City Council [current]
- Expert witness for South Waikato, Matamata Piako and Taupo District Council on appeals to Plan Change 1, Waikato Regional Plan [current]
- RPS, Regional and District Plan Review Technical Advice and Integration, Nelson City Council
- Technical overview advice on freshwater policy, Otago Regional Council
- Expert Environment Court Witness for Fish and Game for the Horizons One Plan, on Freshwater (successful)
- Expert Environment Court Witness for the Environmental Defence Society for the Waikato Regional Policy Statement (indigenous biodiversity, landscape, freshwater, infrastructure) (successful)

#### *Relevant Central Government Policy Development and Review*

- Technical adviser on the MfE Urban Water Management Working Group
- 'Critical friend' on DIA led three-waters review
- Provision of policy input into:
  - 2005, 2009, 2012, 2013, 2015 and 2017 amendments to the RMA
  - Manager responsible for the delivery of the Resource Management Amendment Act 2009 (policy development, Cabinet approvals, departmental report, select committee)
  - Exclusive Economic Zone Legislation and Regulations
  - Local government reforms
  - Marine and Coastal Areas Act
  - Climate change policy – mitigation and adaptation
  - Aquaculture Act 2004 implementation and review
  - Project Manager, Sustainable Water Programme of Action (Managing the Cross-Department agreement and Cabinet approval and notification of the NPSFM in particular)
  - National Policy Statements for Freshwater Management and Renewable Electricity Generation, including s32

- Proposed National Policy Statements for Indigenous Biodiversity and Flood Management, including s32
- National Environmental Standards on Air Quality and Drinking Water and other proposed national environmental standards
- Regulation for Water Measuring Devices
- RMA Phase 2 (Manager)
- Numerous Treaty Settlements (on RMA and local government matters)
- Foreshore and Seabed Negotiations
- Co-author of discussion document and s32 on a Proposed National Environmental Standard on Sea Level Rise (unpublished)
- Author of policy position papers on Māori rights and interests in freshwater and opportunities for renewable electricity generation for Māori communities

#### *Māori Planning Issues*

- Provision of on-going policy advice to Te Puni Kōkiri
- Development and facilitation of a two-day workshop "Understanding Te Ao Māori" for Local Government New Zealand
- Development and delivery of "Planning for Māori Values" training for NZPI
- Development and delivery of training to Ngāi Tahu rūnanga on "How to make effective RMA submissions"
- Development of Māori Values Guidelines for the New Zealand Wind Energy Association
- Drafting the "Guidance on Council Engagement with Tangata Whenua for RMA processes – A Ngāi Tahu Case Study" guidance note, updating the "Facilitating Consultation with Tangata Whenua" guidance note, peer review of the Māori Values Supplement for the Making Good Decisions Programme and peer review and editing of numerous other related guidance material.
- Independent review of a Regional Council's resource consent process in terms of legislative and best practice compliance for iwi consultation and engagement
- Delivery of RMA101 training to iwi
- Organising and facilitating the Māori Planning hui for the New Zealand Planning Institute Conference 2011 and 2012
- Developing and delivering of Preparing for the Making Good Decisions Programme training to iwi
- Establishment of the Guardians Establishment Committee for the Waikato River and its secretariat and ongoing liaison through the development of the Vision and Strategy
- Working with the Iwi Advisers and Technicians on the New Start for Freshwater Programme
- Drafting a series of guidance pamphlets on the 2004 Aquaculture amendments to the Resource Management Act which were used as a basis of a series of hui.

#### *Treaty settlements*

- Author of guidance material on the Foreshore and Seabed Act for the Ministry for the Environment and Ministry of Justice
- Policy input into Foreshore and Seabed negotiations
- Policy input into the Waikato River negotiations, settlement and implementation
- Establishment of the Guardians Establishment Committee for the Waikato River and its secretariat and ongoing liaison through the development of the Vision and Strategy
- Policy input into other negotiations

## RÉSUMÉ OF GLENICE PAINE

### PERSONAL PARTICULARS

Address: [REDACTED]  
 Telephone (H): [REDACTED]  
 Telephone (M): [REDACTED]  
 Email: [REDACTED]  
 D.O.B: [REDACTED]

### CAPABILITY STATEMENT

This is general resume of recent skills and appointments

### SUMMARY OF SKILLS AND PROFESSIONAL EXPERIENCE

Experienced Environmental Decision-Making Board Member/ RMA Commissioner  
 Extensive background in Iwi Resource Management practices (Iwi Resource Management Officer 1998-2007)  
 Extensive experience with Iwi Governance and Leadership roles  
 Maori representational roles within MfE and the Environmental Protection Authority (EPA)  
 Member Nelson Marlborough Conservation Board  
 Member and Chairperson of Nga Kaihautu Tikanga Taiao (ERMA and EPA) 10+ years  
 Member/Advisor to Nga Matapopore (using Matauranga Maori to promote Wildlife Management)  
 Member Victoria University Project Team to promote Tuatara Conservation  
 Project Facilitator – Matauranga Maori based fisheries/aquaculture research projects  
 Member Te Tau Ihu Rivers & Freshwater Advisory Committee  
 Chairperson of Te Atiawa o Te Waka-a-Maui Iwi Post Settlement Governance Board - 5 years

### CAREER SNAPSHOT

**Current**

<b>ORGANISATION:</b>	Environment Court – Ministry of Justice
<b>POSITION:</b>	Deputy Commissioner
	Environment Court judicial officer responsible for environmental decision-making and mediation services.

<b>ORGANISATION:</b>	Biological Heritage National Science Challenge
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## RÉSUMÉ OF GLENICE PAINE

**POSITION:** Co-Chairperson of Mana Rangatira Governance Group

Provide leadership and governance to the Biological Heritage National Science Challenge (BHNSC). Previous position on the BHNSC was as Chairperson of the Kahui Maori group providing strategic advice and support on Vision Mātauranga and wider cultural matters to the BHNSC.

**ORGANISATION:** Nelson City Council  
**POSITION:** Planning and Regulatory Committee – External Member

Provide an additional specialist view to the Committee, including input on generic cultural matters.

1999-2017

**ORGANISATION:** Te Atiawa O Te Waka a Maui Trust, Picton  
**POSITION:** Chairperson/Trustee

Provide leadership to the elected Iwi Governance Board  
 Represent Iwi on a wide range of significant matters  
 Oversee the Trusts management staff

2003-2014

**ORGANISATION:** NZ Environmental Protection Authority (EPA),  
**POSITION:** Member Nga Kaihautu Tikanga Taiao

Provision of advice, from a Maori perspective, to the EPA on a wide range of matters including the HSNO Act. Including Chairperson for 5+ years.

2008-2011

**MINISTERIAL APPOINTMENTS, including:**

2006-2008: Special Tribunal in the case to review the Buller Water Conservation Order

2008: Member of EPA Board of Inquiry to decide Contact Energy's proposed Te Mihi Geothermal Power Station.

2010: Member of EPA Board of Inquiry to decide Contact Energy's proposed Tauhara II Geothermal Power Station

2011: Member of EPA Board of Inquiry to decide NZTA's application for Transmission Gully, and associated Plan Change.

2015-2017: Maori Member MPI Peer Review Panel – Biosecurity 2035 project

2015-2017: Member Environmental Legal Assistance Panel (MLE)

2017 – present: Deputy Environment Court Commissioner.

**RÉSUMÉ OF GLENICE PAINE**

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**COMMUNITY INVOLVEMENT**

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1999-2017	Trustee – Te Atiawa Iwi Trust. Chairperson from 2011.
2000-Present	Member Long Island (Kokomohua) Marine Reserve Committee,
2002-2010	Secretary and Committee member Soundfish Incorporated
2004	Appointed Justice of the Peace (JP)
2005-2009	Inaugural Member of Kaipupu Mainland Island Society Inc
2006	Qualified 'Making Good Decisions Programme', re-qualified to 2024.
2013-2017	Member Te Tau Ihu Rivers & Freshwater Advisory Committee

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**PERSONAL REFEREES**

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Available upon request

**Item 5****Attachment 4**



**GREG RYDER**

Ryder Environmental Limited  
195 Rattray Street  
PO Box 1023  
Dunedin 9054


**GREG RYDER                      Environmental Scientist**

Dr Greg Ryder is an Environmental Scientist at Ryder Environmental, a company he established in 1995. Greg has worked for over twenty five years as an ecological and water quality consultant and has undertaken studies throughout New Zealand. Major investigation areas include agricultural land use, mining, gravel extraction, hydro-electric schemes, irrigation, urban stormwater and various industrial and municipal sewage discharges on freshwater and coastal ecosystems. He has also fulfilled the role as an independent commissioner at resource consent hearings and has sat on 30 resource consent hearings on proposals associated with hydro-electric power development, dairy conversions, marine farming, ski-field development, water abstractions and wastewater discharges. He has also presented expert evidence at resource consent and plan change hearings, Environment Court hearings, and several Water Conservation Order and EPA hearings. Greg has undertaken major investigations into water quality and surface water ecology in relation to a wide range of activities for local and regional authorities, government departments as well as farming and industry interests.

**QUALIFICATIONS / PROFESSIONAL MEMBERSHIPS**

1989	PhD., Zoology, University of Otago
1984	BSc. (1 <sup>st</sup> Class Hons) (Zoology); University of Otago

Member, New Zealand Freshwater Sciences Society.

Member, New Zealand Plant Conservation Network.

Certified Resource Consent Commissioner (Chair's certificate Making Good Decisions).

Board Member of the Environmental Protection Authority (EPA).

**AREAS OF EXPERTISE**
**FRESHWATER AND COASTAL INVESTIGATIONS**

- ecology of rivers, lakes, wetlands and estuaries
- surface water quality & sediment quality



- periphyton & benthic invertebrate assessments
- instream habitat characterisation and minimum flow setting
- fish passage, fish screening and instream habitat modelling
- land-water interactions

#### ANALYSIS AND INTERPRETATION OF TECHNICAL DATA

- water, wastewater and leachate characterisation
- effluent toxicity
- biological data interpretation, SOE data analysis
- development & interpretation of plan rules and consent conditions.

#### RESOURCE CONSENT AND AEE PREPARATION

PEER REVIEWER

FACILITATOR

INDEPENDENT HEARINGS COMMISSIONER

#### BACKGROUND

2017 - present	Director & Environmental Scientist, Ryder Environmental Ltd.
1995 - 2017	Director & Environmental Scientist, Ryder Consulting Ltd.
1992 - 1995	Director & Environmental Scientist, Robertson Ryder Ltd.
1990 – 1992	Senior Pollution Control Officer, Otago Regional Council
1990	Biostatistician, Department of Zoology, University of Otago



Independent Commissioner – Resource Consent & Plan Change Hearings & EPA Board of Inquiry Appointments			
Year	Case	Role	Council
2001-02	Pigeon Bay Aquaculture Limited: Application to establish a 12 hectare mussel farm in the coastal marine area of Banks Peninsula (Double Bay)	Independent Commissioner	Environment Canterbury
2001-02	Pegasus Bay Marine Farm: Application to establish a 60 hectare mussel farm in the coastal marine area of Banks Peninsula (Squally Bay)	Independent Commissioner	Environment Canterbury
2001	Portobello Marine Laboratory sewage discharge into Otago Harbour	Commissioner (Minister of Conservation's appointee for Restricted Coastal Activity)	Otago Regional Council
2002	Omarama Station Ltd. and AgResearch Ltd. applications to take and discharge water for irrigation schemes	Independent (sole) Commissioner & Chair	Environment Canterbury
2003	Kakahu Irrigation Company applications to take and discharge water for a new irrigation scheme in South Canterbury	Independent Commissioner	Environment Canterbury
2003	Ocean Marine Farm Limited: Application to establish a 100 hectare mussel farm in the coastal marine area of Banks Peninsula (Scrubby Bay)	Independent Commissioner	Environment Canterbury
2003	Ocean Marine Farm Limited: Application to establish a 100 hectare mussel farm in the coastal marine area of Banks Peninsula (Scrubby Bay)	Independent Commissioner	Environment Canterbury
2004	Marlborough Mussels Limited: Application to establish mussel farms in the coastal marine area of Banks Peninsula	Independent Commissioner	Environment Canterbury
2004	Waimakariri District Council: Application to discharge treated sewage from Kaipoi, Rangiora, Woodend and Waikuku Beach into Pegasus Bay via an ocean outfall	Independent Commissioner	Environment Canterbury
2005	Pegasus Bay Marine Aquaculture Ltd: Application to establish a 1000 hectare mussel farm in the coastal marine area of Pegasus Bay	Independent Commissioner	Environment Canterbury
2005	Christchurch City Council: Application to establish an ocean outfall to dispose of Christchurch's municipal sewage	Independent Commissioner	Environment Canterbury
2006	Christchurch City Council: Application to vary consent conditions in relation to Christchurch's municipal sewage discharge to the Avon-Heathcote Estuary	Independent Commissioner	Environment Canterbury
2006	Selwyn-Rakaia groundwater zone hearing (group applications)	Independent Commissioner	Environment Canterbury
2007	Meridian Waitaki North Bank Tunnel Concept (hydro) consent application	Independent Commissioner	Environment Canterbury
2007	Rakaia groundwater zone hearing (group applications)	Independent Commissioner	Environment Canterbury
2007	Hunter-Downs Irrigation consent applications	Independent Commissioner	Environment Canterbury
2008	Akaroa township municipal sewage discharge to Akaroa Harbour	Commissioner (Minister of Conservation's appointee for Restricted Coastal Activity)	Environment Canterbury
2008	Applications by Hastings District Council to take groundwater that may result in stream depletion	Independent Commissioner	Hawkes Bay Regional Council
2008	Applications by a range of applicants to take groundwater from the Karamu Catchment	Independent Commissioner	Hawkes Bay Regional Council
2008-10	Irrigation consent applications for the lower Waitaki River Valley	Independent Commissioner	Environment Canterbury

2010	Consent applications for Selwyn District Council's Rolleston Pines Wastewater Treatment Plant upgrade	Independent Commissioner	Environment Canterbury
2010	Consents for contaminated stormwater discharges from Wellington City Council's stormwater network	Commissioner (Minister of Conservation's appointee for Restricted Coastal Activity)	Greater Wellington Regional Council
2010	Groundwater abstraction and Irrigation consent application for the Webber Farm – Mataura Catchment	Independent Commissioner	Environment Southland
2011	Consent applications for Porter Heights Ski Area Development (plan change and consent application)	Independent Commissioner	Environment Canterbury
2011	Consent applications for Sanford Limited (restricted coastal activities) mussel farms in Big Glory Bay, Stewart Island	Commissioner (Minister of Conservation's appointee for Restricted Coastal Activity)	Environment Southland
2011	Consents for contaminated stormwater discharges from Invercargill City's stormwater network	Independent Commissioner & Chair	Environment Southland
2011	Wanganui District Council application to discharge diluted wastewater and stormwater to water from an existing ocean outfall at South Beach	Commissioner (Minister of Conservation's appointee for Restricted Coastal Activity)	Horizons Regional Council
2014-15	Chatham Rock Phosphate Consent application to mine the bed of the Chatham Rise for phosphate nodules	Independent Commissioner	EPA
2015	Consent application for a dairy farm conversion	Independent Commissioner	Environment Southland
2016	Pegasus Bay Marine Farm: Application to extend a 35 ha mussel farm in the coastal marine area of Banks Peninsula (Squally Bay)	Independent (sole) Commissioner & Chair	Environment Canterbury
2019	Waikato Regional Council. Plan Change 1: Waikato and Waipā River Catchments to the Waikato Regional Plan	Independent Commissioner	Waikato Regional Council
2020	Beach Energy Resources NZ (Holdings) Limited OPD application for marine discharge consent (EEZ 100019) (pending – commences August 2020)	Decision Making Committee member	EPA

Expert witness – Board of Inquiries, EPA and WCO Hearings			
Year	Case	Role	Client
2002	Rangitata River Water Conservation Order Application	Expert witness for submitters	Rangitata Diversion Race Management Ltd. and TrustPower Ltd.
2005	Waitaki Allocation Board Hearing	Expert witness for submitter	Whole of Government
2009	Special Tribunal hearing for proposed Fish & Game amendment to the Kaurau River Water Conservation Order (Nevis)	Expert witness for submitter	Pioneer Generation Ltd.
2011	Board Hearing into application for the Waterview Motorway Project, Auckland	Expert advisor and witness to the EPA Board on water quality and freshwater ecology	EPA

Expert witness – Plan and Plan Change Hearings			
Year	Case	Role	Client
2003	Selwyn District Council District Plan hearing	Expert witness for applicant	Selwyn District Council
2009	Environment Canterbury hearings for the NRRP	Expert witness for submitter	Trustpower Ltd.
2009	Taranaki Regional Council hearings for the consenting of the Patea HEPS	Expert witness for applicant	Trustpower Ltd.
	Environment Canterbury hearing into the L&WRP	Expert witness for submitter	RDR Management Ltd.
2014	Environment Canterbury hearing into Plan Change 1 of the L&WRP (Selwyn/Te Waihora)	Expert witness for submitter	Central Plains Water Ltd.
2015	Environment Canterbury hearing into Plan Change 2 of the L&WRP (Ashburton-Hinds) (2015)	Expert witness for submitter	RDR Management Ltd.
2015	Environment Canterbury hearing into Plan Change 3 of the L&WRP (South Coastal Streams)	Expert witness for submitter	Otaio Water Users Ltd.
2018	Bay of Plenty Regional Council Plan Change 9 (Region-wide Water Quantity ) hearing	Expert witness for submitter	Trustpower Ltd.

Expert witness – Environment Court Hearings			
Year	Case	Role	Client
	Appeal hearing for land use and discharge consent applications relating to the Deborah Bay Reclamation, Otago Harbour	Expert witness for the regional council	Otago Regional Council
2003	Environment Court hearing for consenting the Waipori Power Scheme	Expert witness for applicant	Trustpower Ltd.
2004	Environment Court hearing in relation to discharges to water	Expert witness for defendant	NZ Deer farms Ltd.
2005	Preparation of Environment Court evidence for consenting the Clutha Power Scheme	Expert witness for applicant	Contact Energy Limited
2010	Environment court hearing for the ORC Shotover River Delta flood control scheme	Expert witness for the regional council	Otago Regional Council
2010	Environment Court hearing for consenting the proposed Wairau Hydro-Electric Power Scheme	Expert witness for applicant	Trustpower Ltd.
2010	Environment Court appeal into the consenting of the Arnold Hydro-Electric Power Scheme	Expert witness for applicant	Trustpower Ltd.
2012	Environment Court appeal into the proposed amendment to the Kawarau River Water Conservation Order (Nevis)	Expert witness for appellant	Pioneer Generation Ltd.
2018	Environment Court appeal into the ORC Proposed Regional Policy Statement	Expert witness for the regional council	Otago Regional Council
2018-19	Environment Court appeal into the proposed minimum flow regime for the Lindis River	Expert witness for the regional council	Otago Regional Council

Expert witness – Council Consent Hearings			
Year	Case	Role	Client
2001	Otago Regional Council resource consent hearing into discharge consent applications (Moeraki sewage scheme)	Expert witness for applicant	Waitaki District Council
	Otago Regional Council resource consent hearing into discharge consent applications (Dunedin's Green Island Wastewater Ocean Outfall)	Expert witness for applicant	Dunedin City Council
	Otago Regional Council resource consent hearing into resource consent applications relating to the Roxburgh Tailrace Refurbishment	Expert witness for applicant	Contact Energy Limited
	Canterbury Regional Council resource consent hearing into Coleridge Power Station resource consent renewals	Expert witness for applicant	ECNZ
	Southland Regional Council resource consent hearing into take, discharge, and land use consent applications for Southland Dairy Cooperative	Expert witness (and 42A reporting contributor) for the regional council	Southland Regional Council
	Otago Regional Council resource consent hearing for discharge consent applications (Roxburgh, Cromwell, and Bannockburn sewage discharges)	Expert witness for applicant	Central Otago District Council
	Canterbury Regional Council resource consent hearing for Opuha Dam resource consent	Expert witness for applicant	Opihi River Development Company
	Otago Regional Council resource consent hearing into take and discharge resource consent applications	Expert witness for applicant	Blue Mountain Lumber
	Otago Regional Council Draft Water Plan Hearing	Expert witness for submitter	Department of Conservation
2001	Otago Regional Council resource consent hearing for the establishment of a heritage park at Macraes Mine	Expert witness for applicant	GRD Macraes Ltd.
2001	Southland Regional Council resource consent hearing for consenting the Monowai Power Scheme	Expert witness for applicant	Trustpower Ltd.
2002	Joint Environment Canterbury/Otago Regional Council resource consent hearing for abstraction, divert and discharge permits for the Waitaki River and Waiareka Creek	Expert witness for applicant	North Otago Downlands Irrigation Company
2002	Otago Regional Council resource consent hearing for consenting the Waipori Power Scheme	Expert witness for applicant	Trustpower Ltd.
2002	Otago Regional Council resource consent hearing for the proposed Mt. Grand raw water storage reservoir	Expert witness for applicant	Dunedin City Council
2002	Otago Regional Council resource consent hearing for consenting the Clutha Power Scheme	Expert witness for applicant	Contact Energy Limited
2003	Environment Canterbury resource consent hearing for consenting the RDR	Expert witness for applicant	RDR Management Ltd.
2003	Otago Regional Council resource consent hearing into works associated with the lowering of Lake Wakatipu for flood control	Expert witness for applicant	Queenstown Lakes District Council
2003	Otago Regional Council resource consent hearing for the Dunedin City sewage outfall (Tahuna)	Expert witness for applicant	Dunedin City Council
2003	Otago Regional Council resource consent hearing for the Dunedin City's municipal water supply structures and activities (October 2003)	Expert witness for applicant	Dunedin City Council



2005	Otago Regional Council resource consent hearing for PPCS's resource consents to operate the Finegand Meat processing Plant, South Otago	Expert witness for applicant	PPCS Ltd.
2005	Otago Regional Council resource consent hearing for the Dunedin Urban Flood Protection Scheme - Rockside Road section	Expert witness for applicant	Otago Regional Council
2005	Otago Regional Council resource consent hearing for the Dunedin airport sewage discharge	Expert witness for applicant	Dunedin Airport Ltd.
2006	Marlborough District Council hearing for resource consents for the proposed Wairau Valley Power Scheme	Expert witness for applicant	Trustpower Ltd.
2007	Otago Regional Council resource consent hearing for the Waikouaiti municipal water supply take from Waikouaiti River	Expert witness for applicant	Dunedin City Council
2007	Otago Regional Council resource consent hearing for the Dunedin Urban Flood Protection Scheme – Lower Leith and Lindsay Creek sections	Expert witness for applicant	Otago Regional Council
2007	Otago Regional Council resource consent hearing for the Hawea Generation Gates Power Scheme	Expert witness for applicant	Contact Energy Limited
2007	West Coast Regional Council hearing for resource consents for the proposed Arnold Valley Power Scheme	Expert witness for applicant	Trustpower Ltd.
2008	Gore District Council hearing for resource consents for the proposed Kaiwera Wind Farm	Expert witness for applicant	Trustpower Ltd.
2009	Otago Regional Council resource consent hearing for the Shotover River Delta flood control scheme	Expert witness for applicant	Otago Regional Council
2009	Greater Wellington resource consent hearing for the Masterton municipal sewage discharge to the Ruamahanga River	Expert witness for applicant	Masterton District Council
2010	Environment Canterbury hearing into irrigation consent applications in the McKenzie Basin	Expert witness for applicant	Mackenzie Irrigation Research Ltd.
2010	Environment Canterbury hearing into irrigation consent applications in the McKenzie Basin	Expert witness for applicants	Southdown Holdings Ltd, Five Rivers Ltd, Rosehip Orchards Ltd, Williamson Holdings Ltd.
2009	Otago Regional Council hearing to take and use surface water from the Clutha River for irrigation in the Lindis River catchment.	Expert witness for applicant	Tarras Water Ltd.
2010	Environment Court hearing for re consenting the Arnold Power Scheme	Expert witness for applicant	Trustpower Ltd.
2010	Bay of Plenty Regional Council hearing for re consenting the Matahina Power Scheme	Expert witness for applicant	Trustpower Ltd.
2016	ORC hearing into applications to discharge nitrate from dairy farming in the Kakanui Catchment nutrient sensitive zone	Expert witness for applicant	Borst Holdings Ltd.
2016	Environment Southland resource consent hearing for Alliance Group's re consenting of the Lorneville Meat Processing Plant, Southland	Expert witness (and 42A reporting contributor) for the regional council	Environment Southland
2017	ORC hearing into applications to take and use water for irrigation – Kyebrum Irrigators Group	Expert witness (and 42A reporting contributor) for the regional council	Otago Regional Council
2018	Environment Canterbury and Ashburton District Council joint consent hearing for the Rangitata Diversion Race Management Ltd's Proposed 50 million m <sup>3</sup> Klondyke Storage Reservoir in Mid-Canterbury	Expert witness for applicant	Rangitata Diversion Race Management Ltd.

## TECHNICAL EXPERIENCE — SELECTED EXAMPLES OF PROJECTS AND REPORTS

## General

- Experimental studies on the effects of fine sediments on benthic invertebrates. PhD thesis. University of Otago. 1989. 216pp.
- NZ Forest Service. Aquatic surveys of two experimental catchments at Glen Dhu State Forest (upper Waipori catchment), Otago. NZ Forest Service Publication. 1983. 53 pp.
- Southland Regional Council. A Review of Environmental Monitoring and Baseline Information Requirements for Southland Regional Council. October 1992.
- Ministry for the Environment. Dieldrin Dumping in Southland: A Preliminary Investigation into Dieldrin Dumps in the Southland Region. February 1993.
- Southland Regional Council. Dairy Farming in Southland: Environmental Impact Assessment. September 1993. 160pp.
- Ministry for the Environment, Wellington. Review of Water Quality Guidelines for Ministry for the Environment: Water Colour & Clarity. September 1993 (Technical Editor).
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- Central Otago District Council. Current and past landfills: Assessment of environmental effects.
- Southland Regional Council. Southland regional freshwater biological survey 1996. June 1996.
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- EPA Board of Inquiry, Waterview. Provision of a review of AEE information relating to Waterview Project with particular relevance to coastal and freshwater ecology. 2011
- Southland Regional Council. Regional Plan Water. Technical advice on water quality and ecology. March-April 2000.
- Dunedin City Council. Forrester Park Closed Landfill. Surface water ecological survey. 2001.
- Department of Conservation. Waituna Lagoon ecological overview. October 2001.
- PPCS - Belfast. Biological survey of the lower Waimakariri River. May 2001.
- Arthur Watson Savage. Mossburn culvert works: Assessment of effects on aquatic life. September 2001
- City Forests. Ross Creek plantation: Biological assessment of surface waters. November 2001.
- Invercargill City Council. Regional Sanitary Landfill Project. Peer review.
- Waitaki District Council. Omarama Sewerage Scheme. Assessment of environmental effects for resource consent application. (in progress).
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- Environment Southland. Public presentations on water quality and ecology associated with a revised Proposed Water Plan using the REC classification system. October 2002.
- Duffill Watts & King. Water quality and littoral zone assessment of Lake Wanaka in the vicinity of the Wanaka township water intake. February 2003.
- Selwyn District Council. Technical assessment of submissions relating to water issues in the Proposed District Plan. August 2003.
- Matukituki Station. A survey of areas subject to Land Tenure Review process. July 2006.
- Glenorchy Lagoon. Ecological Assessment. Prepared for Glasdon Potts Fowler. July 2006.
- Otago Regional Council. Annual State of the Environment regional river monitoring and macroinvertebrate and periphyton sampling and sample processing. 2007 and 2008.
- Environment Southland. Annual State of the Environment macroinvertebrate and periphyton sample processing. 2006, 2007, 2008.
- Otago Regional Council. Routine Didymo sample processing of samples collected from Otago rivers.
- Department of Conservation Otago Conservancy. Routine Didymo sample processing of samples collected from North Otago rivers.
- Environment Southland. Seconded by Council to attend hearings on submissions to the Proposed Regional Water Plan. September 2006.
- Environment Southland. A review of state of the environment data trend analysis and reporting for Southland's Stream And River Monitoring Sites. 2012.
- Environment Southland. Edited and formatted the document 'Ecological guidelines for Waituna Lagoon' prepared the Lagoon Technical Group. 2014.

- Otago Regional Council. Lake Tuakitoto – Flood control system upgrade: Ecology Assessment of Effects. 2014.
- Otago Regional Council. State of the Environment freshwater monitoring surveys, 2011-2016.
- Fish & Game Otago. Provision of peer review into a proposed salmon fishing farm on the outskirts of Wanaka. December 2015.
- Department of Conservation. Waituna Lagoon ecosystem health update and review of 2013 guidelines (in progress). 2020.
- Department of Conservation. Review of values, freshwater restoration programmes and research needs within the Taieri catchment (in progress). 2020.

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- Dunedin City Council - Waikouaiti sewage land discharge resource consent application: AEE. June 1997.
- Dunedin City Council - Resource consent application AEE: Mosgiel sewage discharge to Taieri River. March 1998.
- Dunedin City Council. Benthic invertebrate communities in the vicinity of the Mosgiel sewage outfall: Lower Taieri River. December 1996. 21 pp.
- Dunedin City Council. Effects of Waikouaiti landfill leachate on surface water quality. 1998, 1999, 2000 & 2001.
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- Dunedin City Council. Green Island landfill: Surface and subsurface leachate and receiving water monitoring and interpretation.
- Dunedin City Council. Middlemarch sewage discharge resource consent application and assessment of environmental effects. March 2001.
- Dunedin City Council. Ocean Grove sewage discharge resource consent application and assessment of environmental effects. October 2000.
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- Waitaki District Council. Moeraki treated sewage discharge: Aquatic ecological assessment. December 2001.
- Dunedin City Council. Results of a effluent dilution survey: Green Island wastewater ocean discharge. December 2001.
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- Clutha District Council. Assessment of the Waiholo STP discharge to the Lake Waiholo Outlet Channel – September 2017.
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- Assessment of effects on ecology and water quality – January 2017.
- Clutha District Council. Evans Flat Water Treatment Plant: Intake from Tuapeka River: Assessment of effects on river ecology – March 2017.
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#### Mining

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- Earnsclough Irrigation Company Ltd. Lake Dunstan water discharge to Fraser River: Ecological Assessment. October 1997.
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- GRD Macraes Mining Ltd. Deepdell Creek & Environs: Aquatic biological monitoring. 2001.



- Eureka Mining Ltd. Technical assessment of the effects of dredge passage across the Waikaia River. April 2000.
- GRD Macraes Mining Ltd. Deepdell Creek & Environs: Aquatic biological monitoring. February 2003.
- Oceana Gold. Investigations into aquatic environments in and around the Macraes Gold Mine, North Otago. (2010-present).
- L&M Ltd. Benhar Mine Project Aquatic Ecosystem Assessment including Lake Tuakitoto. 2012.
- Waikaia Gold. Investigations into aquatic environments in and around a proposed gold mine project in the Waikaia Catchment, Southland. Jan-Feb 2011.
- Otago Regional Council – peer review of AEE documents for a proposed alluvial gold mine on the Clutha alluvial plain at Roxburgh. January 2016.
- Otago Regional Council – Expert advice on proposed Regional Policy Statement relating to biodiversity, mining and port activities – 2018.
- Oceana Gold. Macraes Gold Mine. Deepdell North Project: Aquatic Ecology Assessment. April 2018.
- Oceana Gold. Advice on Whole Effluent Toxicity testing. 2017-2018.
- Oceana Gold. Waihi Gold Mine: Interim Compliance Monitoring Report 2017/18. January 2018.
- Oceana Gold. Waihi Gold Mine: Annual Compliance Monitoring Report 2019/20. July 2020.

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- Beca Stevens. Water quality issues associated with the New River Estuary and the Invercargill's sewage discharge. July 1999.
- Dunedin City Council. An investigation into coastal contamination of shellfish using isotope testing. 2000.
- Waitaki District Council. Omarama Sewerage Scheme. Assessment of environmental effects on the coastal environment. September 1999.
- Otago Regional Council. Otago Harbour Planning Study, Pollution Working Group Report (Group Leader and report Editor). ISSN 1171-0489. 1991. 60pp.
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- Dunedin City Council. Establishment and undertaking of chemical, microbiological, and ecological monitoring programmes for Dunedin City Council's municipal ocean, river, and land disposal systems. Includes an extensive shellfish and water faecal contamination testing programme, phytoplankton and nutrient surveys, soft and hard shore macroinvertebrate and algae surveys, offshore sediment surveys (contaminants and benthic biota), and general water testing for contaminants.
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- Dunedin City Council. An overview of aluminium and ammonia toxicity in the marine environment. January 2002.
- EPA Board of Inquiry, Waterview. Provision of a review of AEE information relating to Waterview Project with particular relevance to coastal and freshwater ecology. 2011
- Dunedin City Council. Investigations into urban stormwater discharges to the upper Otago Harbour.

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- ECNZ. Roxburgh Dam Sluice Gates Refurbishment Project: Assessment of Environmental Effects. April 1993.
- ECNZ. An Initial Assessment of the Impacts of Forestry on Aquatic Ecosystems of the Mackenzie Basin. August 1993. 16pp.
- ECNZ. Hawea Control Structure Proposed Gravel Removal Operation: Assessment of Environmental Effects. August 1993. 5pp.
- ECNZ Clyde Hydro Group. Assessment of proposed Roxburgh Hydro Dam tailrace deepening on water quality and aquatic ecosystems. April 1995.
- ECNZ Wellington. Reasonable mixing in relation to the water that is discharged from the diversion of the Harper and Wilberforce Rivers into Lake Coleridge, and from the Coleridge power station tailrace into the Rakaia River. 1996.
- Contact Energy Ltd. Roxburgh Hydro Dam Tailrace Deepening: Clutha River Ecosystem Monitoring. December 1996. 34pp.
- Otago Power Company. Upper Taieri River aquatic ecosystem assessment. July 1996. 60pp.
- Contact Energy Ltd. An investigation into the causes and effects of suspended sediment in the lower Clutha River. July 1996. 94pp.
- Contact Energy Ltd. Clutha HEPs. Aquatic ecosystem issues associated with the Clutha River Power Scheme.
- Contact Energy Ltd. Clutha HEPs. Sediment and erosion issues associated with the lower Clutha River. March 2001.
- Contact Energy Ltd. Clutha HEPs. Clutha River catchment water quality overview. March 2001.
- TrustPower Ltd. Waipori HEPs. Lake Mahinerangi fisheries investigation. 2000.
- TrustPower Ltd. Waipori HEPs. Lake Mahinerangi littoral zone study. 2000.
- TrustPower Ltd. Waipori HEPs. Lower Waipori River ecological assessment. 2000.
- TrustPower Ltd. Waipori HEPs. Proposed Lake Mahinerangi Pest Plant Management Strategy. 2000.
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- TrustPower Ltd. Waipori HEPs. Lake Mahinerangi wetland birds. January 2001.
- Contact Energy Ltd. A study of the Lake Hawea littoral zone and fishery in relation to lake level fluctuations. January 2001.
- TrustPower Ltd. Coleridge HEPs. November 2001 Lake Coleridge creel survey. January 2001.
- TrustPower. Fisheries and benthic ecological survey of the Wairau River (Marlborough). February 2004.
- TrustPower. Fisheries and benthic ecological assessment of the Wairau River south bank tributaries. December 2003.
- TrustPower. Proposed Wairau Hydroelectric Power Scheme: Ecological investigations of the Wairau River main stem. April 2005.
- King Country Energy. Mokau River proposed scheme: Assessment of ecological effects (aquatic and terrestrial). October 2004.
- TrustPower. Waihopai Hydroelectric Power Scheme (Marlborough): Ecological assessment of realigning the Waihopai River (aquatic and terrestrial). November 2004.
- TrustPower. Wahapo Hydroelectric Power Scheme (West Coast): Fish survey of Lake Wahapo and tributaries. November 2004.
- King Country Energy. Mokau River proposed scheme: Instream habitat survey of Mokau River. May 2005.
- TrustPower. Branch Hydroelectric Power Scheme (Marlborough): Design of a trap and transfer system for elvers. May 2006.

- Pioneer Generation. A review of monitoring data associated with adult eel migration in the Monowai River. September 2006.
- Contact Energy. An ecological assessment of the proposed Hawea Gates Generation Proposal. 2006.
- Contact Energy. Development of native and salmonid fisheries restoration management plans for the lower Clutha River Feb-Mar 2008.
- TrustPower. Patea Hydro Electric Power Scheme Reconsenting Project: An Overview of Aquatic Ecology Assessments undertaken for the Reconsenting Project. November 2007.
- Contact Energy. Lower Clutha River Inanga Spawning Ground Water Level Monitoring, March-April 2008.
- TrustPower: Patea Hydroelectric Power Scheme: Patea River dissolved oxygen and water temperature monitoring. July 2008.
- Contact Energy. An overview of three enhancement options for salmon spawning in the Clutha River. Oct 2008.
- Pioneer Generation Limited. Monowai HEPs. Southland Regional Council consent 201088 condition 8. Fish population surveys: 2005, 2007 and 2009.
- TrustPower. Patea Hydroelectric Power Scheme. Lower Patea River Aquatic Ecology Survey. April 2010.
- TrustPower. Patea Hydro Electric Power Scheme. Native fish trap and transfer protocols. November 2010.
- TrustPower. Dillmans Hydroelectric Power Scheme. Resource Consent RC94/111/62 – Condition 15: Kawhaka Creek Fish Pass Monitoring. February 2009.
- TrustPower. Cobb Hydroelectric Power Scheme. Discharge permit NN000447 – Monitoring Condition 1: Aquatic Ecology Monitoring. March 2009.
- TrustPower. Paerau Gorge Power Scheme – upper Taieri River. ORC Resource Consent 96492 - Monitoring Conditions 4 & 5: Monitoring Downstream Effects of Outflow Water from the Patearoa Power House Balancing Pond into the Taieri River: Interim Report. May 2009.
- TrustPower. Branch River Hydroelectric Power Scheme. Brown trout restocking programme. Annual report: November 2008-2009.
- TrustPower. McKays Creek/Kaniere Forks Hydroelectric Power Scheme Reconsenting: Aquatic ecology assessment of effects. October 2010.
- Contact Energy. Permit to Discharge Water No. 2001.392. Hawea River aquatic ecology monitoring: 2007-2011.
- Contact Energy. Hawea River Proposed Kayak Course Flow Reduction Assessment. Nov 2009.
- Contact Energy. Options to facilitate eel and lamprey passage upstream and downstream past the Roxburgh, Clyde and Hawea Dams. 2010 - 2018.
- TrustPower. Branch HEPs: Branch River minimum flow investigation. 2010-2010.
- TrustPower: Lake Coleridge/Rakaia River Project. 2009-20013. River ecology and water quality assessments of Lake Coleridge and the Rakaia River. Undertook a range of roles in TrustPower's investigation into this combined hydro and irrigation augmentation of the existing Coleridge and Highbank hydroelectric power schemes in Canterbury. Project managed all the ecological investigations associated with the feasibility stage and undertook field studies and presentation of evidence at Water Conservation Order hearing to amend the Rakaia Water Conservation Order.
- Contact Energy. Advice on implications of NPS-FM water quality attribute states to the Clutha River hydro scheme. 2015.
- Trustpower. Review of the bioenergetics approach to minimum flow setting. 2017.
- Trustpower. Implications of Bay of Plenty Regional Council's Plan Change 9 – advice to Trustpower. 2017.
- Contact Energy. Clutha Hydro-electric Power Scheme: Eel and Lamprey passage at the Roxburgh, Clyde and Hawea Dams - Recommendations for 2017-2022. 62pp. 2018.
- Contact Energy. Lower Clutha Salmonid Fish Management Plan – 2020 update (in progress).
- Trustpower. Mangorei HEPs, Taranaki. Fish passage and fish screening assessment (in progress).

#### Abstractions and irrigation

- Opihi River Development Company - Proposed Opuha Storage Dam: Environmental Impact Assessment - Water Quality. November 1992.
- Otago Regional Council. Description of aquatic ecosystem values characteristic of Otago's inland waters. Contribution to ORC Draft Regional Water Plan. 1997.
- Rangitata Diversion Race Management Ltd. Technical advice on water quality and ecology issues associated with the Rangitata River water conservation order application. April 2000.
- Dunedin City Council. Aquatic ecosystem issues associated with Dunedin's water intakes and water treatment and storage systems. July 2000.
- Dunedin City Council. Dunedin's water intakes and water treatment and storage systems. AEE preparation. March 2001.

- Downlands Irrigation Company. Water quality and ecological assessment of the proposed Downlands Irrigation Scheme, North Otago. May 2001.
- Rangitata Diversion Race Management Ltd. Technical review of Rangitata River water quality publications. June 2001.
- Invercargill City Council. Effects of the Bransholme abstraction on trout habitat of the lower Oreti River. January 2001.
- Earnsclough Irrigation Company. Biological survey of the lower Fraser River. June 2001.
- Alliance Group. A survey of freshwater fish in irrigation races in the vicinity of the Pukeuri Meat Works. March 2002.
- Attewell Irrigation Consultants. Loganburn Reservoir: Assessment of the effects of a lake level rise on shoreline vegetation and fish. May 2002.
- Investigations into the ecological effects of a water storage dam in the Shag Valley Catchment. May 2005.
- Investigations into the ecological effects of water storage dams in the Hakataramea Valley Catchment. May 2005.
- Southern Hemisphere Proving Ground Ltd. Roaring Meg: Instream habitat survey in relation to a proposed water abstraction for snow making. May 2005.
- Dunedin City Council. Waikouaiti/Karitane water supply. Consent renewal to take water from Waikouaiti River. AEE preparation. November 2005.
- Strath Taieri Irrigation Group - Proposal for water harvesting in the Taieri Catchment: Aquatic ecological effects - preliminary summary. June 2006.
- Tarras Water Ltd – Application to take and use surface water from the Clutha River for irrigation in the Lindis River catchment. Water quality and ecological effects associated with the Clutha and Lindis rivers.
- NZSki - Doolans Basin Resource Area: Aquatic Ecology Assessment of Potential Effects (abstractions for snow making). February 2011.
- NZSki – Remarkables Ski Area: Aquatic ecology assessment of potential effects associated with abstraction for snow making from Lake Alta. August 2011.
- ORC - Assessment of ecological effects of an existing pump station in the Henley Drain, including those relating to fish screening at the pump intake. 2014.
- Irricon – review of surface water quality and ecology of the Kakanui River and Kakanui Estuary. August-October 2015.
- Haldon Station – Investigations into effects of border dyke irrigation on phosphorus levels in Stony River. 2015.
- Environment Canterbury – Plan change 3 to the Waitaki Allocation Plan. Review of water quality and aquatic ecology information for Environment Canterbury. Work also included consultation with local iwi including attending hui at Waihao Marae. Preparation and presentation of evidence at the PC3 hearing. 2014-2015.
- Waihao Downs Irrigation Scheme, South Canterbury. Development and implementation of a Pre-Commissioning and Scheme Monitoring Plan (surface water, ground water and riparian margins) required under resource consents. The work required consultation and approval from ECan staff. The first full year of monitoring has been completed. 2014-2016.
- Environment Canterbury – Advice on aquatic ecology and water quality to farmers with mining rights in the lower Waitaki Catchment. December 2015.
- Haldon Station – Consent applications for spray irrigation in the Lake Benmore catchment. 2016.
- RDRML – water quality and ecology investigations into a large storage reservoir for irrigation in the Canterbury Region. 2014-2016.
- Environment Canterbury – Peer review of ECan witness evidence for Environment Court appeal relating to consents to take water from the Hakataramea River. January 2016.
- RDRML - A review of the effectiveness of the RDR irrigation canal BAFF fish screen in preventing salmon smolt from entering the RDR. October 2015.
- Central Plains Water irrigation intake – Provision of advice on screen design to ensure upstream and downstream migrant fish (in particular salmon and eels) did not enter the irrigation intake. 2013.
- Lindis Water Users Group and Otago Regional Council – Investigations into fish passage and water temperatures under low flow conditions in the Lindis River. December 2016 – July 2017.
- RDRML – Investigations into fish screen options for the RDR intake on the Rangitata River. 2017 - 2018.
- Central Plains Water. Proposed monitoring of the effectiveness of Rakaia River infiltration gallery with respect to fish screening – 2017.
- Opuha Water Ltd. Advice on water quality and freshwater quality issues in the Opihi River catchment – 2017-2020.
- Trustpower Ltd. – Review of Bay of Plenty Regional Council Plan Change 9 (Region-wide Water Quantity) relating to freshwater ecology and water quality – 2017/18.
- OceanaGold Ltd. – Ecological surveys of surface waters in the vicinity of the Waihi Gold Mine – 2017-2020.



- Opuha Water Ltd. Analysis of instream habitat modelling data for the North and South Opuha rivers, Opihi River, Opuha River, Temuka River and Te Ana A Wai River. Presentation to the ECan OTOP Zone Committee – 2018.
- Emu Irrigation Ltd. Advice on surface water quality and ecology of streams and rivers in the vicinity of Emu Plains, North Canterbury – 2018.
- Amuri Irrigation Company. Comparison of Aquatic Ecological Values at Potential Reservoir Sites in Three Tributaries of the Hurunui River, North Canterbury – 2018.
- Central Plains Water Ltd. Report on fish migration effects at pipeline crossings: Hororata and Waianiwanui rivers – October 2017.
- Earnsclough Irrigation Company. Fish distribution and habitat requirements in Omeo Creek & lower Fraser River – April 2018.

#### Lower Mataura Catchment

- Southland Regional Council. Mataura River water quality investigation: 1996-1998. 1999.
- Southland Dairy Coop. Mataura River biological surveys associated with Edendale factory wastewater discharges. 1997-99.
- Southland Regional Council. Mataura Catchment water quality review. October 1995. 250pp.
- Southland Regional Council. Southland regional freshwater biological survey 1996. June 1996.
- Southland Regional Council. Oteramika Catchment aquatic biota survey. June 1996.
- Southland Regional Council. Oteramika catchment surface water biological surveys - March/May 1997. June 1997.
- Southland Regional Council. Southland regional freshwater biological survey 1997. June 1997.
- Environment Southland. Peer review of the Anchor Products Ltd AEE for the Edendale factory discharge to the Mataura River. June 2001.
- Southland Regional Council. Alliance Group Ltd Mataura Plant – comments on AEE (water quality and aquatic ecosystems). 2004.
- Southland Regional Council. Review of Fonterra Edendale wastewater discharge to the Mataura River. 2008.
- Environment Southland. Review of regional freshwater monitoring data to support amendments to the Regional Discharge Plan. 2010.
- Gore District Council. Mataura water supply Pleura Stream: Benthic habitat assessment; May 2009.
- Gore District Council. Gore Oxidation Pond outfall: Mataura River Periphyton and Macrophyte Monitoring: Summer 2004 - 2017.
- Gore District Council. Mataura River Benthic Macroinvertebrate Monitoring: Gore Oxidation Pond outfall and Mataura Oxidation Pond outfall. 2005 - 2018.

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## Curriculum Vitae - Mark Christopher Farnsworth MNZM, MSc, JP



Mark is the principal partner of *Farnsworth Management Services*, a Mangawhai based partnership providing independent hearing commissioner services and specialist Resource Management Act (RMA) policy advice and training.

Mark has a Master of Science Degree in Geography from Auckland University. He has maintained an on-going, strong professional development ethic, completing extra-mural papers in business management, business law and accounting from Massey University. He is a graduate of the Kellogg's Leadership programme; completed the LEADR mediation course and he is an accredited s39A hearings commissioner (Chair's endorsement) under the Making Good Decisions Professional Development Programme for RMA decision makers.

Mark has worked with the Resource Management Act since its implementation in 1991. He has 37 years of hands on experience of working with local government. In October 2010 Mark completed a 9-year term on the Northland Regional Council as Chairman of the Council. Mark was first elected to the Council in October 1992. During his time on council he has played a very active part in the Resource Management Act functions of the Council, being involved in the preparation of all of the Council's four, operative, regional planning documents.

Mark has considerable RMA hearing experience involving hearings of all types across the country - plan hearings; plan change hearings; joint hearings between the local district councils and the regional council; sub-division applications; coastal activities; designations (Notices of Requirement) and applications for major new projects. He has chaired; been a member of the panel; drafted the written decision and contributed to the drafting of the written decision for a considerable number of hearings. Mark is totally committed to quality decision making and prides himself on his ability to write decisions.



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Recent major hearings have included:

- Chairing the Gisborne District Council's Regional Freshwater Plan hearings;
- Chaired: the Rippon Crescent Retirement village application and Oceania Healthcare Limited retirement village application for Auckland Council;
- Chairing a change of consent conditions hearing for a salmon farm in Big Glory Bay for Southland Regional Council;
- Being a panel member of:- the Kennedy Bay Marina Application; the Shelly Beach foreshore modification application; the Orewa Esplanade Reserve sea wall application; 8 Notices of Requirement for water infrastructure (Watercare Services Limited); Plan Change 4 for Kaipara District Council; Plan Changes 1 & 2 for Auckland Council and Healthy Waters Application for a Tunnel and Harbour outfall.

Mark has made over 500 notification decisions (including any applying s104 decisions) for Auckland Council.

Mark's RMA and hearing expertise, and commitment to professional development, was recognized nationally by:

- A 2003 appointment to a Ministry for the Environment's Advisory Board which has had responsibility for overseeing the development and implementation of the *"Making Good Decisions Professional Development Programme for RMA Decision Makers"*. Mark completed his term on the Advisory Board in October 2012. Mark continues to be contracted by WPS Limited to provide training/tutoring/assessment marking under the Making Good Decision Professional Development Programme.
- A ministerial appointment in 2009 to the RMA, Aquaculture Technical Advisory Group (TAG);
- In November 2010 by an appointment to a Ministerial Advisory Panel on Aquaculture;
- In July 2011 to the EPA's Board of Inquiry for the King Salmon applications;
- February 2018 an appointment to chair an EPA – EEZ – DMC;
- April 2019 an appointment to chair an EPA – EEZ – DMC;
- August 2019 an appointment to chair an Aqua-culture TAG; and
- February 2020 an appointment to chair an EPA – EEZ – DMC.

Mark is on the active Hearing Commissioners' list for: Auckland Council; Bay of Plenty Regional Council; Christchurch City; Gisborne District Council; Hamilton City; Kaipara District Council and Waikato Regional Council.

Mark was appointed to Auckland Council's list of Independent RMA Hearing Commissioners in 2011 for his expertise and understanding of Te Ao Māori and Mātauranga Māori. Mark has a long (40+ years), and close, working relationship with Te Uri O Hau, advising and mentoring them on RMA matters. He is their preferred RMA Commissioner. Mark currently chairs two Ahu Whenua Trusts (2F and Tapu Bush). Mark has also been actively involved in the training, and mentoring, of Māori who would like to become RMA hearing commissioners.

Mark was made a Member of the New Zealand Order of Merit for service to the community in the 2011 Queen's Birthday Honours and reconfirmed as Justice of Peace for New Zealand in August 2011.

### Philip Milne Barrister and Independent RMA Commissioner Lib. BSc.



Philip Milne is a specialist Environmental / Resource Management lawyer with over 30 years' experience in the Local Government and Environmental Law field. Philip is practicing as a Barrister since April 2011 and is based in Paraparaumu/Wellington. He is available for instruction in relation to matters anywhere in New Zealand. He is also an independent commissioner. He has been in practice since 1989, a partner at Simpson Grierson from 1997 to 2010 Special Counsel from July 2010 to March 2011 and a Barrister sole since then.

Philip's background in geography, law and local government, leads to a good understanding of related disciplines and a practical and strategic approach to practice. His practice covers the full range of RMA work and he has particular experience in relation to infrastructure projects, natural resource management, water and coastal law, as well as other regional and urban issues.

He has particular experience and interest in water management issues including water quality and water allocation matters. He has provided advice on such matters to Regional Councils, developers and submitters. He has also chaired or sat as a commissioner on numerous hearings involving water quality and allocation issues.

He has been an author of Brooker's Resource Management since 1991. He is an accredited Independent Resource Management Commissioner with significant experience in chairing a wide range of hearings, including some high profile hearings. Philip is often engaged by Council to chair contentious/significant consent applications or plan changes. He has also acted as independent legal advisor to the Transmission Gully Board of Inquiry. He was appointed by the Minister as a Development Contributions Commissioner and has chaired one DC objection hearing and provided dispute resolution and advice on a number of other contribution matters.

Philip has extensive experience in environmental and public law, including dispute resolution, advocacy, plan drafting and review, strategy, policy and RMA project management, strategic advice. He acted for a range of clients while at Simpson Grierson including the Minister of Corrections, NZTA, three Regional Councils and various TLA's.

Since going to the Bar, he has acted for local authorities in relation to wastewater and other projects, various private clients on development matters, community groups (in particular in relation to successfully overturning the Basin Reserve fly-over proposal and more recently, the Gordon Wilson Flats heritage building). Philip acted for PNCC in relation to the review of the Manawatu waste water discharges and has recently acted for South Wairarapa District Council and Hutt City/Wellington Water in relation to various waste water projects.

He acted as Counsel in the Judicial Review proceedings in relation to the Kapiti Coastal Hazard lines, and for SWDC in relation to JR proceedings on a notification decision. Philip acted as counsel for the Architectural Centre at the Board of Inquiry and subsequent appeal on the Basin Reserve Bridge project. He has recently been co-counsel in High

Court JR proceedings relating to the Shelly Bay development and assisted with the successful Court of Appeal hearing.

Recent work as *counsel* includes:

- Acting for a land owner in respect of land valuation/compensation issues in Warkworth (NZTA designation)
- Acting for a Tiny Home builder in relation to enforcement action by Hutt City Council
- Acting for a car haulage company in relation to a new vehicle storage facility in Canterbury
- Acting for SWDC, Wellington Water and Clutha District on waste water consent issues.
- Co-counsel for Enterprise Miramar in successful proceedings challenging Shelly Bay consents
- Counsel for the Heritage Authority in relation to Erskine College Environment Court proceedings.
- Counsel for the Architectural Center in relation to a successful Environment Court challenge to proposed de-listing of a heritage building in Wellington.
- Acted on Judicial Review over Kapiti Coastal Hazard lines (hazard lines ultimately withdrawn as an indirect result)
- Advising South Wairarapa and Carterton Districts on Judicial Review threats or actions.
- Counsel for The Architectural Centre on Basin Bridge BOI and HC appeal
- Various opinion work on RMA matters
- Acting for environmental groups in relation to McKenzie Basin irrigation and in relation to opposing a quarry extension
- Advising individuals on RMA matters

### Commissioner Profile

Philip is a very experienced independent RMA commissioner and has chaired or acted as sole commissioner for a large number of hearings since 2006 to the present. He has RMA chairperson's accreditation and has also completed the LEADR 4 day mediation course. He is an appointed Development Contributions Commissioner. He is available for Commissioner, Mediator and facilitator roles for Boards of Inquiry, Regional and Territorial local authorities. He has chaired many regional consent applications including for ORC, Greater Wellington, ECan and EBob. He has chaired two District Plan Change panels and a number of other district planning application hearings. Other non-chair appointments include; for ORC in 2019 in relation to applications by QLDC for a global wastewater overflow consent and for Auckland Council in relation to the Rail Corridor designation. Philip is often engaged to deal with notification decisions and to make decisions on non-notified applications which are controversial or where the Council has a potential conflict of interest (including for Christchurch City Council and Environment Canterbury).

Philip brings a practical, multi-disciplinary approach to hearings. He emphasises an inclusive but efficient process whilst minimising legal risks. He has successfully chaired a number of complex, controversial and lengthy hearings (for example the Central Plains Irrigation hearing, Canterbury Ground Water takes, Genesis Castle Hill Wind Farm in the Wairarapa, Kate Valley Land Fill application). In most of these hearings Philip has had primary responsibility for procedural decisions and for editing and/or writing the decision reports.



He has developed effective approaches to the management of hearings. His skills encompass resource management issues, procedural matters, conflict resolution as well as good decision making and writing. His science background and experience advising councils and others, enables him to bridge the gap between law and the technical, engineering and planning aspects of resource management.

### Timeline

- June 2019 Reaccreditation as commissioner (chair) for a fourth term expiring June 2024.
- 2017 reappointed as development contributions commissioner
- April 2011 commenced practice as a barrister in Waterfront Chambers and now Waterside Chambers
- July 2010 - March 2011 Special Counsel Simpson Grierson
- 1997 - 2010 Partner Simpson Grierson Local Government and Environment team
- 1989 - 1996 Solicitor Brandon Brookfield and Simpson Grierson
- 1986 - 1988 Working in London and travelling
- 1984 - 1985 Contract work for North Canterbury Catchment Board
- 1984 - admitted to the Bar
- 1978 - 1983 Canterbury University studying law and Geography

### Professional Activities, Papers and Appointments

- Accredited Independent Commissioner (chair)
- Reappointed for second term as Development Contributions Commissioner
- Brookers Resource Management - Current updating author and author of the original (now withdrawn) chapter on Water Law.
- Member of Resource Management Law Association (RMLA).
- A number of papers and presentations on water allocation and management issues.
- Presented the 2005 Salmon Lecture in Auckland (water allocation)
- A paper for MFE relating to the management of cumulative effects.
- Various workshops on the presentation of expert evidence and on rules and consent drafting.
- Completed LEADR 4 day mediation course.
- Has facilitated a number of workshops and training sessions on the drafting of plans and resource consent conditions and on expert evidence, enforcement, notification issues, the "permitted baseline", the management of cumulative effect, and water management issues.
- Training of Councillors in RMA hearing procedures and other matters





## RAURU KIRIKIRI

### **RK Associates Limited**

54 Mitchell Street  
Brooklyn  
WELLINGTON 6021

Phone: 04 382 8574

## Personal Background

Nationality

Iwi

Date of Birth

Māori

Te Whānau-ā-Apanui

7 September 1946

## Key Strengths

Fluent speaker and writer of Māori

Extensive Māori networks

Experienced facilitator and mediator – both Māori and non-Māori

Extensive public service background, nationally and internationally

Extensive science research networks

Extensive experience in environmental management

Qualified Resource Consent Commissioner

Experienced academic auditor - New Zealand and Australia

Highly developed policy formulation/writing skills

Strong change management record

Experienced Company Director

## Academic Qualifications

1971

Diploma in Teaching

1970

Master of Arts

Auckland University

1968

Bachelor of Arts

Auckland University

## Work History

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### Present – since 2006

**RK Associates Limited**

Wellington

**Managing Director**

*(Consultancy specialising in Māori-related matters)*

Policy development - facilitation and implementation

Science research project management and facilitation

Treaty Claims – facilitation and cultural support

Special advisor to Government Ministers e.g. Minister for Treaty Negotiations

Resource Consent Hearings Commissioner

Company directorships / Advisory Boards

Miscellaneous Māori-related projects

### 1993 – 2006

**Landcare Research**

Lincoln

**Treaty Responsibilities Manager**

*(Company wide leadership on Māori research strategy and cultural awareness in environmental management)*

Building research partnerships with iwi nationwide

Leading engagement with iwi on research projects

Leading and mentoring all staff on Maori cultural awareness issues  
within and outside the Company

Principal manager of Māori-related matters with the Board and Senior  
Management Team

Leadership nationally in increasing Māori involvement in science research

### 1992 – 1993

**State Service Commission**

Wellington

*(Treaty Claims Settlements)*

Special Advisor on Treaty of Waitangi Claims Negotiations

Seconded to the Treaty of Waitangi Policy Unit (Justice Department)

### 1991 - 1992

**Ministry of Māori Affairs**

Wellington

**Deputy CEO and Director of Policy**

*(Policy development / leadership)*

### 1989 – 1991

**Department of Māori Affairs**  
**Deputy Secretary (Policy and Planning)**  
*(Policy formulation / Change management)*

Establishment of policy and planning function in department.  
 Led restructuring of the Department of Māori Affairs that led to .....  
 The establishment of Te Puni Kōkiri.

**1973 – 1988**

**Ministry of Foreign Affairs and Trade**  
**(Overseas Postings)**

1986 – 1988	London
<i>Political liaison</i>	
<i>Public relations</i>	
1984 – 1986	Suva
<i>Political liaison</i>	
<i>Defence liaison</i>	
<i>Overseas Development Aid</i>	
1976 – 1979	Washington DC
<i>Information/ media/ public relations</i>	
<i>Political liaison</i>	

**1972 – 1973**

<b>Auckland University</b>	Auckland
<b>Senior Lecturer</b>	
<i>(Māori Studies and Anthropology)</i>	

## Boards / Committees

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**2015 -**

<b>World Wildlife Fund</b>	Wellington
<i>(Trustee)</i>	

**2014 -**

<b>NZ Conservation Authority</b>	Wellington
<b>Department of Conservation</b>	
<i>(Member)</i>	

**2014 -**

**Te Whare Wānanga o Awanuiāraangi**  
**(Tertiary Institution)**  
*(Council member)*

Whakatāne

Member of Appointments Committee  
 Member of Science Taskforce

**2012 -**

**Centre for Sustainability**  
**Otago University**  
*(Member of Advisory Board)*

Dunedin

Co-presented a paper at the "2<sup>nd</sup> International Conference on Resilience"  
 Phoenix, Arizona

Co-presented a paper on "Governance, Planning and Management of Mahinga Kai"  
 2012 Environmental Defence Conference

**2007 - 2015**

**Allan Wilson Centre for Evolutionary Biology**  
**Massey University**  
*(Member of Governance Board)*

Palmerston North

Led scientific mission to London in 2015  
 Board dis-established in 2015

**2006 - 2023**

**Resource Consent Commissioner**  
*(Qualified "Making Good Decisions" programme)*

Wellington

Resource consent Hearing Panels served on include:

- Awatarariki Plan Change (Whakatāne - 2020)
- Craggy Range Track Remediation (Hastings -2019)
- Pukepine Sawmill (Tauranga - 2019)
- Te Puke Wastewater Plant (Tauranga - 2019)
- Claymark Sawmills Hearing (Tauranga - 2018)
- Mission Estate Plan Change (Napier -2018)
- Gisborne Port Rebuild (Gisborne -2018)
- Napier Port Extension (Napier - 2018)
- Plan Change 9 / Water Quantity BOPRC (Tauranga - 2018)
- Plan Change 46 / Otamatea West (Whanganui - 2018)
- Rotoiti Rotoma Wastewater Treatment (Rotorua - 2017)
- Plan Change 10 / Lake Rotorua Nutrient Management (Rotorua - 2016)

- MV Rena Hearing (Tauranga - 2015)
- Maungatautari Visitor Centre (Te Awamutu - 2014)
- Waimea Water Management and Augmentation (Richmond - 2013)
- Hurunui and Waiau River Regional Plan Review (Christchurch - 2012)
- Rakaia River Plan Change (Christchurch - 2012)
- Napier City Council Wastewater Discharge (Napier 2011)
- Matakana Island Subdivision (Tauranga - 2011)
- National Water Conservation (Te Waihora/Lake Ellesmere) Order (Christchurch - 2011)
- Hawke's Bay Urban Stormwater (Napier 2010)
- Nevis River Special Tribunal (Cromwell - 2010)
- Porangahau Wastewater Treatment (Napier - 2009)
- Hawke's Bay Northern Arterial Route Proposal (Hastings - 2009)
- Mahanga Beach Development (Wairoa - 2008)
- Taharua Farm Effluent Discharge Hearing (Napier - 2008)

### Expert Witness

*(Provision of written and/or oral expert evidence)*

Include:

- Trans Tasman Resources Seabed Mining Application (Wellington - 2016)
- Whakatū Arterial Route (Enquiry by Design) Project (Hastings - 2012)\*
- Wairarapa Water Use Project (Wellington - 2011)
- MoE Environmental Standards Review (Wellington - 2011)
- Whanganui Māori Land Court Hearing (Environment Court Whanganui - 2009)
- Foxton Wastewater Treatment Plant (Foxton - 2008)
- Tuhua and Mōtītī Islands Building Act (Tauranga - 2008)
- Motorimu Wind Farm Hearing (Palmerston North - 2007)

\*Chaired this novel "Enquiry by Design" project.

### 1995 - 2000

**Ngā Pae o te Māramatanga**  
Māori Academic Research Centre  
(Roles)

Auckland

Chair - Research Committee  
Chair - Pae Tawhiti (Economic Development Panel)  
Facilitator - conferences/ workshops/

### 1995 - 2000

**Minister of Foreign Affairs and Trade**  
**Advisory Committee on External Aid and Development**

Wellington



Attachment 8

*(Principal advisor on indigenous and environmental management issues)*

**2004 - 2005**

**Royal Society of New Zealand**

Wellington

*(Co-opted member – principally on Māori issues.)*

**2003 - 2006**

**Australian Universities Quality Agency**

Melbourne

*(Australian Audits)*

2006 University of Western Sydney

Sydney

2005 Charles Darwin University

Darwin

2003 La Trobe University

Melbourne

**1996 - 2005**

**NZ Academic Audit Unit**

Wellington

*(NZ Audits)*

1994 Massey University

Palmerston North

1995 Auckland University

Auckland

1999 Auckland University – follow up audit

Auckland

2004 Victoria University

Wellington

Item 5

## CURRICULUM VITAE

## RICHARD ALLIBONE

**Richard Allibone**

Address: 15 Aytoun Street, Dunedin

Email: [REDACTED] Telephone [REDACTED] mobile [REDACTED]

Current Occupation: Director and Principal Freshwater Ecologist, Water Ways Consulting Limited

**Education**

PhD Zoology, University of Otago, Dunedin, 1997

MSc Zoology, University of Otago, Dunedin, 1990

BSc Zoology & Geology University of Otago, Dunedin, 1987

**Brief Background**

Richard has worked for the last thirty years as a freshwater ecologist specialising in the study of New Zealand's freshwater fish and freshwater ecosystems. During his career Richard has been involved in many major resource consent processes for hydroelectric power schemes, wind farms, mine and irrigation developments and has frequently presented evidence at resource consent hearings and appeared as an expert witness in Environment Court. He has also been a team member and project manager for many consent related projects, consent monitoring programmes and ecological mitigation work. Richard is a qualified independent commissioner and has been a commissioner in one plan change, the Plan Change 5A, the Lindis Catchment for Otago Regional Council.

**Employment History*****Water Ways Consulting Ltd, Dunedin.***

Director and Principal Freshwater Ecologist (2014 – present)

Richard undertakes a broad range of freshwater consultancy projects. Current projects include providing expert technical advice to the Otago Regional Council for the Regional Planning process and the consenting of deemed permits. He is conducting habitat modelling, the collation of ecological values for the catchments and providing advice regarding flows required to meet the ecological requirements of ecosystems and threatened species. Richard is a member of the Technical Advisory Group for the Manuharekia catchment plan change. He also provides ecological reviews of consent applications submitted to the Otago Regional Council. He is also undertaking a broad range of other consultancy projects including working with the Department of Conservation on stream restoration projects and threatened fish management; undertaking freshwater fish surveys for forestry companies to comply with the NES Plantation Forestry; elver trap and transfer projects at hydro-electric and irrigation dams and the assessments to aquatic ecological effects for resource consent applications. He has recently finished projects for Environment Canterbury on critical fish habitat for the Omnibus plan change; has been an independent reviewer for aquatic ecology issues for the Transmission Gully Highway and Patea Hydro Electric Power Scheme.

***Golder Associates (NZ) Ltd, Dunedin.***

Senior Freshwater Ecologist (2006 to 2014)

Senior freshwater ecologist carrying out environmental impact assessment, freshwater fishery habitat surveys, hydroelectric power scheme assessment, irrigations scheme assessment, resource consent monitoring activities and the preparation and presentation of technical evidence for resource consent hearings and Environment Court hearings.

***Queen Elizabeth the Second National Trust, Wellington.***

National Services Manager (2004 to 2006)

Senior manager responsible for all field staff and field operations, science requirements and IT development for the Trust. Oversaw all new covenant proposals, and management of existing covenants on over 3000 properties covering over 90,000 ha. Responsible for biodiversity and biosecurity monitoring and reporting for all of the Trust's properties and covenants.

## CURRICULUM VITAE

## RICHARD ALLIBONE

***Biodiversity Recovery Unit, Department of Conservation, Wellington.****Species Protection Officer (2001 to 2003)*

Lead the development of three threatened freshwater fish recovery plans for 25 threatened indigenous fish for the Department of Conservation. Established national survey and monitoring methods for threatened fish. Developed and implemented a national freshwater fisheries training programme for Department staff. Undertook the provision of expert advice to conservancies with regard to major resource consent applications and was an expert witness for the Department at council hearings and in the Environment Court.

***National Institute of Water and Atmospheric Research, Hamilton.****Postdoctoral Fellow and Freshwater Fisheries Scientist (1996 to 2001)*

Biodiversity and taxonomic research centring on freshwater fish, the development of appropriate monitoring and assessment methods for cryptic species and life stages. Presented submissions and expert witness evidence for clients on major consents, and RMA statutory plans and Treaty of Waitangi tribunal hearing.

***Department of Conservation****Freshwater Fisheries Specialist (1995 to 1996)*

Responsible for carrying out threatened fish surveys, conservation assessments and tenure review surveys in the Otago and Nelson Marlborough regions.

**PROJECT EXAMPLES – HEARINGS AND SPECIAL TRIBUNALS**

<b>Plan Change 5A – Lindis River, Otago.</b>	Independent hearings commissioner for Plan Change 5A for the Water Pan – Otago. Part of a three-person hearing panel hearing the submissions on the plan change that included the Lindis River minimum flow and water allocation limits, water allocation limits and geographic delimitation of four aquifers, and the location of the minimum flow site.
<b>Ohinemuri River Treaty of Waitangi Tribunal hearing, Waikato</b>	Provided expert freshwater ecological evidence at a Treaty of Waitangi Tribunal hearing on the historic state and current state of the Ohinemuri River on behalf of Ngai Koi of Paeroa, Hauraki District in 2000-2001.
<b>Upper Waitaki Water Consents, Canterbury.</b>	Provided an assessment of the potential effects on native fish of water abstraction and discharge via irrigation schemes in the upper Waitaki Basin. Prepared and presented evidence at the resource consent hearing for the Department of Conservation. Conducted further assessments of effects and risk for the Royal Forest & Bird Society. Attended mediation meetings as an expert in native fish issues on behalf of the Department of Conservation from 2010-2012.
<b>Kawarau Water Conservation Order Amendment, Otago.</b>	Assessed the status of Gollum galaxias in the Nevis River catchment. Presented evidence to the Water Conservation Order Special Tribunal on native fish values and land environments in the Nevis River catchment in 2009. Subsequently prepared and presented evidence at the Environment Court appeal on the Special Tribunal decision for Fish & Game Otago from 2009 to 2012.
<b>Hurunui Water Conservation Order, Canterbury.</b>	Undertook a review of the fish screen requirements at the Balmoral water intake and presented evidence at the Water Conservation Order Special Tribunal regarding the fish screen requirements to protect the brown trout fishery in the Hurunui River for Amuri Irrigation in 2009.

## CURRICULUM VITAE

## RICHARD ALLIBONE

<b>Lake Coleridge Project, Canterbury.</b>	Undertook fisheries survey work in the Rakaia River catchment to determine the status of native fish populations in the Rakaia River catchment. Assessed the effects of the proposed Coleridge Project on native fish and native fish habitat in the Rakaia River. Presented evidence before the Water Conservation Order Special Tribunal for Trustpower, from 2009-2012.
<b>Mokihinui River hydro-electric dam, West Coast.</b>	Lead a multi-disciplinary team assessing the Mokihinui Hydro-Electric dam proposal of Meridian Energy for the Department of Conservation from 2008-2009. Personally undertook a review of the native fisheries assessment of effects and provided advice to the Department of Conservation for the resource consent hearing and Conservation Act concession. Reviewed the assessment of potential effects of habitat loss, loss of natural fish passage barriers, fish passage at the dam site during construction and during dam operation. Presented evidence at the resource consent hearing. Prepared evidence for the Environment Court appeal for the Department of Conservation 2009-2011.
<b>Tarawera River Discharge Consents, Bay of Plenty.</b>	Undertook a GAP analysis of the native fish data available for the Tarawera River to determine fish survey requirements to assess the effects of the Kawerau pulp and paper mill discharge to the Tarawera River. Undertook the fish surveys and fish health assessment. Wrote an assessment of effects for the consent application, presented evidence at consent hearing and at the Environment Court for Norske Skog and Carter Holt Harvey from 2008-2010.
<b>Rangitata Water Conservation Order Appeal, Canterbury.</b>	Reviewed native fish values of the Rangitata River and provided technical advice on native fish for the Department of Conservation. Presented technical evidence at the Environment Court hearing for the Department of Conservation in 2002.
<b>Hunter Downs Irrigation Scheme, Canterbury.</b>	Reviewed the AEE reports and prepared a technical report of the effects of water abstraction on native fish and trout and salmon fisheries for the Canterbury Regional Council staff report and presented evidence at the resource consent hearing for the Hunter Downs Irrigation scheme on the Waitaki River Environment Canterbury in 2006-2007.
<b>Central Plains Water Enhancement Scheme, Canterbury.</b>	Carried out an assessment of effects on Canterbury mudfish of the proposed Wainiwanuiwa reservoir and developed a mitigation plan for Canterbury mudfish to offset the development impacts of reservoir construction and fish habitats loss, assessed fish screen requirements for the native fish at river intakes and presented fisheries evidence at consent hearing for URS New Zealand in 2006-2008.
<b>Clutha River hydro-electric dam consents, Otago.</b>	Undertook a review of all AEE reports and documents produced by Contact Energy for the consenting of Roxburgh and Clyde hydroelectric dams and the Lake Hawea control structure. The review included effect on fish passage, hydro-electric ramping rates and varial zone impacts and hydro-electric reservoirs on native fish. Technical expert in consultation with Contact Energy and presented fisheries evidence at the resource consent hearing for the Department of Conservation 2000-2001.
<b>North Bank Tunnel Concept, Canterbury.</b>	Reviewed the AEE reports and prepared a technical report of the effects of water abstraction on the native fish and trout and salmon fisheries for the Canterbury Regional Council staff report and presented evidence at the resource consent hearing for the North Bank Tunnel Concept electricity generation on the Waitaki River Environment Canterbury in 2006-2007.
<b>Project Hayes Wind Farm AEE, Otago.</b>	Undertook a freshwater fisheries survey, produced an additional AEE report, undertook consultation with interested parties and prepared and presented evidence for the resource consent hearing and subsequent Environment Court Hearing for Meridian Energy Ltd in 2006-2007.



## CURRICULUM VITAE

## RICHARD ALLIBONE

**Ashburton Community Water hydro-electric scheme, Canterbury.**

Assessed the effects of Ashburton Community Water Trust hydro-electric scheme on the operation of TrustPower salmon barrier at the Highbank hydro-electric power station. Presented evidence at the resource consent hearing for Trustpower in 2008.

**Electricity Ashburton Rakaia hydro-electric scheme, Canterbury**

Assessed the effects of Electricity Ashburton's hydro-electric power scheme on the operation of TrustPower salmon barrier at the Highbank hydro-electric power station. Presented evidence at the resource consent hearing for Trustpower in 2008.

**PROJECT EXAMPLES – ENVIRONMENTAL MANAGEMENT****Luggate Creek fish survey, Otago**

Undertook fisheries surveys in response to Section 92 request from Otago Regional Council regarding fish species present in Luggate Creek and appropriate residual flow at water take and presented expert evidence in resource consent hearing for Criffel Water Limited in 2016-2019.

**Minimum flow assessment for Ashley River catchment, Canterbury**

Conducted RHYHABSIM studies of the Ashley River and four spring-fed tributaries to provide recommendations for minimum flows for the water ways, for Environment Canterbury in 2017.

**Minimum flow assessment for Otago Streams, Otago**

Conducted RHYHABSIM studies at 15 stream sites in Otago to provide recommendations for minimum flows for the Otago Regional Council from 2008 - 2017.

**Resource consent application assessments, Otago**

Provided technical assessment of resource consent applications for Otago Regional Council between 2015 – to present day.

**Aquatic assessment of effects for gold mine, Otago**

Conducted the assessment of effects on aquatic ecosystems for a proposed gold mine at Roxburgh, Central Otago for Kokiri Lime Ltd in 2015.

**Technical advice to Department of Conservation, NZ**

Provided freshwater ecological advice to the Department of Conservation on resource consent and concession applications in 2014-2015.

**Kye Burn flow assessment, Otago**

Conducted field surveys and technical review of flow and habitat data for Kye Burn. Assessed the flow requirements for threatened native fish and brown trout, made recommendations for flow and river management to Fish & Game, Otago in 2015. Provided expert evidence at resource consent hearing for water allocation in the Kye Burn catchment in 2017.

**Transmission Gully Highway, Wellington**

Currently providing independent technical reviews of aquatic ecological work and of highway construction activities such as temporary roads and culvert constructions on behalf of the CPB- Heb Construction consortium and Greater Wellington Regional Council from 2015 onwards.

**Fisheries advice for NES-Plantation forestry, Wellington**

Provided freshwater fisheries advice to Ministry of Primary Industries for the development of freshwater fisheries policies and objectives in the National Environmental Standard – Plantation Forestry between 2015-2017.

**Freshwater fish surveys of Berwick Forest streams, Otago**

Fish survey of streams in the plantation forests to determine distributions of threatened native fish and salmonids for Wenita Forest Products Ltd and City Forests Ltd from 2017 onwards.



## CURRICULUM VITAE

## RICHARD ALLIBONE

<b>Manuherikia Catchment Water Strategy, Otago</b>	Environment work stream leader for ecological, landscape and farm management assessments for irrigation feasibility studies in the Manuherikia Valley, Central Otago. Conducted freshwater fisheries, water quality, bird and lizard surveys. Manuherikia Catchment Water Strategy group 2013 – 2017.
<b>Alpine galaxias water temperature assessment, Otago</b>	Monitoring water temperature in the Manuherikia River and fish distributions to determine if elevated summer temperatures and introduced salmonids impact on the threatened Manuherikia alpine galaxias from 2017 -2018.
<b>Benmore Irrigation Company, Canterbury</b>	Project leader for the assessment of the effects on the aquatic ecology of streams in a proposed irrigation expansion area for farms supplied by water supplied the Benmore Irrigation Company, presented expert evidence at resource consent hearing, 2013-2017.
<b>Palmerston North City Council Waste Water Discharge Review, Palmerston North.</b>	Conducted a review of water quality monitoring data and impacts of algal blooms on fish health for Horizons Regional Council as part of the consent review of Palmerston North City's waste water discharge to the Manawatu 2013 - 2014.
<b>Black Diamond mine expansion, Southland.</b>	Project manager and aquatic ecology expert undertaking aquatic surveys of old mine pit ponds to assess the ecological effect of pit draining to reopen old coal mine areas for new mining for Takitimu Coal in 2012 -2014.
<b>Central Plains Water Enhancement Scheme, Canterbury.</b>	Project manager and fisheries expert undertaking assessment of Canterbury mudfish populations in the Stage 1 and 2 development areas of the Central Plains Irrigation scheme. Conducted survey work and reporting to CPWES in 2013 and 2015.
<b>Canterbury Coal mine extension, Canterbury.</b>	Project manager of the aquatic assessment team conducting background assessment of aquatic values at the Canterbury Coal site – Coalgate, Canterbury for Canterbury Coal Ltd. in 2013.
<b>Stockton mine environmental projects, Buller.</b>	Project manager and fisheries expert for ecology team undertaking additional freshwater survey work at the proposed Mt William mine site for consent application, consent monitoring at sites for Stockton mine and monitoring of fish populations in the Ngakawau River to assess the effectiveness of AMD treatment at Stockton mine for SENZ in 2012.
<b>Patea Dam Consent Assessment, Taranaki</b> ~.	A member of the three-person independent expert panel undertaking reviews of the monitoring of effects of the Patea Dam on the Patea River trout and native fisheries for all parties - Trustpower, Taranaki Regional Council, Department of Conservation, Fish & Game, Ngati Rangi 2010 -2019.
<b>Lake Mahinerangi Benthic Enhancement Trials, Otago.</b>	Designed a trial riparian planting programme and rocky lake bed enhancement to encourage benthic invertebrate production in Lake Mahinerangi, a hydro-electric power generation storage lake for Trustpower from 2007 to 2012.
<b>Waihopai and Branch hydroelectric schemes elver transfers, Marlborough.</b>	Monitoring of the elver trap and transfer programme at the Waihopai River hydro-electric power station, fish surveys of the Waihopai River to comply with consent requirements and reporting for Trustpower from 2007 onwards.
<b>Motokawa hydroelectric scheme, Taranaki.</b>	Desktop review of the effects of a failure of intake control gates on fish passage at intake weir and on downstream fish passage for 24 hour period of low or no flow for Trustpower in 2007.

## CURRICULUM VITAE

## RICHARD ALLIBONE

<b>Highbank hydroelectric power scheme salmon barrier monitoring Canterbury.</b>	Designed and undertook the monitoring of the Highbank Hydro Electric Power Scheme salmon barrier for Trustpower in 2008. The monitoring included assessment of the number of salmon entrained in the tailrace, the effectiveness of the salmon bypass and salmon barrier.
<b>Mahinerangi Wind Farm AEE, Otago.</b>	Undertook freshwater fisheries survey, assessment of effects for water take and concrete batching plant, contributed to the production of the general wind farm AEE and S92 replies for the RMA consents for the Mahinerangi Wind Farm Trustpower Ltd 2006-2007.
<b>Mahinerangi Wind Farm Environmental Management Plans, Otago.</b>	Project manager for the terrestrial and freshwater team that prepared all the ecological monitoring plans and SEMP's for the construction of Mahinerangi Wind Farm for Trustpower in 2010.
<b>Mahinerangi Wind Farm Falcon Monitoring, Otago.</b>	Project manager for the falcon monitoring programme at Mahinerangi Wind Farm in 2009-2011. Undertook falcon surveys and radio tracking of adult falcons.
<b>Mahinerangi Wind Farm Vegetation Monitoring, Otago.</b>	Project and field staff member undertaking pre-construction and post-construction vegetation monitoring and revegetation assessments at Mahinerangi Wind Farm for Trustpower from 2010-2013.
<b>Puketiro Wind Farm AEE, Wellington.</b>	Carried out the assessment of aquatic values and environmental effects of construction within and adjacent to the wind farm site. Managed the multi-disciplinary team that also undertook the assessment of botanical and terrestrial fauna for RES New Zealand in 2009-2010.
<b>Te Uku Wind Farm, Waikato.</b>	Undertook a review of the ecological effects on the aquatic environment of the construction of Te Uku Wind Farm for Waikato District Council in 2008.
<b>Freshwater Toolbox, NZ</b>	Wrote spotlighting fishing methods and introduction to freshwater inventory and monitoring for the Department of Conservation Freshwater Monitoring and Inventory toolbox in 2013 and 2017.
<b>East Stebbings Stream Development, Wellington.</b>	Undertook fisheries, invertebrate, periphyton and habitat assessment for the Stebbings Stream, Wellington for the assessment of effects of the East Stebbings urban development in 2009. Undertook fish rescue operation to remove fish from section of stream to be realigned and undertook design work for constructed channel with engineers in 2010. Undertook biomonitoring of the effects of subdivision works in 2010-2011 for Best Farms Ltd.
<b>Fluctuating Flows Report Review, Waikato.</b>	Conducted a peer review of a report on the effects of fluctuating flows from hydro-electric dams on the downstream fauna for Environment Waikato in 2009.
<b>Minimum Flow Assessment for Waitakaruru Stream, Hauraki.</b>	Developed minimum flow recommendations, using RYHABSIM, for Waitakaruru Stream as part of the water abstraction consent application for the West Hauraki Water scheme and presented evidence in the resource consent hearing for the Hauraki District Council in 2009-2010.
<b>Whitebait Escapement Assessment, West Coast.</b>	Used mark recapture methods to assess the escapement of whitebait from whitebait fishery in the Mokihinui River, as part and assessment of potential effects of the proposed Mokihinui hydro-electric dam for the Department of Conservation.
<b>Urban Stream Classification for Auckland, Auckland.</b>	Surveyed and assessed streams in urban Auckland, developing a classification system that recognised the biological values of these streams for Auckland Regional Council during 2000-2001.

## CURRICULUM VITAE

## RICHARD ALLIBONE

<b>Falkland Island freshwater fisheries survey, Falkland Islands</b>	Undertook a three-week survey of the lakes and rivers of the Falkland Islands to determine the status and distribution of native and introduced fish across West and East Falkland for Falklands Conservation in 1999
<b>Whitebait escapement assessment, Taranaki.</b>	Used mark recapture methods to assess the escapement of whitebait from whitebait fishery on the West Coast, South Island and Mokau River, North Island as part FRST funded research in 1998-1999.
<b>QE II National Trust covenant management, New Zealand</b>	Reviewed all new covenant proposals and provided final sign off before presentation to QEII Board of Directors, managed production of the QEII covenant agenda, developed ranking tools for covenant proposals that included ecosystem criteria, LENZ information, financial contributions and threatened species scores. Managed the monitoring of all QEII covenants and had the senior role dealing with poor adherence covenants and covenantors for the QEII National Trust from 2004-2006

## PROJECT EXPERIENCE – CONSERVATION MANAGEMENT

<b>Dusky Galaxias Ecology</b>	Undertook the first research programme investigating the biology of the threatened fish - the dusky galaxias. Investigations included an assessment of dusky galaxias' geographic range, co-existence with other fish species, impacts of water abstraction and exotic species, and growth rate and reproductive biology for the Department of Conservation in 1996-1997.
<b>Bignose galaxias technical advice, Canterbury</b>	Providing technical advice to Environment Canterbury staff for bignose galaxias monitoring project in the MacKenzie Basin 2015 onwards.
<b>Threatened Freshwater Fish Recovery Group Member</b>	Recovery group leader for the non-migratory galaxiid recovery group and group member for the migratory galaxiid and mudfish recovery groups for the Department of Conservation from 2001-2004.
<b>Threatened Freshwater Fish Recovery Plans</b>	Lead author and technical specialist that prepared the first three freshwater fish recovery plans, the non-migratory galaxiids, migratory galaxiids and mudfish recovery plans for the Department of Conservation in 2001-2003.
<b>Non-migratory Galaxiid Monitoring Plan</b>	Developed monitoring methods for non-migratory galaxiids in Otago and wrote the initial monitoring plan for these threatened species for the Department of Conservation in 1997-1998.
<b>Kokopu Monitoring Plan</b>	Developed monitoring methods for kokopu fish species and wrote the initial monitoring plan for these threatened species for the Department of Conservation in 2003-2004.
<b>Pastoral Lease Tenure Review Conservation Assessments</b>	Carried out field surveys of freshwater fisheries values on crown pastoral leases in the tenure review programme in Otago and Southland. Produced conservation assessments and recommendations for protection for the pastoral leases. Peer reviewed other freshwater survey team's conservation assessments for Department of Conservation from 1996-2003.
<b>Lowland longjaw conservation programme, Otago, Canterbury.</b>	Provided technical to the Department of Conservation for the management of lowland longjaw galaxias. Tasks included reviewing translocation programme, reviewing annual and monthly monitoring data from Kauru River population, assessing the potential impacts of the Upper Waitaki Basin irrigation and discharge consents on lowland longjaws, advice to the Department during consent mediation and technical support as required, ongoing since 2006.



## CURRICULUM VITAE

## RICHARD ALLIBONE

**Shepherd Stream  
Restoration, Otago.**

Trial restoration project that undertook the removal of piscivorous introduced fishes from a threatened fish's habitat using multiple removal methods for the Department of Conservation from 1998 to 2004.

**Expert Prosecution  
Witness, Otago.**

Provided expert advice and evidence for the prosecution of a farmer for unconsented stream works, advice included impacts on stream fauna, state of the water course and possible recovery time frame. For the Otago Regional Council in 2011-2012.

## PROJECT EXPERIENCE – INFORMATION MANAGEMENT

**Improved terrestrial  
biodiversity reporting**

Developed an improved reporting system for reporting biodiversity protected on new QEII National Trust covenants and QEII database for recording the information for Queen Elizabeth II National Trust from 2004 to 2006.

## PROJECT EXPERIENCE – BIOLOGICAL SCIENCES

**Galaxiid fishes  
spawning biology**

Co-supervisor of an Otago University PhD student researching the spawning biology of non-migratory galaxiids 2010 - 2014, co-supervisor of Massey University MSc student researching the spawning biology of kokopu species in 2000-2001.

**Brook char biology,  
South Island, New  
Zealand**

Co-supervisor of an Otago University PhD student researching the biology of brook char in New Zealand since 2010.

**Taieri River non-  
migratory galaxiids**

Conducted my PhD study of the ecology and distribution of four newly discovered galaxiid species in the Taieri River, Otago from 1992-1997. Research included the assessment of diet, habitat use, spawning ecology and fish passage/climbing ability of the fish.

**Shortjaw kokopu life  
history**

Undertook a three-year research study of the life history of shortjaw kokopu, one of New Zealand's most threatened fish, at study sites on Mt Taranaki as FRST fund research in conjunction with the Department of Conservation from 1997-1999.

**Fish passage  
assessment for inanga**

Used artificial stream channels to determine the ability of inanga to ascend simulated culverts and weirs to assess fish passage requirements for the species. FRST Biodiversity Research Programme project 1999-2000.

## TRAINING

***Making Good Decisions (valid to 2022)***

***PADI Open Water Diver***

***PADI Advanced Open Water Diver***

***PADI Rescue Diver***

***4WD driving safety course***

***NIWA negotiation training course***

***NIWA expert witness training course***

***MAF Electric Fishing certificate***

***NZ Boatmaster Certificate***

## CURRICULUM VITAE

## RICHARD ALLIBONE

## PROFESSIONAL AFFILIATIONS

NZ Freshwater Sciences Society

## EXAMPLES OF PUBLICATIONS

- McDowall, Robert, Richard Allibone and Lindsay Chadderton. 2005. *Falkland Islands Freshwater Fishes: a natural history*. London, Falklands Conservation.
- Waters, Jon, Richard Allibone and Graham Wallis. Geological subsidence, river capture, and cladogenesis of galaxiid fish lineages in central New Zealand. *Biological Journal of the Linnean Society*, 88 (2006)
- Smith, Peter, Margaret McVeagh and Richard Allibone. Extensive genetic differentiation in the upland bully *Gobiomorphus breviceps* (Pisces: Gobiidae) from New Zealand. *Journal of Fish Biology*, 67 (2005), 627-639.
- Allibone, Richard and Robert McDowall. Threatened fishes of the world: *Galaxias cobinitis* McDowall & Waters, 2002 (Galaxiidae). *Environmental Biology of Fishes*, 70 (2004), 42.
- Allibone, Richard. Egg cannibalism by inanga (*Galaxias maculatus*). *New Zealand Journal of Marine and Freshwater Research*, 3(4) (2003), 763-767.
- Smith, Peter, Margaret McVeagh and Richard Allibone. The Tairāwhiti bully revisited with molecular markers: an ecophenotype of the common bully *Gobiomorphus cotidianus* (Pisces: Gobiidae). *Journal of the Royal Society of New Zealand*, 33(3) (2003), 663-672.
- Charteris, Sjaan and Richard Allibone. Spawning site selection, egg development, and larval drift of *Galaxias postvectis* and *G. fasciatus* in a New Zealand stream. *New Zealand Journal of Marine and Freshwater Research*, 37(3) (2003), 493-506.
- Allibone, Richard, Dean Caskey and Rosemary Miller. Population structure, individual movement, and growth rate of shortjaw kokopu (*Galaxias postvectis*) in two North Island, New Zealand streams. *New Zealand Journal of Marine and Freshwater Research*, 37(3) (2003), 473-484.
- Baker, Cindy, Ian Jowett and Richard Allibone. Habitat use by non-migratory Otago galaxiids and implications for water management. *Science for Conservation*, 221 (2003), 34p.
- McDowall, Robert, Richard Allibone and Lindsay Chadderton. Issues for the conservation and management of Falkland Island freshwater fishes. *Aquatic Conservation: Marine and Freshwater Ecosystems*, 11 (2001), 473-486.
- Chadderton, Lindsay and Richard Allibone. Habitat preferences and distribution patterns of native fish from an unmodified Stewart Island, New Zealand stream. *New Zealand Journal of Marine and Freshwater Research*, 34 (2000), 487-499.
- Allibone, Richard and Dean Caskey. Timing and habitat of koaro (*Galaxias brevipinnis*) spawning in streams draining Mt Taranaki, New Zealand. *New Zealand Journal of Marine and Freshwater Research*, 34 (2000), 593-595.
- Allibone, Richard. Water abstraction impacts on the non-migratory galaxiids of Totara Creek. *Science for Conservation*, 147B (2000), 25-45.
- Allibone, Richard. Assessment techniques for water abstraction impacts on non-migratory galaxiids of Otago streams. *Science for Conservation*, 147A (2000), 5-23.
- Allibone, Richard. Impoundment and introductions: the impacts on the native fish community of the upper Waipori River, New Zealand. *Journal of the Royal Society of New Zealand*, 29(4) (1999), 291-299.
- Moore, Susan, Richard Allibone and Colin Townsend. Spawning site selection by two galaxiid fishes, *Galaxias anomalus* and *G. depressiceps* in tributaries of the Taieri River, South Island, New Zealand. *New Zealand Journal of Marine and Freshwater Research*, 33(1) (1999), 129-139.
- Allibone, Richard and Colin Townsend. Comparative dietary analysis of a fish complex. *New Zealand Journal of Marine and Freshwater Research*, 32(3) (1998), 351-361.
- Allibone, Richard and Robert McDowall. Conservation ecology of the dusky galaxias (Teleostei: Galaxiidae). *Conservation Science Series*, No 6 (1997)
- Allibone, Richard and Colin Townsend. Reproductive biology, species status and taxonomic relationships of four recently discovered galaxiid fishes in a New Zealand river. *Journal of Fish Biology*, 51(6) (1997), 1247-1261.



## CURRICULUM VITAE

## RICHARD ALLIBONE

- Allibone, Richard and Colin Townsend. Distribution of four recently discovered galaxiid species in the Taieri River, New Zealand: the role of macrohabitat. *Journal of Fish Biology*, 51(6) (1997), 1235-1246.
- Mladenov, Phillip, Richard Allibone and Graham Wallis. Genetic differentiation in the New Zealand sea urchin *Evechinus chloroticus* (Echinodermata: Echinoidea). *New Zealand Journal of Marine and Freshwater Research*, 31 (1997), 261-269.
- Allibone, Richard, Todd Crowl, Jean Holmes, Tania King, Robert McDowall, Colin Townsend and Graham Wallis. Isozyme analysis of Galaxias species (Teleostei: Galaxiidae) from the Taieri River, South Island, New Zealand: a species complex revealed. *Biological Journal of the Linnean Society*, 57 (1996), 107-127.
- Allibone, Richard and Robert McDowall. Likely extirpation of common river galaxias (*Galaxias vulgaris*) following impoundment of the Waipori River. *Journal of the Royal Society of New Zealand*, 24(2) (1994), 161-168.
- Wallis, G.P. and R.M. Allibone. Genetic variation and diadromy in some native New Zealand galaxiids (Teleostei: Galaxiidae). *Biological Journal of the Linnean Society*, 50 (1993), 19-33.
- Allibone, A.H. and R.M. Allibone. The geology of Codfish Island, Stewart Island, New Zealand. *New Zealand Journal of Geology and Geophysics*, 34 (1991), 83-86.
- Huryn, A.; Burns, C.; Allibone, R.; Patrick, B.; Scott, D. 2003: Inland Waters and Wetlands. In The Natural History of Southern New Zealand. Eds Darby, J.; Fordyce, R. E.; Mark, A.; Probert, K.; Townsend, C. University of Otago Press, Dunedin, New Zealand. 387p.

## Curriculum Vitae of Richard Fowler

**Full name:** Richard James Buxton Fowler  
**Current position:** Barrister sole  
**Educational qualifications:** BA/LLB (Hons) Victoria University 1974  
**Admitted as a barrister and solicitor:** 1975

### Contact details:

**Postal address:** PO Box 10-048, Wellington  
**Telephone:** [REDACTED]  
**Facsimile:** [REDACTED]  
**Email:** [REDACTED]  
**Office address:** Capital Chambers, 14th Floor, Novell House  
 89 The Terrace, Wellington

### Work history

1974-1975	JW Dalmer, Law Clerk
1975-1977	Chapman Tripp, Solicitor
1977-1979	De Joux & Ryan, Solicitor
1979-1982	Phillips Shayle George & Co, Solicitor
1982-2011	Phillips Shayle George & Co (and its subsequent successors through to DLA Phillips Fox), Partner
2011-2012	Barrister sole

### Other positions

Chair of Wellington District Legal Aid Committee and then Wellington District Legal Services Committee (1989-1995)

President Wellington District Law Society (and its successor) (2007-2009)

Hearings Commissioner for over 200 hearings for variously – Marlborough District Council, Nelson City Council, Tasman District Council, Masterton District Council, Hawkes Bay Regional Council and Carterton District Council



Chair of Special Tribunals established by Ministerial appointment under Part IX of the Resource Management Act 1991 to hear and recommend determination of applications for water conservation orders for the Buller River (2006) and the Nevis (2009-2010)

Wellington Presenter for New Zealand Law Society "Flying Start" programme for practitioners intending to practise on their own account (2004-2011)

#### **Summary of accountabilities**

General litigation with the first ten years of practice containing a significant criminal law content including jury trials. Subsequent practice has moved away from that to a broad range of civil litigation at all levels with particular emphasis on public law and media law, but including trust and estate litigation, judicial review, specialist prosecutions and professional disciplinary hearings, as well as tort and contract claims.

#### **Reported cases where involved as lead counsel**

*Dairy Containers Ltd v. NZI Bank Ltd* [1995] 2 NZLR 30  
*Slater Wilmhurst Ltd v. Crown Group Custodian Ltd* [1991] 1 NZLR 344  
*Smaill v. Buller District Council* [1998] 1 NZLR 190  
*Wellington City Council v. Woolworths New Zealand Ltd (No.2)* [1996] 2 NZLR 537 (CA)  
*Wellington City Council v. Body Corporate 51702* [2002] 3 NZLR 486 (CA)  
*Steele v. Serepesos* [2007] 1 NZLR 1 (SC)

#### **Publications**

A handbook of New Zealand Administrative Tribunals.  
 First edition of Vol.5 Trust and Estate Litigation Trapski's Family Law  
 [1987] NZLJ 217 "Jews, Terrorists and Turks"  
 [1995] NZLJ 120 "Fence Lines or Welcome Signs?"  
 [1998] NZLJ 435 "Litigation Oddities and Quiddities"  
 [2006] NZLJ 111 "Familiarisation or Coaching?"

Roger Carew Aritaku MAAKA PhD. Ngāti Kahungunu

### Qualifications

PhD Political Science, University of Canterbury  
NZIM, Supervision Certificate  
Good Decisions, RMA certificate

### Employment history

- 2015 - present Self-employed,
- 2009-15 Dean/Director Māori, Research Professor, Eastern Institute of Technology(EIT), Taradale
- 2003- 08 Professor/Head of Department, Native Studies, University of Saskatchewan, Canada
- 1985-2003 Student/Senior Lecturer/ Head of Department, Māori, University of Canterbury
- 1982-1990 Self-employed Rubbish disposal contractor
- 1962-82 NZ Army, NZSAS, NZ INFANTRY, WO2, Active & Overseas Service, Borneo, South Vietnam, Singapore

RMA and other environmental related experience.

- Mataatua Declaration on Indigenous Flora and Fauna to the United Nations (co-author) 1994
- Waitangi Tribunal enquiry Wai 262 Indigenous Flora and Fauna 1996-2011
- RMA panels & tribunals
  - Tukituki Plan Change 5 2013
  - Peka Peka to North Ōtaki Expressway 2013
  - Panpac Consent Hearing 2015
  - W.C.O. application for the Ngaruroro 2017-19
- HBRC Māori Standing Committee 2015-17, 2020
- HBRC Regional Planning Committee 2016-17
- Whatumā Management Group 2020 -
- CHBDC District Plan working group 2017 -

### Contact Details

[illegible]





## Sheena Tepania

*Ngāpuhi, Ngāti Kahu ki Whangaroa, Ngāti Kuri, Te Rarawa, Te Aupouri*  
Bachelor of Laws – Auckland (1998); Admission – Auckland (June, 1999)

Sheena is of Ngāpuhi and Muriwhenua descent and has practised as a lawyer, lecturer and consultant specialising in Treaty issues, resource management and Māori land law. She brings a te ao Māori (Māori worldview) perspective to her work and has a high level of expertise in kaupapa Māori and environmental management.

Sheena is certified in the Ministry for the Environment's Making Good Decisions programme with a chairing endorsement, and has had extensive experience as a decision-maker in her role as an independent Hearings Commissioner since 2011. She is frequently appointed to hear and decide applications for resource consent, notices of requirement and plan changes. Her most recent plan change commissioner role was to the Waikato Healthy Rivers - Wai Ora: Proposed Plan Change 1. Sheena also works as a Consultant and Barrister providing professional advice primarily focusing on kaupapa Māori encompassing law and environmental policy and planning. She is currently a member of the Resource Management Law Association's national executive.



<b>Name</b>	Sheena Moana TEPANIA
<b>Address</b>	[REDACTED]
<b>Date of Birth</b>	[REDACTED]
<b>Whānau</b>	[REDACTED]
<b>Mobile</b>	[REDACTED]

## Appointments

<b>Current or most recent Employment</b>	Independent Hearings Commissioner (2011–present) Self-employed Consultant (2008-present) (Kaiarahi Consulting Ltd) Kōwhiri Consulting Ltd (2005-2010), Senior Consultant & Lecturer Barrister and Solicitor / Barrister (1999–2006) / (2018 - ongoing)
<b>Government board appointments held</b>	<b>Minister of Local Government: Development Contributions Commissioner (2020–2023)</b> Appointed by the Minister of Local Government to the Register of Development Contribution Commissioners from which territorial authorities may select to hear development contribution objections. <b>Assoc. Minister of Local Government: Territorial Authority for offshore islands – Tūhūa / Mayor Island (2017-Current)</b> Appointed by the then Assoc. Minister of Local Government: Territorial Authority for offshore islands, as an Independent Commissioner to work with the Tūhūa Trust Board in overseeing resource consent applications under the Tūhūa Joint Management Agreement. <b>Minister for the Environment: EPA - Board of Inquiry (2017)</b> Appointed by the Minister(s) to the East-West Link Board of Inquiry. Final decision submitted to the EPA in December 2017. <b>Minister for the Community and Voluntary Sector: Winston Churchill Memorial Trust</b> Board Member 2004-2009.

## Sheena Tepania

<b>Local Govt, Private and/or voluntary sector board appointments held</b>	<p><b>Auckland Council: Independent Commissioner Panel (Ongoing)</b> Appointed to the independent commissioner panel for Auckland Council in 2011, 2014 &amp; 2017(extended) (three year terms), as a specialist in kaupapa Māori and tikanga matters.</p> <p><b>Waipa District Council: Independent Commissioner Panel (Ongoing)</b> Appointed to the independent commissioner panel for Waipa District Council in 2020.</p> <p><b>Hamilton City Council: Independent Commissioner Panel (Ongoing)</b> Appointed to the independent commissioner panel for Hamilton City Council in 2020.</p> <p><b>AUPIHP: Auckland Unitary Plan Independent Hearings Panel (2014-2016)</b> Appointed to assist the AUPIHP as part of a team of 15 mediators and facilitators.</p>
<b>Professional Body</b>	<p><b>Resource Management Law Association</b> Appointed to the National Executive Committee September 2018-2020.</p>

## Qualifications and relevant experience

<p><b>Qualifications</b></p> <p>2016: Making Good Decisions – Chair Accreditation (expires 30.06.2021)</p> <p>2011 &amp; 2008: Making Good Decisions – Panel Accreditation</p> <p>June 1999: Admitted as a Barrister and Solicitor of the High Court of NZ</p> <p><b>Employment History</b></p> <ul style="list-style-type: none"> <li>• Barrister (2018–present)</li> <li>• Independent Hearings Commissioner (2011–present)</li> <li>• Self-employed Consultant (2008–present) advising organisations on kaupapa Māori encompassing law and environmental policy and planning</li> <li>• Kōwhiri Consulting Ltd, Senior Consultant &amp; Lecturer (2006–2010) providing professional advice and services in four key areas: Environment, Education, Business and Culture, Lecturer, Bachelor of Iwi Environmental Management, Te Wānanga o Aotearoa (2006-2012)</li> <li>• Barrister and Solicitor: Tamatekapua Law, Barristers &amp; Solicitors, Solicitor (2004-2006, 2001-2003) Paralegal/Planning &amp; Environment Lawyer, London (2003-2004). Walters Williams &amp; Co, Barristers &amp; Solicitors, Solicitor (1999-2001). Practised in the area of Waitangi Tribunal Claims and Settlements, Environmental/Planning Law, Māori Land Law and General Practice.</li> </ul> <p><b>Relevant Hearings Commissioner Experience</b></p> <p><b>Current</b></p> <ul style="list-style-type: none"> <li>• 2020 – appointed as Chair to hear submissions and made decisions in a joint hearing on Waste Management NZ Ltd's request for a Private Plan Change (PPC42) and the notified Resource Consent applications for the Auckland Regional Landfill, Wayby Valley. The hearing process is to begin in November.</li> <li>• 2020 – appointed as Chair to hear submissions and make decisions on proposed Plan Change 22 to the Auckland Unitary Plan (OiP) (Sites and Places of Significance to Mana Whenua Overlay) and proposed Plan Modification 12 to the Hauraki Gulf Islands District Plan. The hearing process is to begin in August.</li> <li>• 2020 – appointed to hear submissions and make decisions on proposed private Plan Change 30, by the Counties Racing Club, to rezone 5.8 hectares of land at Pukekohe Park from Special Purpose – Major Recreation Facility to Business – General Business. The hearing process is to begin in July.</li> <li>• 2020 – appointed to hear and decide applications by Seaport Land Co. Ltd. to the New Plymouth District Council, in respect of subdivision and land use consents to establish and use buildings for noise sensitive activities, undertake activities near archaeological sites, for building reduced setbacks, reduced carparking. The hearing is currently adjourned.</li> </ul>
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## Sheena Tepania

- 2018 – current: Ministry for the Environment – appointed to the Certification Panel of qualified resource management professionals to undertake required assessments of presenters/facilitators of the Making Good Decisions course. Have completed three interviews/assessments to date.

### Previous

- 2018 – February 2020: Waikato Regional Council Proposed Waikato Regional Plan Change 1 – Healthy Rivers/Wai Ora: Panel Member. Appointed to the panel as an independent commissioner to hear and deliberate on submissions to the proposed plan change for the Waikato and Waipā rivers, and then make a recommendation to the Council. The hearing process began in March 2019 and continued through to late-September 2019. The decision was finalised in February 2020.
- February 2019 – appointed to hear and decide applications by the Ngāti Korokī - Kahukura Trust to the Waipa District Council, in respect of a proposed papakainga development on ancestral land at Westlea Road Cambridge. The proposal required subdivision by unit title to establish individual sites for 11 houses catering for three-five-bedroom homes with many of the lots being large enough for future one or two-bedroom minor dwellings across 2.3ha and one common area. The decision was released in May 2019.
- August 2018 – appointed to hear and decide an application by Healthy Waters, Auckland Council on the diversion and discharge of stormwater through the public stormwater network, overland flow, and discharge of stormwater to the environment. The application includes all the existing public stormwater network and future network. The matter was heard in November 2018 with the decision released in April 2019.
- April 2018 – appointed to hear and make recommendations on the Notices of Requirement from Auckland International Airport Limited for designations contained in the Auckland Unitary Plan (Operative in Part). The purpose is to alter the length and location of a proposed second runway in a location north of the existing southern runway. The decision was released on 23 November 2018.
- March 2018 – appointed by the EPA to a Decision-making Committee (DMC) to hear and decide an application by OMV to discharge harmful substances from the deck drains of one or more Mobile Offshore Drilling Units within its permit areas, offshore Taranaki.
- February 2018 - application by Western Firth Marine Farming Consortium, to establish a marine farm of 640 hectares in the Firth of Thames to grow and harvest Greenshell Mussels (*perna canaliculus*). Key issues: Iwi engagement, size of the mussel farm, impact on the coastal ecology etc.
- January 2018 – application by the NZ Refining Company to the Northland Regional Council for the Proposed Deepening and Realignment of Whangārei Harbour Entrance and Approaches. Key issues include: Coastal Processes, Cultural Effects, Avifauna, Marine Ecology, Noise, Marine Mammals, Archaeology and Heritage.
- January 2018 – application by Westpac Mussel Distributors Ltd to the Auckland Council for two coastal permits to use and occupy approximately 171 hectares (Rangipakihī) & 128.2 hectares (Waitoetoe) in the coastal marine area for the purpose of farming, or collecting the spat of, NZ greenshell mussels. Key issues: Iwi engagement, mussel farm size, coastal ecology.
- February 2017 – EPA appointment to East-West link Board of Inquiry. Application for two notices of requirement & 23 resource consents involving the construction of a new four lane arterial road connecting SH20 at the Neilson Street Interchange in Onehunga with SH1 in Mt Wellington, coastal reclamation and stormwater treatment. 12-week hearing. Decision delivered to the Ministers January 2018.
- October 2016 – application by Rotokawa Joint Venture Limited to the Waikato Regional Council, to increase RJVs current take of geothermal fluid by 10,000 tonnes per day; to increase the authorised area of subsurface operations for drilling, extraction and reinjection activities; and to produce a new consolidated suite of consents consisting of the current consented and proposed new activities. Key issues: cultural effects, process issues, consultation, reservoir sustainability, ground subsidence, geothermal surface features.
- August 2016 - proposed variation to the Regional Parks Management Plan 2010. Purpose of the variation was to include Te Muri Regional Park in the management plan provisions with consequential amendments to the Mahurangi Regional Park provisions. Key issues: balancing competing interests.
- June 2016 – Chaired the hearing of a NoR by the Minister of Education to designate a school and ECE facility at 187 Flat Bush School Road, Flat Bush, Auckland. Key issues: noise (aircraft), reverse sensitivity, transport, planning & infrastructure, legal (assessment of alternatives).



## Sheena Tepania

- November 2015 – HASHAA – Hingaia/Karaka – Hearing of 3 separate proposed plan variations & 3 QD applications under HASHAA 2013. Key issues: design, transport, cultural & archaeological heritage, planning & infrastructure.
- October 2015 – University of Auckland, Tamaki Campus – Private plan change application to rezone land from Special Purpose (Education) zone to Mixed Use zone, remove the concept plan and replace it with new site specific controls. Key issues: planning, urban design, visual effects relative to Mt Wellington/Maungarei, economic impact, infrastructure stormwater and wastewater, transport.
- August 2015 – comprehensive development of Quarter Area 7 (Wynyard Quarter area) to establish a hotel and public open space. Application by Auckland Waterfront Development Agency. Key issues: scale of development, height and bulk, urban design, and potential visual effects for surrounding properties.
- July 2015 – Scott Point Special Housing Area - 156 ha of land on Clark Road and Scott Road - Plan Variation, 5 applications for Qualifying Developments and 2 applications for resource consent at Scott Point, under the HASHAA 2013 legislation. Key issues: design, transport, planning and infrastructure.
- July 2015 – reconvened hearing (initial hearing January 2015) for four consents to occupy part of the common marine and coastal area at Waimango Point (Tuwhitu) and carry out further marine farming activity and spat catching activities. Key issues: cultural effects, additional spat catching areas, regularising existing mussel farms that have not been located within the permitted areas.
- June 2015 - NoR by the Minister of Education for Pukekohe West Primary School & Early Childhood Education Centre at Jutland Road, Pukekohe (Lot 2 DP84292). Key issues: traffic, noise, soil contamination, built form and infrastructure.
- May – June 2015 – application by NZTA for joint Resource Consents and Notices of Requirement in relation to the Southern Corridor. NZTA's Southern Corridor Improvements (SCI) project involves the construction and operation (including the maintenance, improvement, enhancement, expansion, realignment and alteration) of a 9.5 km section of the Southern Motorway between Manukau and Papakura. Key issues: traffic, landscape, noise, stormwater and cultural effects.
- May 2015 – Chaired a hearing in relation to an application by Wiri Oil Services Ltd to designate a hazardous substances terminal and distribution facility (the Wiri Oil Terminal). Key issues: major hazard risk contour and approach to defining and managing risk. I also wrote the decision as to notification in October 2014.
- December 2014 – January 2015 – application by Ryman Healthcare for resource consent to construct and operate a retirement village in Campbell Road, Greenlane to include buildings of between 2 to 6 storeys and 233 living units. Key issues: bulk, height, location and scale of the proposed buildings, tree removals and proposed landscaping, traffic and parking effects and construction effects.
- August – September 2014 – Plan Variation and Resource Consent by Progressive Enterprises to further develop and extend the Mt Eden Countdown supermarket and carpark including plan variation to rezone land. Key issues: earthwork activities, building design, noise and vibration, stormwater, sustainable transport and landscaping.
- July - August 2014 – Reserves Act matter - recommendation to the local Board. Proposal to grant five leases & licence to occupy to enable operation of a variety of motorsport activities on Colin Dale Park Recreation Reserve. Key issues: noise, reverse sensitivity (airport), dust, volcanic features & view shafts, historical and archaeological effects, cultural effects on proposed adjoining marae.
- June 2014 – NoR - Auckland Transport - designate land for road purposes (Trig Road) in Whenuapai.
- December 2012 – Application for Resource Consent by Drumfad Holdings Ltd to take water from the Waitoa River (Waikato Regional Council).
- August 2012 – Plan Change 39 to the Auckland Council District Plan (Franklin Section) – sought to update Group C (Trees) of Schedule 8a (Historic Buildings, Structures, Trees and Areas) to ensure that it continues to represent the most significant trees in Franklin.
- March 2012 – Plan Change 160 to the Auckland Council District Plan (Rodney Section): Introduction of Helensville Residential Heritage Policy Area and Other Changes - Helensville.
- March 2012 – Reserves Act - Lease and Licence to Occupy, Takapuna.

## Sheena Tepania

- Feb 2012 – Auckland University of Technology designation (Manukau Campus).
- Dec 2011 – Resource Consent re Stoney Ridge Quarry on Waiheke Island.

### Relevant practise experience

**Barrister (2008, 2018-2019, 2019-2020)**

**Tamatekapua Law, Barristers & Solicitors**

**Senior Solicitor - December 2004 – January 2006**

**Solicitor – July 2001 – Jan 2003**

Tamatekapua Law was a small firm with 1 Principal, Prue Kapua and approximately 3 staff solicitors. The firm had one office in central Auckland specialising in the areas of environmental and planning law, Māori land law, civil litigation, and Treaty jurisprudence. I spent nearly two years of practise with Tamatekapua Law before travelling overseas to work in London for almost two years. I then returned to Tamatekapua Law in 2004 and worked primarily in Litigation on Waitangi Tribunal and Resource Management files.

**London Borough of Brent, London**

**Planning Locum**

**June 2004 – November 2004**

**Environmental/Planning Law**

**London Borough of Greenwich**

**Planning Locum**

**July 2003 – May 2004**

**Environmental/Planning Law**

Planning (s106) and highway (s38 & s278) agreements; Enforcement; Planning Inspectorate Appeals; Environmental Protection; Property - Commercial and Residential leases.

**Walters Williams & Co, Barristers & Solicitors, New Zealand**

**Solicitor - June 1999 – July 2001**

Walters Williams & Co was a medium sized firm with 6 partners and approximately 15 staff solicitors. The firm had offices in Auckland and Wellington (New Zealand) and specialised in the areas of environmental and planning law, civil litigation, and human rights, specifically indigenous peoples' rights. The firm disbanded in April 2003. I practised in the following areas: Waitangi Tribunal Claims and Settlements; Environmental/Planning Law; Māori Land Law; General Practice including Criminal and Family areas of law.

## Referees

<b>Sarah Reeves (Judge)</b> Māori Land Court [REDACTED] [REDACTED]	<b>Greg Hill</b> RMA Commissioner / Senior Planner [REDACTED] [REDACTED]
<b>Gina Rangi</b> Rotorua Lakes Council Kaiwhakahaere - General Manager Māori [REDACTED] [REDACTED]	<b>David Hill</b> RMA Commissioner / Senior Planner [REDACTED] [REDACTED]





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 19 August 2020

### Subject: OUTDOOR BURNING

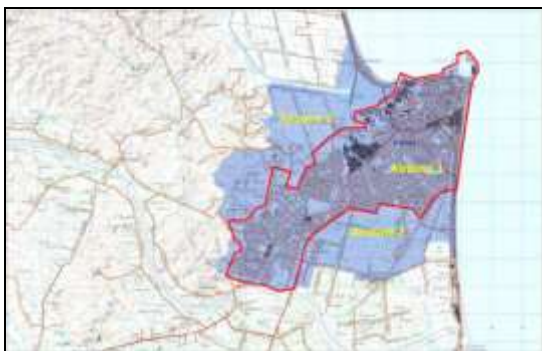
Item 6

#### Reason for Report

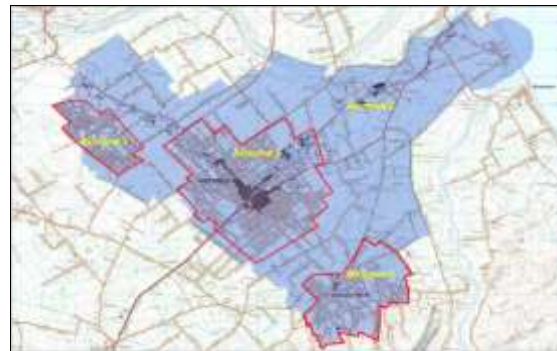
1. This report outlines several options available to HBRC to address outdoor burning activities in Hawke's Bay, and seeks direction from the Committee as to next steps to address this practice.
2. Additionally, the report covers outdoor burning complaints, monitoring and modelling information, and the potential health effects caused by this activity. This is a further report following on from the staff report presented at the Committee meeting in June.

#### Executive Summary

3. Over the last few years, the Council's Pollution Response Team has observed an increase in smoke complaints on the Heretaunga Plains, both inside and outside the Napier and Hastings Airsheds (Figures 1 and 2, below). These smoke complaints are typically during winter months.



**Figure 1: Napier Airshed**



**Figure 2: Hastings Airshed**

4. This is largely due to the region's productive horticultural industry, and partly due to urban and lifestyle blocks burning vegetative material on their properties. Outdoor burning on horticultural properties typically comprise of multiple, large fires on one site.
5. In particular, the horticultural industry burn diseased material, and material left over from orchard redevelopment, during the winter months pursuant to Rules 19a and 19e of the Hawke's Bay Regional Resource Management Plan (RRMP).
6. Rule 19a permits the burning of vegetative matter all year round in Hawke's Bay, except in the Napier and Hastings Airsheds where outdoor burning is not permitted during winter unless the material is diseased or from an orchard redevelopment (Rule 19e).
7. The Council's Pollution Response Team has advised that in some instances Rule 19e has been used to justify the mass removal and burning of orchard trees within days of removal.
8. The intent of Rule 19a and 19e is that all permitted outdoor burning has no more than minor effects on the environment. However, recently questions have been raised around the effectiveness of these rules in managing the PM<sub>10</sub> concentrations, nuisance effects and unintended health consequences, from outdoor burning particularly on the Heretaunga Plains.
9. There have been calls for the outdoor burning practices to be prohibited. This report presents five principal options that have been developed for consideration by the RPC to address outdoor burning.

## Background /Discussion

10. Outdoor burning refers to the combustion of any material in the open air, and includes the burning of household, garden or orchard waste in a fire, bonfire, drum or backyard rubbish incinerator. Outdoor burning does not include the burning of fuels in hangi and barbeques for food cooking purposes.

### Rules

11. Depending on the type of materials being burnt, outdoor burning can result in adverse effects ranging from minor nuisances to severe health effects. The RRMP currently has the following rules which restrict the types of materials that can be burnt, and the times of year burning can take place:
  - 11.1. Rule 19a permits the burning of vegetative matter all year round in Hawke's Bay, except in the Napier and Hastings Airsheds where outdoor burning is not permitted during the months of May - August (unless Rule 19e applies).
  - 11.2. Rule 19b permits outdoor burning for fire fighting training purposes or for fireworks displays.
  - 11.3. Rule 19e permits outdoor burning in the Napier and Hastings Airsheds, during the months of May - August, for disease control or redevelopment purposes.
  - 11.4. Rule 20 prohibits the burning of specified waste in the open. Materials on this list include materials such as metals, rubber, waste oil, treated wood and plastic.
  - 11.5. Rule 20a permits the burning of waste for disease or control or quarantine control in accordance with Section 7A and Part VII of the Biosecurity Act or where the Hawkes' Bay Regional Council has declared a Biosecurity risk.
12. Burning activities under Rules 19a - 20a must also comply with all of the conditions of the relevant rule. Those conditions require discharges to be undertaken in a manner which does not result in an objectionable or offensive effect on adjoining property owners, or significantly elevate PM<sub>10</sub> concentrations within the Napier and Hastings Airsheds.
13. The intent of these rules is that all permitted outdoor burning has no more than minor effects on the environment. However, recently questions have been raised around the effectiveness of these rules in managing the PM<sub>10</sub> concentrations, nuisance effects and unintended health consequences, from outdoor burning particularly on the Heretaunga Plains.
14. Attachment 1 sets out these rules in detail. It should also be noted that notwithstanding these rules, there are other restrictions that any person responsible for burning also has to comply with. Those include territorial authority bylaws and whatever restricted fire seasons may be imposed from time to time by Fire and Emergency New Zealand (FENZ). Bylaws from Napier City Council and Hastings District Council are included in Attachment 4.

### Complaints register

15. The Council receives a number of complaints each year in respect to domestic wood burners and outdoor burning emissions. Table 1 sets out the number of burning complaints received in Hawke's Bay between 2017 and July 2020.

**Table 1: Indoor/outdoor burning complaints (2017- July 2020)**

Type of burning	2017	2018	2019	2020 (July)
Burning Materials (Non-Vegetation)	45	60	83	30
Burning Vegetation	76	114	130	52
Burning indoor (domestic)	31	61	48	27

## Government Review of the NESAQ

16. Earlier this year, the Government consulted on proposed amendments to the National Environmental Standards for Air Quality (NESAQ), which introduce a new daily and annual ambient PM<sub>2.5</sub> (fine particulate matter) standard.
17. The proposed standards predominantly focus on domestic solid fuel burners which are the main source of PM<sub>2.5</sub> in New Zealand. Outdoor burning is currently outside the scope of the NESAQ amendments.
18. Council staff's submission requests further amending the NESAQ to include new regulations for outdoor burning to minimise PM<sub>10</sub> emissions, and localised smoke, from this practice. Staff have also requested that the MfE develop an outdoor burning guidance document that can be used by Council's to better understand when burning needs to take place.

### The issue: outdoor burning

19. Over the last few years, the Council's Pollution Response Team has observed an increase in smoke complaints on the Heretaunga Plains. This is largely due to the region's productive horticultural industry, who rely on burning during the winter months to dispose of diseased material, and material left over from orchard redevelopment.
20. Depending on the scale; smoke emitted from these fires can last for a few hours up to several days. In 2018-2019, a total of 101 infringement fines were issued in response to outdoor burning activities in Hawkes' Bay, 66 of these were within the Napier and Hastings Airsheds.
21. While the exact contribution from outdoor burning to ambient PM<sub>10</sub> concentrations (average 24 hr) in the Napier and Hastings Airsheds is unknown (see paragraphs 31 to 38), we know that the open burning of wet vegetation leads to a low-burn temperature and smouldering conditions, which can cause a smoke nuisance for nearby residents and associated health effects.
22. Rules in the RRMP, in particular Rule 19e, recognise the need for horticultural activities to dispose of diseased and/or redeveloped material while minimising the associated health and nuisance effects of this practice. Rule 19e stipulates burning can only occur when there is no other viable disposal alternative, and sets out a number of conditions to minimise effects offsite.
23. Moving forward to 2020, there are now viable disposal alternatives for redeveloped material, such as the use of large scale mulching machines. While several larger orchard redevelopments have occurred in this manner, uptake is slow with burning remaining the preferred method of disposing of crop redevelopment material.

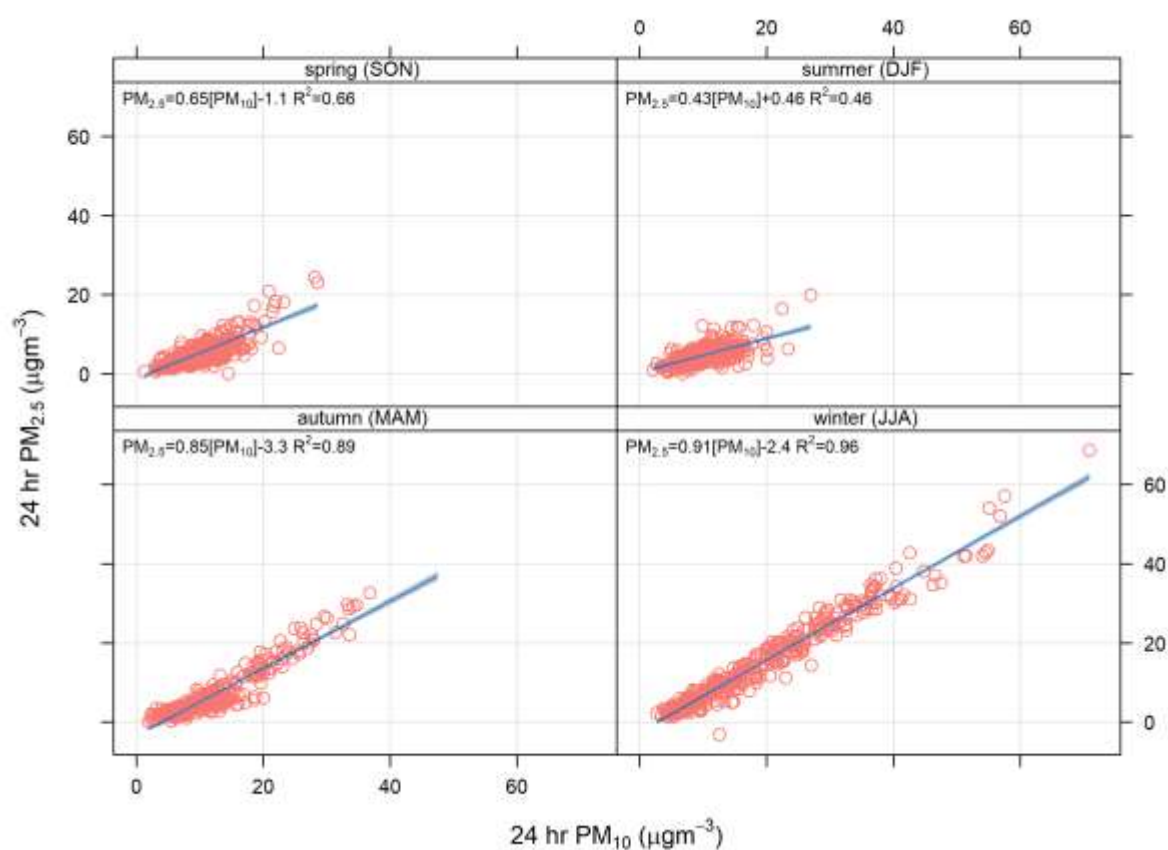
### What is unknown?

24. While it is clear there are now viable disposal alternatives to burning that were not previously available, there is still uncertainty around the following matters:
  - 24.1. what diseases are present in Hawke's Bay?
  - 24.2. does diseased material require immediate disposal, via burning, to prevent spreading (regardless of disease type)?
  - 24.3. are exemptions for outdoor burning necessary to stop the spreading of disease on and between horticultural properties?
  - 24.4. can the burning of diseased material occur in accordance with the Biosecurity Act, regardless of regional rules (Rule 20a)?
  - 24.5. what is the redevelopment cost using a large scale mulching machine (mulching, transportation and disposal)?
  - 24.6. what other outdoor burning activities take place in Hawke's Bay for disease/quarantine control (e.g. infected beehives)?

- 24.7. are the exceptions in Rule 19e, allowing burning for disease control or redevelopment purposes, being misused?
- 24.8. Is outdoor burning a region wide issue, or a Heretaunga Plains specific issue?

### What are the human health effects of fine particulates (PM<sub>10</sub> & PM<sub>2.5</sub>)?

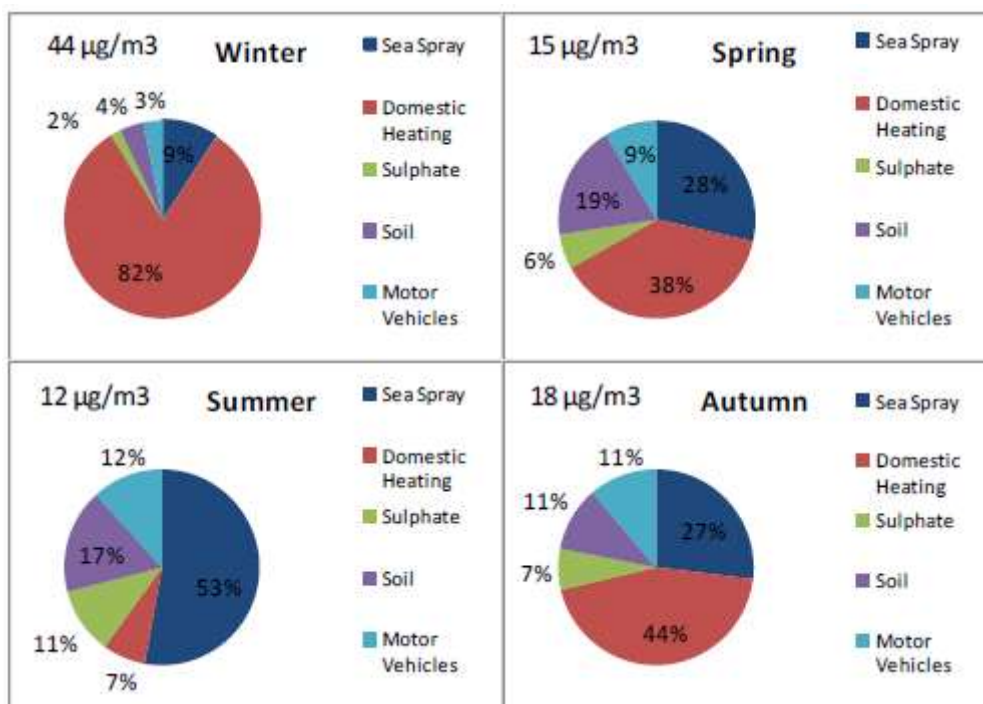
25. Both Napier and Hastings urban areas have elevated PM<sub>10</sub> concentrations during the winter months. Technically, PM<sub>10</sub> and PM<sub>2.5</sub> stands for particulate matter less than 10 and 2.5 microns<sup>1</sup> in diameter, respectively which is a fraction of a width of a human hair. PM<sub>2.5</sub> is a subset of PM<sub>10</sub>.
26. Fine particulates cause visible pollution that people can see on a winter's day, and can be inhaled deep into the lungs resulting in adverse health effects. PM<sub>2.5</sub> is mainly created by human activities (combustion is a principal source), while PM<sub>10</sub> comes from both human activities and natural sources. PM<sub>2.5</sub> makes up most of the PM<sub>10</sub> measured on the Heretaunga Plains in winter, whereas the ratio of PM<sub>2.5</sub> to PM<sub>10</sub> is lower in other seasons (Figure 3). This is because more emissions come from fires in winter than in other seasons, while summer PM<sub>10</sub> is dominated by sea salt (Figure 4).



**Figure 3: The correlation between daily PM<sub>10</sub> and PM<sub>2.5</sub> concentrations ( $\mu\text{g}/\text{m}^3$ ) measured at St John's College in Hastings for each season since 2016. The linear relationship and coefficient of determination ( $R^2$ ) values are shown.**

<sup>1</sup> millionths of a meter





**Figure 4: Seasonal variations of the percentage contribution of sources to PM<sub>10</sub> concentrations at St John's College in Hastings. Seasonally averaged 24 hr PM<sub>10</sub> concentrations are shown at top left of each plot (source: Source identification and apportionment of PM<sub>10</sub> and PM<sub>2.5</sub> in Hastings and Auckland, NIWA 2007). "Domestic heating" in this report includes biomass burning.**

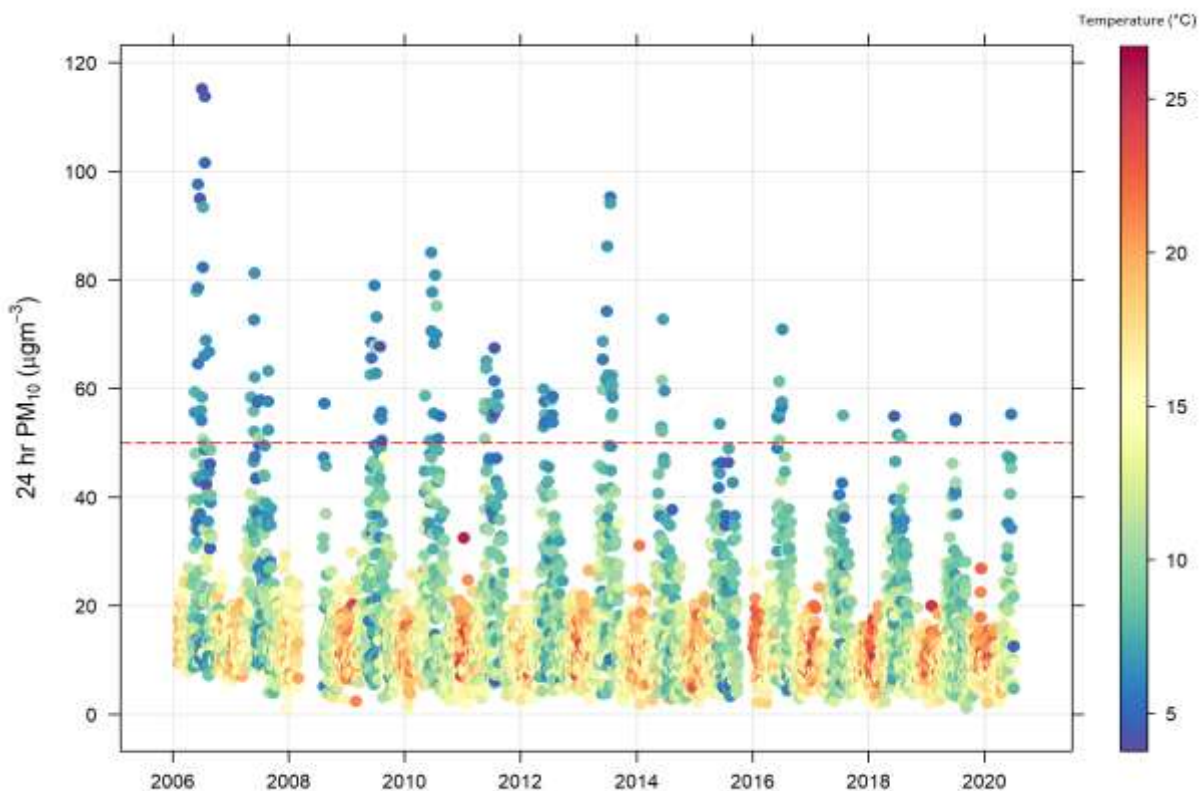
27. The human health effects of fine particulates are widely known and are of major concern throughout the world. The reason researchers and health authorities concentrate on fine particulates is that these particles are so small that they are not filtered out by the natural defences in human noses and get inhaled and lodge deep in people's lungs. In summary, when inhaled into people's lungs, PM<sub>10</sub> can cause asthma attacks and respiratory diseases which, in turn, can lead to increased hospital admissions, use of medication, days off school, lost productive days and even premature deaths. The finer the particle the deeper it is likely to penetrate and cause tissue damage and inflammation. For this reason, PM<sub>2.5</sub> is the fraction most implicated in the health effects associated with fine particulates, which also include elevated lung cancer risk and effects on cardiovascular disease, diabetes, Alzheimer's disease, cognitive impairment and systemic inflammation.
28. PM<sub>10</sub> emissions from both domestic burners and outdoor burning practices contribute to acute symptoms in those with compromised health as well as chronic exposure of the Hastings and Napier population to wintertime smoke. Smoky low temperature burning, typical of outdoor fires, promotes the production of persistent organic pollutants (dioxins and furans), increased particulate matter, carbon monoxide and hazardous air pollutants. Furthermore, pollutants are typically released at ground-level which hinders dispersion.
29. The NESAQ for PM<sub>10</sub> is set at 50 µg/m<sup>3</sup> (24-hour average), with proposed PM<sub>2.5</sub> standard set at 25 µg/m<sup>3</sup> (24-hour average). Notwithstanding, PM<sub>10</sub> is considered a 'no threshold contaminant', which means there is no known safe level for humans below which effects will not occur.
30. In 2019, the World Health Organisation (WHO) announced they would be reviewing and updating the Global Air Quality Guidelines. In particular, evidence suggests that for PM<sub>2.5</sub> adverse health effects may be happening at much shorter timescales (e.g. 1 hour exposure) than previously considered.

### Monitoring and modelling: Outdoor burning

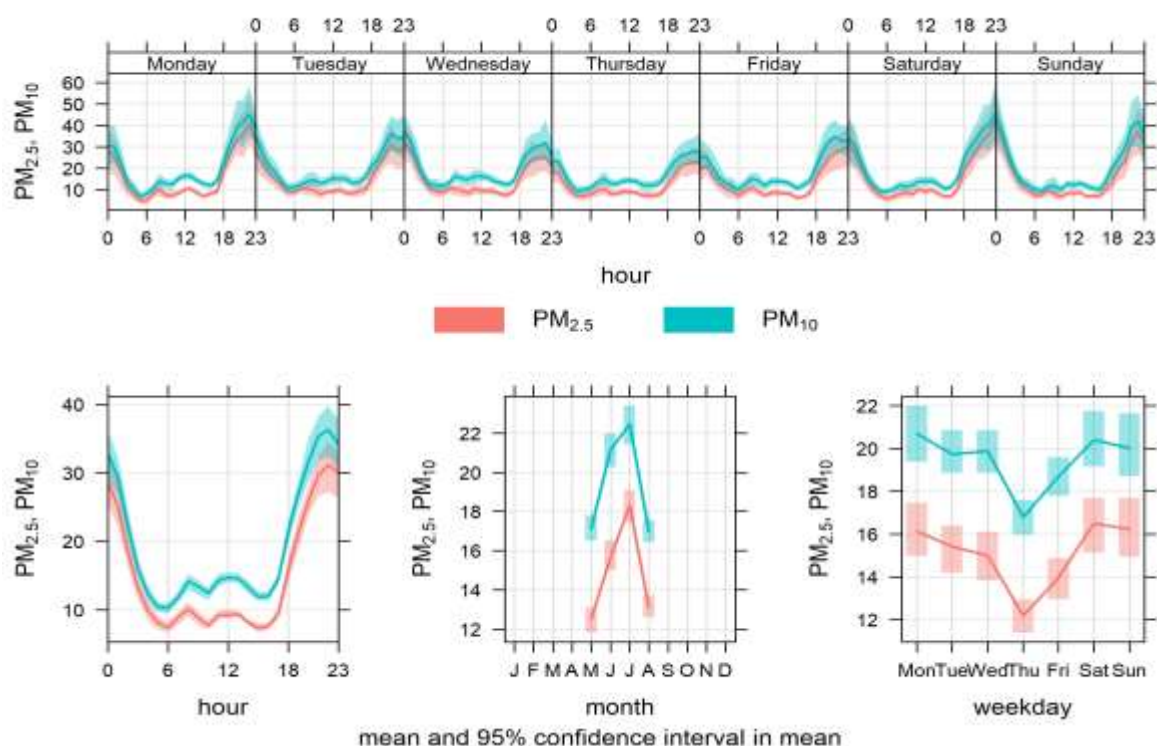
31. Monitoring in Hawke's Bay indicates that outdoor air quality is generally good most of the time. However, during winter higher PM<sub>10</sub> levels occur over the Napier and Hastings urban centres than in the summer months. Concentrations have decreased significantly

since continuous monitoring began in 2005/6 in both Napier and Hastings, although the wintertime maximum concentration has levelled out at  $55 \mu\text{g}/\text{m}^3$  in Hastings over the last few years (Figure 5), noting that this is still a decrease overall.

32. The decline in maximum concentrations in Hastings and Napier is roughly in line with an estimated decline in emissions from human sources within the airsheds. Air emissions inventories, undertaken every five years since 2005 in the Napier and Hastings airshed, indicate that emissions generated within Airzone 1 in Hastings have dropped by approximately 66%, mainly through residents changing from old wood burners to cleaner forms of heating. It is estimated that related  $\text{PM}_{10}$  concentrations have dropped approximately 58% on high pollution days, assuming natural sources, e.g. sea salt, have remained relatively constant over time (a study in 2006 found they comprised 9% of concentrations on days exceeding  $50 \mu\text{g}/\text{m}^3$ ). The results are similar for Napier, with declines of approximately 64% and 56% in emissions and maximum concentrations respectively.
33. In winter,  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$  concentrations are greatly elevated during the hours of 6 pm to midnight compared to other times of the day (Figure 6), which adds support to other information pointing to domestic heating as the primary source of concentrations in the airsheds. Uncertainty remains though to what extent particulates emitted during the day and dispersed to higher elevations then become trapped at lower levels, along with domestic heating emissions, when temperature inversions develop at dusk. Smaller peaks in concentrations around dawn are common to most regions in New Zealand and have typically been associated with the relighting of home fires in the morning and 'rush hour' traffic.



**Figure 5: 24-hour  $\text{PM}_{10}$  concentrations ( $\mu\text{g}/\text{m}^3$ ) measured at St John's College in Hastings since continuous monitoring began in 2006. Concentrations are coloured by the mean daily temperature ( $^{\circ}\text{C}$ ), highlighting that the highest concentrations are on cold days during winter.**



**Figure 6: St John's College average hourly variation in PM<sub>2.5</sub> and PM<sub>10</sub> concentrations by weekday (top), overall (bottom left), monthly averages (bottom middle) and weekday average (bottom right). All averages are in  $\mu\text{g}/\text{m}^3$  and calculated for the months of May to August inclusive from 2016 (when PM<sub>2.5</sub> monitoring began in Hastings).**

34. The sporadic nature of outdoor fires and variations in weather conditions make it hard to monitor the fires' local impacts and contribution to airshed concentrations. Therefore, the complaints register is an important tool for monitoring their impact (paragraph 15). While it is possible to differentiate biomass burning from other sources by analysing collected particulates, the same analytical techniques cannot distinguish between orchard biomass burning and biomass burning from domestic heating.
35. The most recent air emissions inventory, undertaken from May to July 2020, identified domestic heating as the main contributor to winter PM<sub>10</sub> and PM<sub>2.5</sub> levels in Napier and Hastings, which contributes over 80% of the emissions, followed by outdoor burning (5-9%), motor vehicles (5%) and industry or shipping (1-4%). However, the inventory focuses on emissions generated within Airzone 1 of the Napier and Hastings airsheds and outdoor burning in this case refers to burning in a drum, incinerator or open air on residential properties in the study area, i.e. activities that are effectively banned in the RRMP but are still occurring.
36. An assessment of outdoor burning on horticultural land near Airzone 1 was to accompany the inventory but it is now expected to be done in October or November 2020, which is when the horticultural sector has indicated it can provide the information required. The last time the information was collated was in 2016, when the Council commissioned a report on the PM<sub>10</sub> impacts of Orchard Waste Burning on the Heretaunga Plains. An inventory and modelling were used to investigate emissions to air from orchards located both within and outside of the Napier and Hastings Airsheds.
37. The 2016 inventory revealed that over 100 hectares of crops were scheduled for redevelopment that year. The estimated PM<sub>10</sub> emissions from orchard burning averaged to 106 kg per day assuming it was undertaken between May and August inclusive, which equated to approximately 20% of emissions generated from within Airzone 1.
38. 'Typical fires' were subsequently modelled to assess their impact on the wider area. The results suggested the main impacts were local to the fires themselves. Depending on a fire's location and the weather conditions, the contribution to airshed PM<sub>10</sub> concentrations potentially exceeded  $2.5 \mu\text{g}/\text{m}^3$  per fire, which is the 24-hour significance

criterion applied to new industrial discharges in polluted airsheds. Discharges above the criterion requires the industry to offset its emissions. The likely differences in burning conditions and a lack of specific information about the temperature and velocity of the plumes were some of the study's limitations.

### Summary of key options to address outdoor burning

39. Five principal options have been developed for consideration by the RPC to address outdoor burning. Three of these options are specific to the Heretaunga Plains. Any subsequent stakeholder consultation will depend on the Committee's preference.
40. An evaluation of each option's pros and cons is contained in **Attachment 2**. If the RPC and Council were inclined to pursue an option that involved amending the RRMP, then it would be necessary to further consider a range of options, methods and their respective benefits and costs as per section 32 of the RMA, prior to any such plan change being publicly notified for submissions.
41. Option 1: Amend outdoor burning provisions during RRMP Review - This is the default/status quo option and staffs' preferred option. A comprehensive review of the RRMP is scheduled to begin in 2021. As part of the review, all provisions which manage discharge to air will be reviewed and updated in accordance with the NESAQ and the WHO Global Air Quality Guidelines. How the regional plan might control adverse effects of outdoor burning practices across Hawke's Bay, including on the Heretaunga Plains, will be addressed as part of this review. The RRMP Review for Option 1 will occur regardless of whether Option 2, 3, 4, or 5 might be chosen by the RPC.
42. Option 2: Amend existing bylaws for outdoor burning - If the preference is for some form of ban on outdoor burning sooner than the RRMP Review timing, then this is staffs' preferred option (of options 2, 3, 4 and 5) noting that this is subject to discussions with NCC and HDC. Option 2 investigates amending existing outdoor burning bylaws to either prohibit or further restrict burning on the Heretaunga Plains. The ambit of bylaw making powers sit with TLA's under Section 145 of the LGA, meaning that at this stage Option 2 can only be progressed by NCC and HDC. **Attachment 3** sets out more information on the bylaw making process. If Option 2 is pursued, staff recommend:
  - 42.1. That initial discussions take place with Napier City Council and Hastings District Council at the Hawke's Bay Leaders Forum, or similar local authority representatives.
  - 42.2. Subject to positive discussions, that HBRC obtains legal advice on whether a transfer of powers from NCC and HDC can occur to allow HBRC to enforce and/or run the bylaw process on their behalf.
43. Option 3: Amend RRMP to prohibit outdoor burning on Heretaunga Plains all year round – This would involve investigating a dedicated plan change to amend the RRMP to introduce a new rule which prohibits outdoor burning on the Heretaunga Plains all year round. Option 3 requires the development of a new map to ensure clarity on where the prohibition applies. In order for a plan change to proceed successfully through the RMA Schedule 1 process, the Council would need to have clear and robust justification, with evidence, to support the prohibition. If the RPC determines this to be the preferred option, staff recommend that Council seeks an opinion from an expert RMA legal counsel on the required evidence to support such a prohibition in a regional plan.
44. Option 4: Focussed interim amendment to Rule 19e - This would involve preparing a very focussed amendment to Rule 19e, via a dedicated plan change. This would partly addresses outdoor burning in the interim, while allowing further investigation of the issues outlined in paragraph 24, with a view to introduce further rules to manage outdoor burning as part of the full RRMP review (i.e. Option 1). Option 4 would involve amending Rule 19e to require HBRC to be advised prior to any burning taking place, with a statement of compliance with the conditions of these rules. Option 4 would make a small impact, and ensure outdoor burning during the winter months in the Napier and Hastings Airsheds was occurring in accordance with the condition of Rule 19e.
45. Option 5: Amend RRMP to prohibit outdoor burning throughout the region - This would involve investigating a dedicated plan change to amend outdoor burning provisions in



the RRMP, to restrict or prohibit outdoor burning across Hawke's Bay. Similar to Option 3, any prohibition would need to have clear and robust justification, with evidence, to support the prohibition. Option 5 would bring forward work which would otherwise be undertaken as part of Option 1 through a wider RRMP review.

46. Staff have attempted to estimate the likely magnitude of financial and resourcing implications of each of the five key options, although estimates have not been quantified in actual dollar terms. Option 1 is the most cost effective option. This is because the work (and resourcing needs) would be incorporated as part of the scheduled RRMP Review, thus no immediate direct action is required, and will avoid the costs of a standalone issue plan change. Options 3 and 5 are likely to be the most costly of all options, with likelihood that the prohibition would be opposed and challenged through court appeal proceedings. Option 4 is less likely to be challenged, however it will incur more costs than Option 1 with perhaps only a small gain. There is significant uncertainty around the financial estimates associated with Option 2 at this stage, with further discussions needing to take place with both NCC and HDC. Option 2 would also require commitment from both NCC and HDC, but at present, their appetite for a bylaw is untested.

### **Non-regulatory methods**

#### *Non-regulatory methods: best practice outdoor burning guide*

47. In 2010, HBRC partnered with Horticulture New Zealand, and the Hawke's Bay Fruitgrowers' Association to develop a best practice guide for undertaking outdoor burning during the winter months, to complement Rule 19e.
48. The best practice outdoor burning guide educates growers about outdoor burning, including how to prepare and manage a fire, mulching versus burning, suitable weather conditions to carry out burning, and how to minimise smoke emissions. A decision flow chart is included in the guide which sets out times and dates burning can take place in the Napier and Hastings Airsheds.
49. The best practice outdoor burning guide was updated in 2016 and is included in Attachment 4.

#### *Non-regulatory methods: other*

50. The horticulture industry is aware of the need to address their outdoor burning practices and are currently undertaking research to better understand the carbon footprinting of outdoor burning practices - mulching, pulling and burning. The research will include:
  - 50.1. investigating the extent to which natural processes such as root system carbon dioxide uptake, leaf trash decay and tree removal impacts the overall carbon footprint
  - 50.2. investigating the extrapolation of the gases produced by burning a fire at different moisture levels to determine if it meets the acceptable 'burn' thresholds as governed by HBRC
  - 50.3. monitoring trials with bark mulch through to the final 'resting place', ensuring all viable steps are taken to protect Papatuanuku (Mother Earth).
51. In addition to work by industry, staff recommend that HBRC further investigates other non-regulatory methods, such as information and education campaigns to help the community, industry and orchardists to understand the type of effects that can occur as a result of discharging contaminants into the air and the associated health consequences of continuing to undertake outdoor burning.
52. It is also recommended that the HBRC looks to work with orchardists, industry and wood merchants to facilitate, where possible, the trading of green waste to limit burning. BioRich Compost Ltd receives organic waste, several local industries run their boilers using wood waste and local wood merchants have advised they are always looking for new supplies of wood. It should be noted that representatives from the local horticulture sector have requested an opportunity to speak to the RPC on these issues.

## Strategic Fit

53. This report is consistent with the delivery of multiple strategic goals including in relation to air quality, sustainable land use, and sustainable services and infrastructure.

## Significance and Engagement Policy Assessment

54. Depending on the RPC's preferred option, consultation will be carried out pursuant to Section 145 of the LGA, or Schedule 1 of the RMA.
55. In terms of Council's Significance and Engagement Policy, staff do not consider this matter is significant, and in any event, there would be a public participation opportunity for interested persons if any of the options 1-5 outlined in this report was favoured by the RPC.

## Climate Change Considerations

56. Options 1 - 5 all contribute to climate change mitigation and adaptation, by addressing issues associated with outdoor burning.

## Considerations of Tangata Whenua

57. Engagement with iwi authorities is part of the plan change process set out in Schedule 1 of the RMA (Options 1, 3, 4 and 5). Their feedback and any proposed response would be specifically addressed in future papers to this committee if/when a plan change is to be prepared.
58. If Option 2 is progressed then staff would further engage with the tāngata whenua representatives of the Regional Planning Committee on this matter. However, this would be particularly dependent on whatever the appetite for a bylaw might be from Napier City and Hastings District councils.
59. Further iwi engagement will be confirmed once the Committee have provided further direction on their preferred option. Planning staff are currently not familiar the level of engagement associated with promulgating a bylaw under the Local Government Act.

## Financial and Resource Implications

60. No specific budget has been assigned in the 2020/21 Annual Plan for a new project to introduce a ban on outdoor burning, meaning there are potentially additional costs to Council depending on the option chosen.
61. Option 1 has no direct or immediate financial or resource implications, given that the issue will be considered in the wider RRMP review which is scheduled to begin in 2021. Option 1 does not have cost and resourcing implications that will impact on existing or proposed resource management policy workstreams.
62. Option 2, a bylaw process, is likely to have cost and resourcing implications that will impact on the Council's existing or proposed resource management policy work programme. Costs associated with Option 2 will be need to be estimated in conjunction with input from HDC and NCC. Notwithstanding, it is expected that the associated costs with this option will be much less than Options 3, 4 and 5.
63. Option 3, an outdoor burning prohibition on the Heretaunga Plains, will have cost and resourcing implications that will impact on both existing and planned resource management policy workstreams. The estimated costs associated with this option are unknown, but is likely to be high given this option would be extensively litigated by stakeholder groups.
64. Option 4, a minor short term amendment to Rule 19e, is likely to have cost and resourcing implications that will impact on both existing and planned resource management policy workstreams. The estimated costs associated with this option are less than Option 3, but unknown, given the amendment is still likely to be contested.
65. Option 5, region wide outdoor burning restrictions and/or prohibition, has cost and resourcing implications that will impact on both existing and planned resource management workstreams. The estimated costs associated with this option are

unknown but is likely to be high similar to Option 3 given this option would be litigated by a range of region wide stakeholder groups.

66. The Financial and Resource Implications discussed above are indicative only. Once the Committee have provided further direction, staff will be able to provide more certainty on the associated financial and resourcing implications.

## Consultation

### *Past engagement*

67. In 2010, significant stakeholder engagement occurred during the development of the Air Plan. At the time, Horticulture New Zealand Ltd and the Hawke's Bay Fruitgrowers advised that many horticultural management practices rely on outdoor burning during the winter months to dispose of diseased material, and material left over from orchard redevelopment which cannot be disposed of in any other manner.
68. This led to the inclusion of Rule 19e, which was designed to allow the disposal of vegetation which cannot reasonably be disposed of via mulching, in a manner which minimised the contribution to ambient PM<sub>10</sub> levels. At the same time, to assist with the success of the Rule 19e, a best practice guide for outdoor burning was developed (see paragraphs 47 to 49).
69. The best practice guide, and the conditions of Rule 19e, include a range of matters such as weather conditions, the type and condition of material and time of day for burning to take place. However, as discussed earlier in the report, there are issues around compliance with the conditions of Rule 19e, and further investigations need to take place to determine whether Rule 19e is being misused.

### *Future engagement*

70. No consultation on this matter is currently planned by staff and any such consultation in future will depend on the Committee's preferred option.
71. Notwithstanding, the horticulture industry is aware of the need to address their outdoor burning practices and have requested an opportunity to discuss this issue with the RPC, and provide further information and context around outdoor burning practices.

## Decision Making Process

72. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 72.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 72.2. The use of the consultative procedure is prescribed under the RMA.
  - 72.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 72.4. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources under the RMA.
  - 72.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

## Recommendations

1. That the Regional Planning Committee receives and considers the "Air Quality Plan Change Options" staff report.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
  - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that

Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

- 2.2. Notes that there will be legal, administrative and resourcing costs associated with all options. No specific budget has been assigned in the 2020/21 Annual Plan for this project.

EITHER

- 2.3. Supports Option 1, being that the issue of outdoor burning restrictions be addressed as part of the Hawke's Bay Regional Resource Management Plan review scheduled to commence in 2021.

OR

- 2.4. If the preference is for some form of ban on outdoor burning sooner than the RRMP Review timing, then support Option 2 as the preferred approach to address emissions from outdoor burning practices in Hawke's Bay, subject to further discussions with Napier City Council and Hastings District Council at the Hawke's Bay Leaders Forum.
- 2.5. Notes that if Option 2 is pursued and a transfer of by-law functions occurs at a later date, then:
- 2.4.1 the decision is very likely to be classed as significant under the criteria contained in Council's adopted Significance and Engagement Policy, and may require public consultation.
- 2.4.2 the transfer of functions will require Council to address considerations in accordance with the Triennial Agreement and the Local Government Act.
- 2.6. Directs staff to report back to the Regional Planning Committee later in 2020 on details of a process to give effect to the Committee's preferred option.

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**Attachment/s**

- [1](#) Regional Resource Management Plan Rules 19a - 20a
- [2](#) Options to address outdoor burning practices in Hawke's Bay
- [3](#) Functions to manage air quality including Bylaw provisions
- [4](#) Good Practice Guide to minimise smoke emissions from outdoor burning for Fruit Growers
- [5](#) Decision Flow Chart for Outdoor Burning from 1 May - 31 August Yearly







## Rules 19a - 20a of the Regional Resource Management Plan

## 6.5.2 Burning of Waste - Discharges to Air

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<b>19a</b> <b>Burning of vegetative matter, paper, cardboard and untreated wood</b>  <i>Refer POL 69, 69a</i>	Except as provided for by Rule 19e and Rule 20a, the discharge of contaminants into air arising from the burning in the open of vegetative matter, paper, cardboard and untreated wood.	<b>Permitted<sup>2</sup></b>	a. Burning shall only consist of vegetative matter, paper, cardboard and untreated wood generated on the same property, or a property under the same ownership.  b. If the property is located within the Hastings or Napier Airsheds the discharge shall not occur during the months of May, June, July or August. <sup>3</sup>  a. At any point beyond the boundary of the subject property, or on public land: i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure; ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases.  d. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.		
<b>19b</b> <b>Outdoor burning for specified purposes</b>  <i>Refer POL 69, 69a</i>	The discharge of contaminants into air from outdoor burning of materials for any of the following purposes: <ul style="list-style-type: none"> <li>• fire fighting research or fire fighting training purposes</li> <li>• creating special smoke and fire effects for the purposes of producing films</li> </ul>	<b>Permitted</b>	a. At any point beyond the boundary of the subject property, or on public land: i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure; ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases.  b. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of		

<sup>2</sup> For the avoidance of doubt, the burning of prunings, tree branches, roots, leaves, grass cuttings, seed pods, stalks, stubble (stems) and wood on horticultural or production land is covered by Rule 19a.

<sup>3</sup> If Condition b of Rule 19a cannot be complied with, then the activity is non-complying under Rule 19c.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
	<ul style="list-style-type: none"> <li>fireworks display or other temporary event involving the use of fireworks.</li> </ul>		<p>particulate matter on National Electricity Transmission Network lines.</p> <p>c. Any discharge for the purposes of research or training people to put out fires must take place under the control of the New Zealand Fire Service or other nationally recognised body authorised to undertake fire fighting research or fire fighting activities.</p> <p>d. Any discharge for the purposes of fire fighting research or training purposes, or for the creation of special smoke or fire effects for producing films:</p> <p>(i) Must not occur during the months of May, June, July or August<sup>4</sup> If the property is located within the Hastings or Napier Airsheds; and</p> <p>(ii) Must be notified to the Council at least 2 working days prior to the activity commencing.</p>		
<b>19c</b> <b>Outdoor burning during certain times of the year</b>  <i>Refer POL 69, 69a</i>	Except as provided for in Rules 19, 19d, 19e, 20 and 20a the discharge of contaminants into air in the Hastings and Napier Airsheds from outdoor burning during the months of May, June, July or August. <sup>5</sup>	<b>Non complying</b>			
<b>19d</b> <b>Discharge to air from frost</b>	The discharge of contaminants into air from the burning of fuel in any frost protection heater. <sup>6</sup>	<b>Permitted</b>	<p>a. The discharge shall only take place to prevent frost damage to horticultural production crops.</p> <p>b. The burning of oil<sup>7</sup> shall only take place in fuel burning equipment that operates with a stack or chimney.</p>		

<sup>4</sup> If Condition d(i) of Rule 19b cannot be complied with, then the activity is non-complying under Rule 19c.

<sup>5</sup> Rule 19c does not override Regulation 10 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 which prohibits burning of oil in the open.

<sup>6</sup> Rule 19d does not override Regulation 10 of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 which prohibits burning of oil in the open.

<sup>7</sup> For the purposes of Condition (b) of Rule 19d oil is defined as: petroleum in any form other than gas, including crude oil, and refined oil products (e.g. diesel fuel, kerosene, motor gasoline), but excludes waste oil which is prohibited from being burnt in the open under Rule 20.



Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<b>protection heaters</b> <i>Refer POL 69, 69a</i>			c. The fuel shall not comprise any of the specific fuels or waste specified in Rule 20.		
Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
<b>19e Outdoor burning on horticultural production land during certain times of the year Napier &amp; Hastings Airsheds</b> <i>Refer POL 69, 69a</i>	The discharge of contaminants into air from outdoor burning of vegetative matter on horticultural production land located within the Napier and Hastings Airsheds during the months of May, June, July or August.	<b>Permitted</b>	<p>(a) Burning shall only be undertaken to dispose of vegetative material that has been generated on the property<sup>8</sup> containing the horticultural production land.</p> <p>(b) Burning shall only be undertaken to dispose of diseased vegetative material, or to dispose of remaining vegetative material from orchard/vineyard redevelopment<sup>9</sup> where there is no other reasonable or practicable onsite alternative disposal technique (e.g. mulching).</p> <p>(c) The discharge shall not occur when the wind or forecast wind is likely to cause smoke to move towards the urban area (Airzone 1) of the Napier or Hastings Airsheds.</p> <p>(d) The discharge shall not occur if the wind speed measured at 1 metre above the ground is less than 3 metres per second.</p> <p>(e) The burn shall only take place between the months of May – August (inclusive)<sup>10</sup>.</p> <p>(f) At any point beyond the boundary of the subject property or on public land:</p> <p>(i) The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within 5 metres of ground level;</p> <p>ii The discharge shall not result in any objectionable deposition of particulate matter on land or structure;</p> <p>iii The discharge shall not result in any offensive or objectionable smoke or odour.</p>		

<sup>8</sup> For the purposes of Rule 19e 'property' shall include any land under the same ownership or lease.

<sup>9</sup> For the purposes of Rule 19e 'orchard/vineyard redevelopment' means the replacement of commercial food production trees with other commercial food production trees, or where shelterbelts need to be removed for redevelopment purposes.

<sup>10</sup> If the Activity is taking place outside of the months of May – August (inclusive) then it is permitted under Rule 19a subject to conditions, standards and terms being met.

Rule	Activity	Classification	Conditions/Standards/Terms	Matters for Control/Discretion	Non-notification
			(g) The burn shall be supervised at all times. (h) At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.		
<b>20a</b> <b>Burning of waste for purposes of disease control or quarantine control</b>  <i>Refer POL 69, 69a</i>	The discharge of contaminants into air arising from the burning of waste for the purposes of disease control or quarantine control <sup>11</sup> in accordance with Section 7A and Part VII of the Biosecurity Act 1993, or where the Hawke's Bay Regional Council has declared a Biosecurity risk.	<b>Permitted</b>	a. At any point beyond the boundary of the subject property, or on public land:  i. The discharge shall not result in any objectionable deposition of particulate matter on any land or structure;  ii. The discharge shall not result in any offensive or objectionable odour; or any noxious or dangerous levels of gases;  iii. The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within a height of 5 metres above ground level, or reduces visibility within recognised flight paths in the vicinity of airports.  b. At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.		

**ADVISORY NOTE:**

- 1. Territorial authority bylaws** – It is important to note that Rules in Section 6.5.2 do not replace territorial local authority bylaws controlling burning. Persons burning any waste or other materials should ensure that they comply with any relevant bylaws, including prohibited or restricted fire seasons.

<sup>11</sup> Disease control and quarantine control – The Ministry of Agriculture administers disease control and quarantine control requirements.

Table 1: Options available to address outdoor burning practices in Hawke's Bay.

Option	Brief summary	Pros	Cons
<b>Option 1:</b> Amend outdoor burning provisions during RRMP review.	Outdoor burning rules will be updated as part of the wider RRMP review scheduled to begin in 2021.	<p>No immediate extra financial costs and resourcing as already programmed for upcoming RRMP Review.</p> <p>All provisions which manage emissions to air will be updated in accordance with the NESAQ and the WHO Global Air Quality Guidelines, together.</p> <p>Allows time to gather further evidence to support rule changes to outdoor burning (see Option 5).</p> <p>Outdoor burning practices will not be considered in isolation of other RRMP provisions that manage discharges to air.</p> <p>Outdoor burning practices will be considered in a region wide context.</p> <p>Aligns to HBRC's resource management plan review work programme.</p>	<p>Current outdoor burning practices, and associated health effects, will continue for several years until new rules come into effect.</p> <p>Difficulties remain with enforcing compliance with current rules.</p>

Option	Brief summary	Pros	Cons
<b>Option 2:</b> Amend existing outdoor burning bylaws.	Investigates amending existing outdoor burning bylaws to either prohibit or restrict burning on the Heretaunga Plains.	<p>Bylaw process can be completed in four to six months.</p> <p>Addresses outdoor burning emissions on the Heretaunga Plains in a fast and efficient manner.</p> <p>Stakeholders can provide feedback as part of the consultation process on the bylaw.</p> <p>Combined and consistent approach by HDC, NCC and HBRC to address the associated effects from outdoor burning.</p> <p>Consistent messaging from all three councils in respect to outdoor burning taking place on the Heretaunga Plains.</p> <p>RRMP provisions that manage emissions from outdoor burning can be updated as per Option 1 to ensure consistency with bylaws, or to introduce more stringent rules if bylaws are not producing desired results.</p>	<p>HBRC cannot promulgate a bylaw itself for this purpose. That function rests with TLAs.</p> <p>HDC and NCC must determine whether a bylaw is the most appropriate way of addressing the problem (required by Section 145 of the LGA).</p> <p>Maps would need to be developed to ensure clarity around where outdoor burning is restricted or prohibited.</p> <p>Cost for legal advice confirming the legalities of a transferring the bylaw making process, and enforcement powers.</p> <p>A decision to transfer any by-law making functions will:</p> <ul style="list-style-type: none"> <li>- be classed as significant decision under the criteria contained in Council's adopted Significance and Engagement Policy, and may require public consultation.</li> <li>- require Council to address considerations in accordance with the Triennial Agreement and the Local Government Act.</li> </ul> <p>A prohibition does not provide for unforeseen exceptional circumstances that may arise in the future. No resource consent can be applied for to undertake a prohibited activity.</p> <p>May require transfer of powers from TLAs to HBRC, but is not essential if TLAs satisfied to retain administrator &amp; enforcer roles for Bylaw themselves.</p> <p>Financial and resourcing implications are currently uncertain. Requires further 'testing' with HDC and NCC. Nonetheless, advancing this will pose 'opportunity costs' for other resource management planning work not to be progressed, or other work slowed to accommodate preparation of a bylaw.</p>



Option	Brief summary	Pros	Cons
<b>Option 3:</b> Amend RRMP to prohibit outdoor burning on the Heretaunga Plains all year round.	Investigates a dedicated plan change which prohibits the burning of all materials outdoors on the Heretaunga Plains (except for cooking purposes).	Provides clear and consistent direction to all properties located on the Heretaunga Plains. Eliminates PM2.5, PM10 and localised smoke emissions from this practice. Straight forward for HBRC's pollution response team to enforce (i.e. no exceptions to the rule). Will encourage the use and development of viable alternatives to the burning of vegetative material.	Outdoor burning practices will continue in the short term, until new rules come into effect. The Schedule 1 RMA process is significantly slower than the bylaw process. Prospect of Environment Court appeals. Likely to be extensively litigated by growers unless viable alternatives to outdoor burning are established. Likely high costs for legal advice on required evidence to support such a prohibition Likely high financial and resourcing implications of preparing this new plan change as an additional workstream to the Council's existing resource management planning work programme. Will pose 'opportunity costs' for other work not to be progressed, or other work slowed to accommodate an extra new plan change project. Further investigations required to establish whether exceptions need to be included i.e. to allow for the burning of diseased material (Rule 19e); for fireworks displays and fire fighting training purposes (Rule 19b). Further clarity is required around the burning of diseased material which in some instances can occur in accordance with the Biosecurity Act (which effectively overrides the RRMP's rules anyway). In order for the plan change to proceed successfully through the RMA Schedule 1 process, the Council would need to have clear and robust justification, and evidence, to support the prohibition. Maps would need to be developed to ensure clarity around where the prohibition applies. A prohibition does not provide for unforeseen exceptional circumstances that may arise in the future. No resource consent can be applied for to undertake a prohibited activity.

Option	Brief summary	Pros	Cons
<b>Option 4:</b> Focussed interim amendment to Rule 19e with a view to introduce additional restrictions through the wider RRMP review Option 1.	Investigates a dedicated plan change to amend Rule 19e in the short term to require HBRC to be notified of date and time, and compliance with conditions of the rule, prior to any burning being carried out.	<p>If support is gained from key stakeholders, the focussed plan change could proceed through the Schedule 1 RMA process relatively quickly.</p> <p>Likely to reduce PM2.5, PM10 and localised smoke emissions from this practice in the winter months through increased compliance with rules (i.e. ensuring material is dry, only burning diseased materials).</p> <p>HBRC's Pollution Response Team is aware when outdoor burning is planned to take place (assuming every would-be burner completes the notification action).</p>	<p>Outdoor burning practices will continue in the short term, until new rules come into effect.</p> <p>The Schedule 1 RMA process is significantly slower than the bylaw process. Prospect of Environment Court appeals.</p> <p>Full support would need to be gained from key stakeholders prior to progressing. The plan change would be unviable if challenges were to occur. This would extend the timeframe for rules to come into place and run into the RRMP review.</p> <p>High cost for a minor short term change with a view to introduce further restrictions through wider RRMP review.</p> <p>Only addresses emissions from outdoor burning during the winter months in the Napier and Hastings Airsheds.</p> <p>Outdoor burning can continue on the Heretaunga Plains outside of the Napier and Hastings Airsheds all year round.</p> <p>Burning for disease control and orchard redevelopment will continue.</p> <p>Further clarity is required around the burning of diseased material which in some instances can occur in accordance with the Biosecurity Act (which effectively overrides the RRMP's rules anyway).</p> <p>This option would be better addressed through the bylaw process (Option 2), and applied to the whole of the Heretaunga Plains.</p> <p>Likely moderate financial and resourcing implications of preparing this new plan change as an additional workstream to the Council's existing resource management planning work programme. Will pose 'opportunity costs' for other work not to be progressed, or other work slowed to accommodate an extra new plan change project.</p>

Option	Brief summary	Pros	Cons
<b>Option 5:</b> Amend RRMP to restrict or prohibit outdoor burning across Hawke's Bay.	Investigates a dedicated plan change to amend outdoor burning provisions in the RRMP, to restrict or prohibit outdoor burning across Hawke's Bay.	Outdoor burning practices will be considered in a region wide context, and ensure consistency between urban areas.	<p>Outdoor burning practices will continue in the short term, until rules are developed and formally notified by the Council.</p> <p>Burning restrictions and/ or prohibitions are likely to be opposed by those in rural areas which are situated away from urban centres.</p> <p>Would prohibit outdoor burning activities that do not necessarily cause a nuisance given type of material and their proximity to neighbouring sensitive activities.</p> <p>In order for the plan change to proceed successfully through the RMA Schedule 1 process, the Council would need to have clear and robust justification and evidence to support region wide outdoor burning restrictions.</p> <p>A prohibition does not provide for unforeseen exceptional circumstances that may arise in the future. No resource consent can be applied for to undertake the activity.</p> <p>Further investigation needed in relation to the following matters:</p> <ul style="list-style-type: none"> <li>- is outdoor burning is an issue in those rural areas of Hawke's Bay, situated away from urban centres?</li> <li>- do exceptions need to be included to permit the burning of vegetative materials in certain circumstances (i.e. to dispose of materials from storms)?</li> <li>- Is large scale mulching a viable alternative in hill country areas (i.e. access to machinery, or machinery access to site)</li> <li>- What burning can occur in accordance with the Biosecurity Act (which effectively overrules the RRMP)?</li> <li>- The legalities of a region wide prohibition.</li> </ul> <p>Likely high financial and resourcing implications of preparing this new plan change as an additional workstream to the Council's existing resource management planning work programme. Will pose 'opportunity costs' for other work not to be progressed, or other work slowed to accommodate an extra new plan change project.</p>



## The functions of regional councils and territorial authorities for managing air quality, including bylaw provisions.

### How the Ministry for the Environment manages air quality

The ministry develops national policies and tools to maintain and improve air quality. The Ministry provides national guidance including ambient air quality guidelines, good-practice guidance, research and reporting, and assistance with public education campaigns. They also provide the Air Quality National Environmental Standards (NES) which has been delegated to regional authorities to implement.

### How regional councils manage air quality

Regional councils must ensure the air quality standards are met within their regions and are responsible for enforcement of the regulations.

Councils can use several different tools to meet the requirements of the Resource Management Act (RMA) and the Air Quality NES. They can establish policies and rules through their regional plans to manage particular issues in their regions, issue resource consents for discharges from industrial and trade premises, carry out education campaigns and provide incentives for people to use cleaner forms of home heating.

Regional plans outline a regional council's goals for air quality and contain rules about discharges to air from activities such as industry, domestic fires and outdoor burning.

### How territorial authorities manage air quality

Under the RMA, territorial authorities must implement the Air Quality NES and ensure implementation of the regional council rules and policies related to air quality. These rules and policies are set out in the relevant regional plan. Territorial authorities may also make bylaws under the Local Government Act 2002 (LGA) to control air quality in their area.

Territorial authorities are responsible for issuing building consents for solid fuel appliances, which must meet both the home heating-related standards of the Air Quality NES and the installation and other requirements of the Building Act 2004. Consent officers will refer to the list of authorised wood burners, the ban on new open fires and home heating rules in the regional plan when processing building consents for burners.

### Bylaws

A bylaw is made by local government to create rules or regulations to make safe and healthy places. A local authority can only make a bylaw if it has been empowered by an act of Parliament to do so. Most bylaws are made under the LGA however some bylaws are made under a combination of the LGA and other acts e.g. Health Act, Litter Act, Reserves Act etc. Bylaws should only be made to cover significant issues. Bylaws are relevant to the local authority area. Bylaws are often created to regulate issues like stormwater, alcohol control purposes, animal control, parking, freedom camping and trade waste bylaws.

### Territorial Authority bylaw making power

Section 145 of the LGA allows territorial authorities to make bylaws to:

- protect the public from nuisance
- protect, promote or maintain public health and safety
- minimise the potential for offensive behaviour in public places.

Territorial authorities can make bylaws about outdoor burning under this section of the LGA.



Regional council bylaw making powers

Section 149 of the LGA allows regional authorities to make bylaws. These bylaws must be made in relation to the following matters:

- forests that the regional council owns or controls, whether or not the forest is within the region of the regional council
- parks, reserves, recreation grounds, or other land that the regional council owns or controls
- flood protection and flood control works undertaken by, or on behalf of, the regional council
- water supply works undertaken by, or on behalf of, the regional council.

Regional councils cannot make bylaws relating to air quality.

Process for a bylaw

To make a bylaw under the LGA the council must determine whether the bylaw is the most appropriate way of addressing the perceived problem, create a draft bylaw and then assess whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. The council will have to consult on the bylaw. The consultation period can differ depending on whether the bylaw is of significant interest, but the period will be a 10 day to 30 day minimum period. The council then has to consider the submissions, amend the bylaw if necessary and then make the bylaw operative. The process to make a bylaw is quicker than making a plan change.

The process may differ if a council wishes to make a bylaw under another act.

Napier City Council bylaw on Fire Control

The Napier City Fire Control bylaw came into force on 1 February 2015. The purpose of the bylaw is to exercise control over burning in the open air in the district and prevent smoke from fires causing a nuisance.

In urban areas, this bylaw prohibits the burning outside unless it is a barbeque or a traditional cooking fire where a fire permit has been issued (Section 3). The council can issue fire permits to light fires outside and these fires have to be burnt between sunrise and sunset. There are other conditions for lighting fires in urban areas with a fire permit.

In rural areas, people can not light fires outside where the location, wind or other conditions could cause danger to any person or property. There are other conditions on lighting fires in rural areas, with Section 4.2(c) stating: *"a Person must not light any fire in the Open Air, including an Incinerator Fire, where the location, wind, or other conditions will cause, or is likely to cause, the fire to become a smoke or ash nuisance to any Person..."*

The bylaw allows the council to create a restricted fire season and a prohibited fire season to further restrict outdoor burning.

The fire control bylaw is set out below.

Hasting District Council bylaw on the Control of Fires

Hasting District Council has a consolidated bylaw. Chapter 10 includes a number of miscellaneous matters including The Control of Fires (Section 10.1) and Nuisances (Section 10.2).

The bylaw has conditions on fires including restricting people from lighting fires in a public place, ensuring completely extinguishing a fire in the open air at sunset and ensuring that the fire is properly controlled at all times, of particular note are sections 10.1.6 and 10.2.3 as follows:

- Section 10.1.6 states *"a person must not light a fire, or use an incendiary device, in the open air, where it is more likely than not that an uncontrolled fire will eventuate which*

*may... result in a nuisance from smoke or ask to the occupiers of adjoining premises".*

- Section 10.2.3 states "a person must not cause a nuisance, or allow a nuisance to be caused, by any of the following:
  - (a) *The burning of any matter or thing on any premises*
  - (b) *The emission of odours, smoke, fumes, dust, sawdust or other matter from any premises*
  - (c) ...."

Sections 10.1 and 10.2 are set out in full below.



# Hastings District Council

## Consolidated Bylaw

## CHAPTER 10 MISCELLANEOUS MATTERS

### 10.1 CONTROL OF FIRES

#### 10.1.1 In this clause:

“combustible material” means every type of material that burns when exposed to heat or fire, includes live and dead vegetation, coal within 20 metres of the surface of the land and peat in any form, any building or fence;

“fire ban” means a prohibition or restriction upon the lighting of fires in the open air imposed under clause 10.1.2;

“incendiary device” means any device which emits heat through a chemical or combustion process and includes fireworks, oil fired flares, candles, distress flares (except when discharged in an emergency) and lanterns in which the flame is not enclosed by glass;

“open air” in relation to fires means a fire which is lit otherwise than within:

- an enclosed fireproof place or incinerator which has been constructed in a manner approved by the Council;
- a gas barbeque;
- such other fireplace, barbeque or other apparatus which may be approved by the Council from time to time (as published in a list on its website).

#### 10.1.2 In addition to its powers as a fire authority under the under the Forest and Rural Fires Act 1977, the Council may impose a fire ban at any time and from time to time where it believes that there is an extreme fire hazard and the risk of spread of fire. A fire ban imposed under this clause may be subject to such terms and conditions as the Council thinks fit and (without limiting the generality of that discretion) may:

- (a) be for a finite period or for an indefinite period (i.e. “until further notice”);
- (b) relate to all of the district, or to those parts of the district over which it may lawfully impose a fire ban under this Bylaw;
- (c) be limited to the use of incendiary devices or to the lighting of some types of fire;
- (d) apply to the times that fires may be lit

#### 10.1.3 The Council resolution imposing or cancelling a fire ban must be publicly notified.

#### 10.1.4 Any person may apply to the Council for a dispensation from a fire ban.

#### 10.1.5 A person who lights a fire in the open air must:

- (a) continuously attend the fire until it is extinguished; and
- (b) ensure that the fire is properly controlled at all times; and
- (c) have on hand sufficient resources to control and suppress the fire in the event of an escape; and
- (d) completely extinguish a fire in the open air at sunset.

#### 10.1.6 A person must not:

- (a) light a fire in the open air in a public place at any time;

- (b) light a fire in the open air during the period of a fire ban;
- (c) light a fire in the open air in windy conditions or when windy conditions are forecast,
- (d) light a fire in the open air within 3 metres of a building, fence or any other combustible material;
- (e) light a fire, or use an incendiary device, in the open air in circumstances where it is more likely than not that an uncontrolled fire will eventuate which may:
  - spread to a building, fence or vegetation on the premises;
  - spread beyond the boundary of the premises; or
  - result in a nuisance from smoke or ash to the occupiers of adjoining premises
- (f) accumulate, or permit the accumulation of, combustible material on any premises without taking all reasonable steps:
  - to eliminate the risk of accidental combustion; and/or
  - to ensure that there are adequate fire fighting resources available on the premises to prevent the spread of fire beyond the boundaries of the premises.

- 10.1.7 A person will be deemed to have taken “all reasonable steps” under clause 10.1.6(f) if:
- (a) the combustible materials were stored in a suitable fire resistant container or place designed to eliminate or reduce the risk of spread of fire; or
  - (b) the premises were fitted with an automatic sprinkler system.

## 10.2 NUISANCES

- 10.2.1 This part of the bylaw is made under s 64 of the Health Act 1956.
- 10.2.2 A person must not cause a nuisance, or allow a nuisance to be caused, on any premises.
- 10.2.3 Without limiting the generality of clause 10.2.2, a person must not cause a nuisance, or allow a nuisance to be caused, by any of the following:
- (a) the burning of any matter or thing on any premises;
  - (b) the emission of offensive odours, smoke, fumes, dust, sawdust or other matter from any premises;
  - (c) the deposit or accumulation of rubbish, recyclable material, inorganic material, dead animals, dung, manure or fertiliser on any premises;
  - (d) the failure to control or eradicate the conditions on any premises giving rise, or conducive to giving rise, to breeding by rats and other vermin, flies, mosquitoes, mites, ticks or any other insect capable of causing or transmitting disease;
  - (e) the failure to eradicate an infestation of rats and other vermin, or flies, mosquitoes, mites, ticks, cockroaches or other insects, on any premises;
  - (f) the failure to cleanse any drain, water closet, septic tank or outbuilding, including any outbuilding used to house animals, any premises;
  - (g) the keeping of an animal on any premises, notwithstanding that the keeping of that animal may be in accordance with clauses 10.4.3 to 10.4.6
- (inclusive) of this Bylaw, or the undertaking of an activity related to the keeping of that animal.



Adopted on 17 December 2014



# NAPIER CITY

## Fire Control Bylaw 2014

Item 6

Attachment 3

**NAPIER CITY FIRE CONTROL BYLAW 2014**  
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## 1. Scope

- 1.1 The purpose of this bylaw is to exercise control over burning in the Open Air in the District and prevent smoke from fires in the open causing a nuisance.
- 1.2 Council has a further avenue of control over smoke nuisance in the Nuisances provision of the Health Act 1956 and Persons responsible for causing a smoke nuisance may be prosecuted under the provisions of either the Health Act 1956 or this bylaw.
- 1.3 Regional Councils have responsibility for discharges into air. Consents and approvals may be required from the Hawkes' Bay Regional Council for discharges into air from fires in the Open Air.
- 1.4 This bylaw is made pursuant to section 146 of the Local Government Act 2002 (the Act).
- 1.5 This bylaw comes into force on 1 February 2015.
- 1.6 This bylaw revokes the Napier City Fire Control bylaw 2008.
- 1.7 So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Napier City Introductory Bylaw 2014 are incorporated into and form part of this bylaw.
- 1.8 All Fire Permits issued under the Napier City Fire Control Bylaw 2008, after the coming into force of this bylaw are deemed to have been issued under this bylaw and are subject to the provisions of this bylaw.
- 1.9 All matters and proceedings commenced under the Napier City Fire Control Bylaw 2008 pending or in progress on the coming into operation of this bylaw may be continued, completed or enforced under this bylaw.

## 2. Definitions and Interpretation

- 2.1 For the purposes of this bylaw the following definitions apply:

ACCEPTABLE MEANS OF FIRE SUPPRESSION means a charged hose connected to a reticulated water supply or an alternative means of fire suppression approved in writing in a particular case by an Authorised Officer.

BARBEQUE means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the Open Air.

FIRE PERMIT means a permit to light a fire in the Open Air granted under this bylaw.

INCINERATOR means a container used for burning waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.

INCINERATOR FIRE means a fire within an incinerator.

OPEN AIR means in the open whether on or above ground level.

OPEN FIRE SEASON means a period of time, whether fixed or indefinite, during which the lighting of fires in the Open Air is permitted, subject to any conditions that may apply as set out in section 4 of this bylaw.

PROHIBITED FIRE SEASON means the period of time, whether fixed or indefinite, during which the lighting of fires in the Open Air is prohibited in accordance with 6.1 of this bylaw.

RESTRICTED FIRE SEASON means a period of time, whether fixed or indefinite duration, during which permits are required for the lighting of fires in the Open Air in accordance with 5.1 of this bylaw.

TRADITIONAL COOKING FIRE means any hangi, umu or similar fire in the Open Air and used for the preparation of food using traditional cooking methods.

URBAN AREA means any area of the city that does not have 'rural' in its zone description under the District Plan.

VEGETATION includes:

- (a) All plants and the produce thereof, live or dead, standing, fallen, windblown, cut, broken, pulverised, sawn or harvested, natural or disturbed, in use or as waste, rubbish, refuse or debris, stump, stubble or otherwise; and
  - (b) Fossil fuel exposed at or lying within 20 metres of the surface of any land; and
  - (c) Peat in any form,
- but does not include wood forming part of a structure or otherwise in processed form.

### 3. Prohibition in Urban Areas

3.1 In the urban area, a Person must not at any time light any fire or use any incinerator in the Open Air with the exception of:

- (a) Barbeques; or
- (b) Traditional cooking fires where a Fire Permit has been issued.

### 4. Fires Permits and Conduct

4.1 A Person may light a fire in the Open Air, including an Incinerator Fire, only under the following conditions:

- (a) Having first obtained the appropriate Fire Permit from Council (except where Council has declared an Open Fire Season); and
- (b) At least five metres from any part of a building, tree, hedge, fence or other combustible material; and
- (c) Maintaining continuous supervision at all times; and
- (d) Between the hours of sunrise and sunset, except with specified permission; and
- (e) With an Acceptable Means of Fire Suppression available, where the fire is located on residential Premises, or land adjoining such Premises.

4.2 In any rural area, a Person must not light any fire in the Open Air, including an Incinerator Fire, where the location, wind, or other conditions will cause, or is likely to cause, the fire to become:

- (a) A danger to any person or property; or
- (b) Out of control or to spread beyond the limits of the Premises on which it is lit; or
- (c) A smoke or ash nuisance to any Person;
- (d) Within proximity to any National Grid transmission line or substation



- 4.3 No Occupier on any private residential Premises must permit smoke, noxious fumes or other matter to be emitted from any chimney, fireplace, barbecue, incinerator or other device on such Premises, to such an extent as to cause a nuisance to Persons residing or being in the neighbourhood. Where in the opinion of an Authorised Officer a nuisance is being caused, the Authorised Officer may require the nuisance to be satisfactorily abated immediately.
- 4.4 No Person shall place any live cinders, embers or ashes in or upon any Premises other than:
- (a) In a container made and constructed of concrete or other similarly fire resistant material to prevent the transmission of heat to any combustible material; or
  - (b) In a pit or upon any fire-resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise.
  - (c) As part of a traditional cooking process including hangi and umu.
- 4.5 Every Fire Permit to light a fire in the Open Air must be in the form or to the effect of the form "Fire Permit" set out in the schedule 1.
- 4.6 The Council may from time to time, by resolution publicly notified, specify the fee or fees payable in respect of the issue of any Fire Permit under this part of the bylaw. Any fees prescribed must be paid upon collecting the Fire Permit.
- 4.7 Subject to 4.8, every Fire Permit issued in accordance with 5.4 will remain in force from the date of issue until the expiry of the period, date or time specified in the Fire Permit, unless a Prohibited Fire Season is declared.
- 4.8 Notwithstanding any other provisions in this bylaw, any Fire Permit issued under this bylaw may be revoked or suspended by an Authorised Officer at any time, or suspended for such periods of time on such terms and conditions as the Authorised Officer may consider reasonable in the circumstances.
- 5. Restricted Fire Season**
- 5.1 An Authorised Officer may at any time prescribe a Restricted Fire Season or seasons within the District or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.
- 5.2 Any Person wishing to obtain a Fire Permit during a Restricted Fire Season must apply to the Authorised Officer.
- 5.3 The Authorised Officer may from time to time prescribe a form of application for the purposes of 5.2.
- 5.4 Upon receiving an application under 5.2 an Authorised Officer may issue a Fire Permit and may impose such conditions and restrictions in respect of the Fire Permit as the Authorised Officer considers reasonably necessary having regard to:
- (a) Any cultural requirements or practices;
  - (b) The location, terrain, natural vegetation, and existence of buildings or other structures and any other fuels; and
  - (c) Protection of the safety, health and convenience, of Persons on the Premises in respect of which the Fire Permit is issued and adjoining Premises.
  - (d) The proximity to any National Grid transmission line or substation



5.5 Nothing in section 5 applies to a Traditional Cooking Fire, an Incinerator or a Barbeque, provided that Council may in certain circumstances include the above where it considers it necessary to do so.

#### **6. Prohibited Fire Season**

6.1 An Authorised Officer may at any time prescribe a Prohibited Fire Season or seasons within the District or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.

6.2 In a prohibited season no Person must light any fire in the Open Air including a Traditional Cooking Fire, an incinerator or a barbecue, and no Person being the Occupier of any Premises must cause or permit any fire to be lit or continue to burn in the Open Air on those Premises.

6.3 Nothing in 6.2 applies to the use of gas fire barbecues. The Authorised Officer may in certain circumstances prohibit the use of gas barbecues.

6.4 The Hawke's Bay Regional Council may also prescribe a Prohibited Fire Season to preserve air quality. Such a prohibition would operate independently of this bylaw.

#### **7. Public Notice of Fire Seasons**

7.1 Public notice of the prescription of a restricted or a Prohibited Fire Season made under 5.1 or 6.1 or the cancellation or variation of such prescription, will be made by:

- (a) Broadcast or other similar means within the District; or
- (b) By a notice inserted in a daily or community newspaper circulating within the District; or
- (c) By any effective means.

#### **8. Breaches and Exemptions**

8.1 Where a fire has been lit or allowed to burn in:

- (a) An Open Fire Season in breach of 3 or 4; or
- (b) A Restricted Fire Season in breach of the conditions of a Fire Permit issued in accordance with 5.4; or
- (c) A Prohibited Fire Season in breach of 6.2;

Any Authorised Officer or Authorised Agent of the Council (including the New Zealand Fire Service) may extinguish any such fire or direct the Occupier of Premises on which the fire is located, or the Person who lit the fire, to extinguish such fire.

8.2 Where an Authorised Officer or Authorised Agent of the Council has extinguished a fire pursuant to 8.1, the Council may recover any costs incurred in extinguishing the fire from the Occupier of the Premises on which the fire was located or the Person who lit the fire.

8.3 Where any Occupier of Premises upon which a fire in the Open Air is located, or Person who lit such a fire, disregards a Council direction under 8.1 to extinguish the fire, the Authorised Officer may authorise an Agent of the Council (including

the New Zealand Fire Service) to extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any Person or to protect the Premises or any other property.

- 8.4 The Council may recover from the Occupier of the Premises, or the Person who lit the fire, any costs incurred by it as a result of its Authorised Officer or Authorised Agents taking any action authorised by the Authorised Officer under 8.3.

- 8.5 Exemptions from prohibitions on lighting fires in the Open Air are:

- (a) The Occupier of any Premises in which an operation is being carried out which necessitates the use of fire in the Open Air may apply in writing to the Napier City Council for an exemption from the Prohibited Fire Season imposed by 6.1 of this bylaw where that process or operation will be prejudicially affected by such prohibition.
- (b) The organiser of any special occasion or event may apply in writing to the Napier City Council for an exemption from the Prohibited Fire Season imposed by 6.1 of this bylaw.
- (c) Upon receipt of any such application the Council may grant, in writing, such exemptions subject to such conditions as it considers fit to impose.

## **9. Offences and Penalties**

- 9.1 Any Person who:


- (a) Does anything, or causes anything to be done or knowingly permits anything to be done, contrary to any provision of this bylaw; or
- (b) Omits or neglects to do, or knowingly permits to remain undone, anything in this bylaw at the time and in the manner provided; or
- (c) Does not refrain from doing anything as required under any provision of this bylaw; or
- (d) Knowingly permits any condition of things to exist contrary to any provision of this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given under any provision of this bylaw; or
- (f) Obstructs or hinders any Authorised Officer or Authorised Agent of the Council in the performance of any duty to be discharged by such officer or Agent under, or in the exercise of, any power conferred under this bylaw, or any provision thereof;


commits a breach of this bylaw.

- 9.2 Any Person who commits a breach of the bylaw under 9.1 commits an offence under section 239 of the Act and is liable to a fine as specified in section 242 of the Act, or the issue of an infringement notice under section 245 of the Act, or such other sums or penalties as may be prescribed in any other Statute or Regulation from time to time.

This bylaw was made by the Napier City Council by resolution at a Council meeting on 17 December 2014 and must be reviewed within 5 years in accordance with section 158 of the Act.

Sealed with the Common Seal  
Of the Napier City Council  
In the presence of:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Executive



**SCHEDULE 1 – Form of Fire Permit****NAPIER CITY COUNCIL  
FIRE PERMIT**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
PHONE: \_\_\_\_\_

Pursuant to the Napier City Council Fire Control Bylaw 2014, and compliance with the conditions here set out, you are authorised to light a fire in the Open Air in accordance with the particulars of this permit.

**PARTICULARS**

LOCATION: \_\_\_\_\_

PROPERTY: \_\_\_\_\_

MATERIAL: \_\_\_\_\_ including area of burn off

DATES: \_\_\_\_\_ Daylight hours only

REASON: \_\_\_\_\_

**CONDITIONS**

Statutory conditions as listed overleaf (see especially 6 and 12).

Other Conditions:

1. Fire must not be sited within 5 metres of any building, tree, hedge, fence, etc.
2. Facilities must be available to extinguish the fire immediately.
3. The fire must be supervised at all times.

**WARNING: EXCESSIVE SMOKE NUISANCE MAY RESULT IN FIRE BEING EXTINGUISHED**

FIRE OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_

**EXTREME FIRE HAZARD NOTICES SUSPEND THIS PERMIT**  
**(See Note 6 overleaf)**

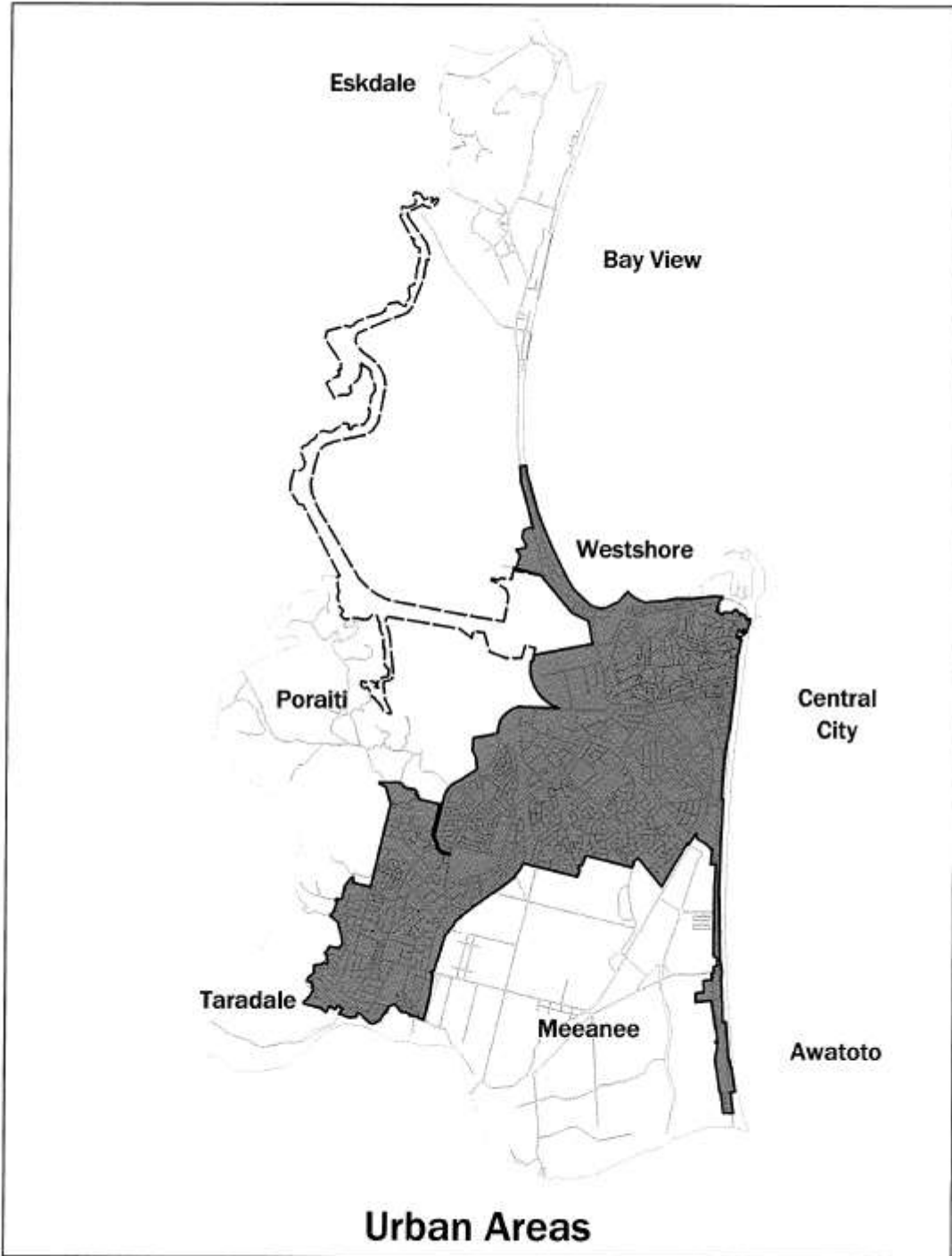
**SCHEDULE 1 – continued****Notes for Information of Permittee**

Under the Napier City Council Fire Control Bylaw 2014, there are compulsory conditions indicated below. For their full legal form, please see the applicable Act, Regulations and Bylaws.

Open Air	1. "Open Air" means not in a fireplace, barbecue, or other place duly approved in such case.
Wind, etc	2. Do not light up in a strong wind, or in conditions likely to spread the fire or to present a fire hazard (including an adverse long range weather forecast). Check the weather forecast.
Camping, etc	3. If camping or cooking or needing comfort or warmth, keep fire at least 3m clear of any tree, log, stump, or dry vegetation. Remove all combustible material within 3m of the fire site.
Patrol	4. Patrol the fire until completely out and ensure it cannot spread.
Notice	5. Before lighting a controlled burn, notify neighbours.
Extreme Hazard	6. <b>PERMITS ARE SUSPENDED by fire hazard emergency warnings or orders prohibiting all open fires. Check by radio, or ring the Fire Authority. If fire is essential for emergency (e.g. stock disease) seek a "special permit".</b>
Showing Permit	7. This written permit must be produced on demand to a member of Police or a Fire Officer.
Damage	8. A permit is not legal defence against claims for damage caused by the fire.
Parks, etc	9. Except where officially signposted, permits are needed at all times for open fires in National or Maritime Parks, in specially protected sites, and in other State areas or forest areas (including their fire safety margins, usually of one kilometer).
Escape	10. If the fire gets out of hand, try to extinguish it. Urgently notify the New Zealand Fire Service or a Fire Officer.
Offences	11. It is an offence to light an open fire without the appropriate permit, or to break permit conditions or to let a fire spread to and injure a State area, forest area, or specially protected property, or to leave it unprotected against such spread.
Joint Permits	12. <b>Obtain further permits from the Crown, or other statutory Fire Authorities whose approval is required, if this is not a joint permit signed on their behalf.</b>
Landholder	13. Separate consent by the landholder may be needed.
Revocation	<b>This Permit is revocable upon notice at anytime without prior warning.</b>



SCHEDULE 2 - The Urban Area Defined





## Good Practice Guide to Minimise Smoke Emissions from Outdoor Burning for Fruit Growers



*Above: Burning on a still day when an inversion layer exists will contribute to PM<sub>10</sub> levels*

### Introduction

Smoke emissions from fires cause adverse health and nuisance effects on people and can damage crops and property. The Council aims to manage adverse effects of fires on people and the environment. In general outdoor burning in the urban parts of the Napier and Hastings Airsheds during the winter months is no longer permitted.

For rural areas located within the Hastings or Napier Airsheds (refer to Regional Resource Management Plan), outdoor fires are restricted during the months of May, June, July and August each year. There are exceptions for horticultural production land, which allows the disposal of orchard/vineyard redevelopment materials and the burning of diseased plant material.

Details can be found in the following rules of the Hawke's Bay Regional Resource Management Plan:

- Rule 19d – frost protection heaters, Rule 19e – orchard/vineyard redevelopment and disposal of diseased vegetative materials
- Rule 20a – disease control/quarantine control).

The rules require fires to be managed to minimise smoke, smell and particulates including ash emissions. **Even when outdoor burning is permitted<sup>1</sup>** conditions must still be met, which seek to limit adverse effects. This guideline has been designed to help you to operate in such a way as to avoid any problems arising from your burning of waste vegetative material. It sets out good practice for managing outdoor fires. The degree to which the guidelines are followed will be an important consideration in determining what course of action is taken by Council, should it receive complaints about your fire.

#### BASIC GOOD PRACTICE

- Always consider your neighbours
- Do not burn unless you have to
- Use alternatives when reasonably available
- Ensure wind and weather conditions are suitable for burning
- Make sure the material being burnt is dry enough
- Never burn plastic, tyres or treated wood
- Keep the fire burning hot.

#### MINIMISE BURNING - Sort materials first.

What do you really need to burn?

- Mulch or chip orchard prunings and smaller branches.
- Sort bigger wood for firewood: contact local community or service groups for help.
- Recycle paper and cardboard.
- Compost grass clippings and garden waste. (See Council's Waste Management Composting brochure). Allow vegetation to decompose.

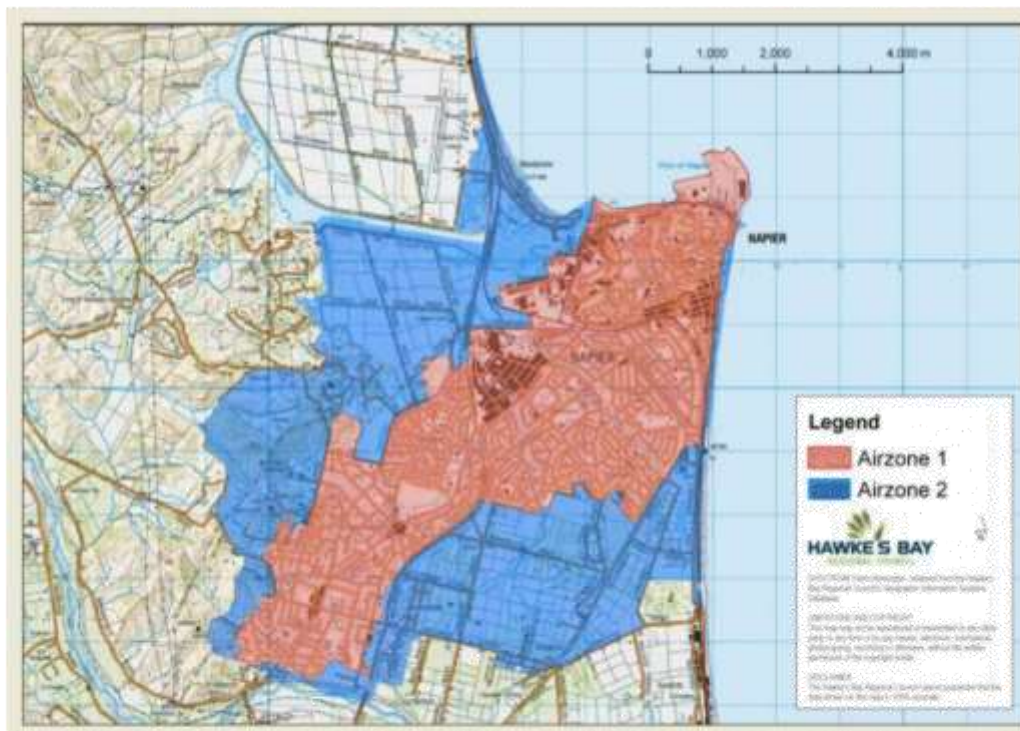
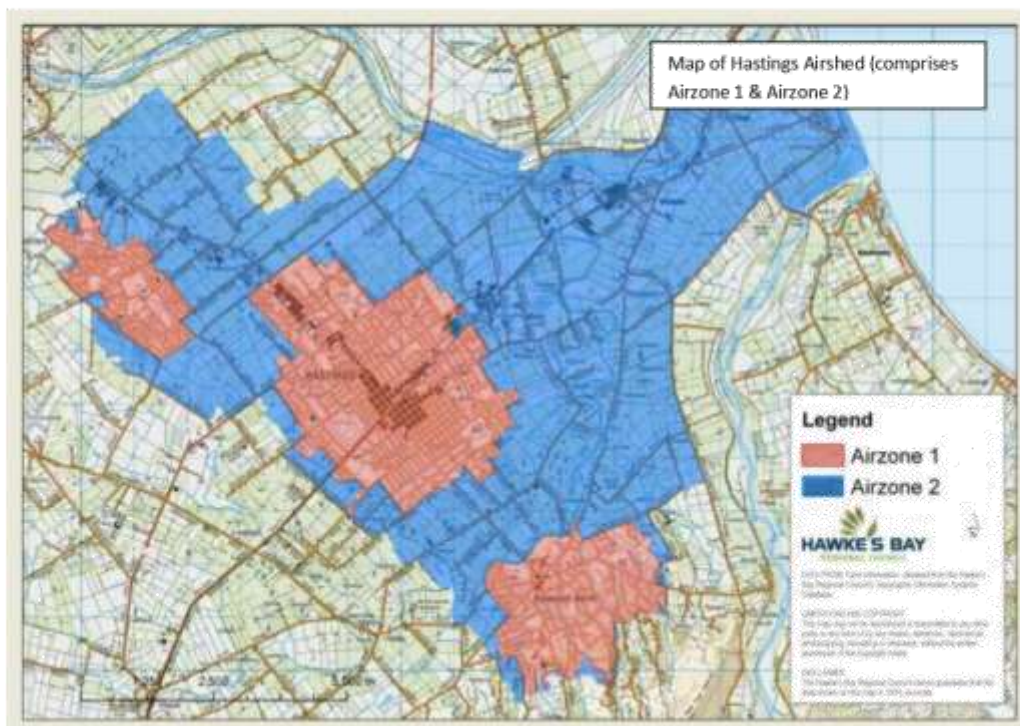
#### RESTRICTED BURNING

Airzone 1 covers mostly the urban areas of Napier, Hastings, Flaxmere and Havelock North while Airzone 2 covers the remaining land within the Airshed areas which are mostly rural.

- Outdoor fires are restricted in the Hastings and Napier Airsheds during the Months of May, June, July or August. However exceptions apply, on horticultural production land for orchard/vineyard redevelopments, disease control and discharge to air from frost protection heaters<sup>2</sup>.

<sup>1</sup> Permitted activity is defined in the glossary under (1).

<sup>2</sup> Rule 19e is detailed in glossary under (3)



Outdoor Burning

Final

Page 3 of 9



**MATERIALS WHICH CANNOT BE BURNT**

- Treated timber or fibreboard.
- Any plastic product.
- Rubber products, including tyres.
- Batteries.
- Bitumen-containing materials.
- Used or waste oil.
- Materials associated with the recovery of metals from insulated electrical cables.
- Materials and metals that are components of motor vehicles or mechanical or electrical equipment.
- Asbestos or radioactive material.
- Domestic or industrial rubbish.

**PREPARING FOR A FIRE**

- Notify your neighbours – discuss your plans for burning with your neighbour to help reduce potential conflicts.
- Contact the Regional Council, especially for large burns or where a series of burns are planned.
- Get advice on managing fires safely from the Rural Fire Authority.

**LOCATE THE FIRE CAREFULLY**

- At least 50 metres to as far as reasonably possible from any identifiable sensitive area<sup>3</sup>
- Check that smoke from the fire will not blow toward Airzone 1 of the Napier or Hastings Airsheds.

**CONFIRM WEATHER CONDITIONS**

- Check the forecast and wind strength and direction over the intended day of burning. Refer to [www.metservice.co.nz](http://www.metservice.co.nz).
- Do not burn in windy conditions as the ash produced by a fire is more likely to be blown about if the wind is blowing. The stronger the wind conditions the further the ash/fire debris will travel.
- Fires should only be lit when there is a gentle breeze, for example if the wind speed measured 1 metre above the ground is greater than 3 metres per second- this will ensure the breeze will carry smoke away from neighbouring houses.
- Be ready to respond to any changes in wind direction from morning to afternoon.
- Be prepared to extinguish the fire if a wind change causes smoke problems.
- In winter, only add material to the fire up to 4.00pm in the afternoon and; which will be completely burnt by 5.00pm.
- **DO NOT burn in calm (i.e. when the windspeed 1 metre above the ground is less than 3 metres per second), highly stable conditions** such as on frosty days which encourage the development of temperature inversions. The aim is to avoid smoke hanging about and not rising/dispersing.
- Monitor where your smoke is going – it may be travelling towards sensitive areas.

<sup>3</sup> Identifiable sensitive area is defined in the glossary under (2).

- In summer, burn in the coolest part of the day and not in very windy conditions. (Check for Rural Fire Authority fire ban status)

#### DO NOT LIGHT FIRES WHEN

- Ash may land on structures, other people's property or horticultural crops.
- There is less than five metres to any tree, hedge or fence of combustible material.
- Wet weather or wind conditions are likely to cause smoke nuisances.
- The material is too wet or too green to burn well. It must be dried for long enough to reduce likelihood of smoke nuisances.
- It is May to August within the Napier and Hastings Airsheds, unless the purpose of the fire is for disease control or orchard/vineyard redevelopment. For rules on burning within the Airsheds during the Months of May to August refer to the Glossary.

#### HOW TO PREPARE FOR AND MANAGE A FIRE

Restrict burning to well-dried material that cannot be composted or recycled or used as firewood.

- Have sufficient water on hand to put out the fire if necessary.
- Light one large hot fire and feed it gradually rather than lighting many smaller fires.
- Stack vegetation and untreated wood loosely, to allow air for efficient burning.
- Do not allow a fire to smoulder and create smoke.
- Keep the fires attended once started.
- Minimise the frequency and number of fires.
- Keep fire burning hot as lower temperatures mean more smoke.
- Do not leave a fire to smoulder overnight, if at all practical put it out. Restart large fires the next day if necessary. For large burn offs contact the Regional Council and the Rural Fire Authority for advice on how to plan a fire that burns hot and safely overnight.
- Land clearance burn offs require careful management as they can be especially difficult to control and can cause nuisances over wide areas. Contact the Rural Fire Authority for advice.

#### WHAT TO BURN

##### Dry and Seasoned Woody Material.

- Dry vegetation burns vigorously without causing unnecessary smoke. Optimal time for drying will depend on the type of vegetation being burnt. Some vegetation such as macrocarpa tree branches and some shelter belt trimmings will create dense, choking smoke unless allowed to dry for at least six months. It is recommended to allow at least several weeks for vegetative matter to dry before burning.

##### Tree Stumps

- Use machinery to remove soil from stumps. Leave some of the branches on to help provide fuel for a good fire. Ideally stumps should be left for at least 12 months to dry however this is not always practical.

- Heap stumps to provide a good air flow, but do not put all the stumps on the fire at once- **feed them gradually**.



*Removed trees stacked and waiting for "ideal conditions for burning"*

*Branches are left on to help provide fuel for a good fire.*

*Ensure the site is at least 50m to as far as possible away from any identified sensitive area.*

#### **Agrichemical or Animal Remedy Containers and Plastic Silage Wrap**

- Burning of agrichemical plastic containers is prohibited. Containers should be taken to your nearest AgRecovery centre.
- Plastic wrap can be stored on-farm for collection by AgRecovery.

Contact AgRecovery Hawke's Bay on: Telephone 0800 247 326 or visit [www.agrecovery.co.nz](http://www.agrecovery.co.nz) for further information.

#### **REPORTING A FIRE – DIAL 111**

Uncontrolled fires must be promptly reported to 111 giving the location and any other relevant details.

#### **ASSESSING SMOKE NUISANCES**

Burning that causes an unreasonable nuisance or that produces objectionable, noxious or offensive smoke beyond the property boundary where the burning occurs may be subject to enforcement action. Following the steps in this guide should help prevent such events. When monitoring fires and responding to complaint(s):

- 1. The HB Regional Council will assess the situation taking into account the following:**
  - a. Frequency of the discharge. More frequent burning is likely to be more of a nuisance to neighbours.
  - b. Intensity as indicated by quantity of smoke produced and the degree of nuisance.
  - c. Duration, the length of the burn time of the fire will be taken into account when determining the level of nuisance.

- d. Nature of the smoke, its persistence; including soiling of materials, crops and structures, any health effects, and odour.
- e. Location, having regard to the sensitivity of the receiving environment.
- f. Any previous council action or validated complaints relating to the same site or the same person or organisation.
- g. Weather conditions at the time of the fire and the weather forecast at the time the fire was lit.
- h. Information regarding operational conditions that affect smoke discharges, control measures used to minimise smoke.
- i. The extent to which the good practice guidelines were followed.

**2. In the event that discharges of smoke and/or particulate matter are deemed to have objectionable, noxious or offensive effects beyond the boundary of the site, the Hawke's Bay Regional Council will take the following approach.**

- a. The responsible owner or organisation will be advised what action is required to avoid, remedy or mitigate the adverse effects from the discharge. The Hawke's Bay Regional Council will outline a timeline to undertake and complete that work. For most objectionable fires, the Regional Council will require the fire to be extinguished. This may be formalized through the issue of an abatement notice.
- b. Irrespective of action taken by the owner or organisation responsible for the fire, the Regional Council may issue an infringement notice. It is likely that an infringement notice will be issued in any situation where good practice is not adopted or where the adverse effects of the fire are deemed to be significant.
- c. If the discharge continues to cause an objectionable effects and timeframes are not met, further enforcement proceeding may be initiated.
- d. This could be in the form of another abatement notice or application for an interim enforcement order, or use of other enforcement mechanisms under Part XII of the Resource Management Act 1991.

**3. Remember that it is your responsibility to make sure you manage your fire properly and avoid causing nuisances and damage.**

Where to go for more information

### Hawke's Bay Regional Council

<b>Napier - Main Office</b>	Geographical Address	159 Dalton Street, Napier 4110
	Postal Address	Private Bag 6006, Napier 4142
	Telephone	(06) 835 9200
	Fax	0800 108 838(06) 835 3601
<b>Taradale Works Group Office/Depot</b>	Geographical Address	Guppy Road, Taradale 4112
	Postal Address	Private Bag 7295, Taradale 4141
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## Glossary

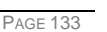
- (1) *Permitted Activity* – an activity that is allowed by a plan without requiring resource consent, so long as it complies in all respects with any conditions specified in the plan.
- (2) *Identifiable sensitive area* – fixed buildings and houses, public roads, combustible materials, National Electricity Transmission Network Lines, contained livestock, public walkways.
- (3) *Rule 19e* - Outdoor burning on horticultural production land during certain times of the year.

Within the Napier of Hastings Airzones burning is a permitted activity under the following rules:

- (a) Burning shall only be undertaken to dispose of vegetative material that has been generated on the property containing the horticultural production land.
- (b) Burning shall only be undertaken to dispose of diseased vegetative material, or to dispose of remaining vegetative material from orchard/vineyard redevelopment where there is no other reasonable or practicable onsite alternative disposal technique (e.g. mulching)
- (c) The discharge shall not occur when the wind or forecast wind is likely to cause smoke to move towards the urban area (Airzone 1) of the Napier or Hastings Airshed.
- (d) The discharge shall not occur if the wind speed measured a 1 metre above the ground is less than 3 metres per second.
- (e) The burn shall only take place between the months of May – August (inclusive)\*\*
- (f) At any point beyond the boundary of the subject property or on public land:
  - (i) The discharge shall not result in any smoke that adversely affects traffic safety, or reduces visibility within 5 metres of ground level.
  - (ii) The discharge shall not result in any objectionable deposition of particulate matter on land or structure (buildings).
  - (iii) The discharge shall not result in any offensive or objectionable smoke or odour.
- (g) The burn shall be supervised at all times
- (h) At any point within or beyond the subject property, the discharge shall not result in any objectionable deposition of particulate matter on National Electricity Transmission Network lines.

\*\* You can burn all year, subject to fire bans but need to adhere to the burning guidelines during the months of May – August.







## HAWKE'S BAY REGIONAL COUNCIL

### REGIONAL PLANNING COMMITTEE

Wednesday 19 August 2020

#### Subject: MOHAKA PLAN CHANGE

Item 7

#### Reason for Report

1. This item presents the proposed process for co-design of a plan change to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM) for freshwater and land management within the Mōhaka Catchment for approval.

#### Officers' Recommendation(s)

2. The report recommends that the Regional Planning Committee (RPC) support the adoption of a co-designed planning process with tāngata whenua and Project Brief to progress plan development for the Mohaka catchment.
3. The report also recommends that consideration is given to the establishment of a steering group which will guide the direction of the project and facilitate decision-making for the RPC.

#### Executive Summary

4. The process for developing a catchment specific plan change for freshwater management in the Mōhaka Catchment recommenced in 2019, with the concept of co-design being a key feature.
5. Over the past year, time has been spent developing relationships with tāngata whenua and a Memoranda of Understanding to enable the work to progress.
6. Various central government reforms associated with Actions for Healthy Waterways have also progressed, with final documents being released over the next few months which will inform development of the proposed plan change.
7. The proposed Project Brief reflects how it is envisaged that this plan change will be co-designed using a dual pathway for tāngata whenua and the wider community, with critical points of connection along the way.

#### Background /Discussion

8. Over ten years ago, work commenced on a Mōhaka-related plan change and had an initial focus on the Taharua sub-catchment. The section below provides a snapshot of work undertaken so far. This work will inform but not pre-determine this refreshed process.

#### *Origins: Taharua Catchment*

9. In 2009, initial work on a management regime for the Taharua Catchment commenced, in response to declining water quality in the Taharua and Upper Mōhaka catchments.
10. HBRC established the Taharua Stakeholder Reference Group in 2009, and a Taharua and Upper Mōhaka Draft Strategy was prepared in July 2011. In 2012, a proposal for the plan change was presented to HBRC by that Stakeholder Group. Various meetings were held with landowners and other stakeholders, discussions led towards broadening the spatial scope of the plan change.
11. By February 2015, the scope of the plan change was extended to the whole catchment. A 'ki uta ki tai /mountains to sea' approach was envisaged and HBRC made a commitment to establish a broader Mōhaka Reference Group. At that time, HBRC also committed to engage with a wider number of hapū/iwi groups with an interest in the Mōhaka catchment.
12. A Project Plan for the Proposed Mōhaka Plan Change was adopted by HBRC in September 2016, which included a Tāngata Whenua Advisory Group.



13. The Mōhaka Reference Group met once, late in 2016, but no further progress was made as other plan development work was given higher priority, notably for Outstanding Water Bodies and the TANK catchments.
14. A number of papers were prepared, including:
  - 14.1. An environmental characterisation of the Mōhaka catchment
  - 14.2. A report on the state and trends of water quality and ecology
  - 14.3. An initial recreation assessment
  - 14.4. An inventory of current knowledge of natural resources within the Ngāti Pāhauwera Rohe.

*Resource management issues*

15. From the work that has been completed so far, the key resource management issues and opportunities identified so far can be summarised as:

*Declining water quality (nitrogen)*

- 15.1. Nitrogen levels are elevated in the Taharua River, which has resulted in excessive periphyton growth in the Mōhaka below the confluence. In turn, this impacts on aquatic habitat, including for both indigenous fish species and trout. A number of mitigations were introduced to the Taharua Catchment ten years ago, with good results. However, with plan development focus moving away from the Mōhaka and a number of farms changing ownership, this initial momentum has been lost and more recent water quality testing reveals an increase in nitrogen levels again.

*Poor water quality (sediment)*

- 15.2. Erosion and sediment are an issue within the catchment. The soils and geology within the catchment are typically prone to erosion, so when exposed, either through crop cultivation, pastoral development or forestry harvesting/clearance, the risk of accelerated erosion occurs. The geology changes from the top of the catchment to the coast. Pumice soils (inland) have a high potential for erosion if not appropriately managed. In the lower catchment, coastal soft sedimentary geology is also highly erodible and may not be so readily managed, leading to elevated levels of sediment in the river. Lower Mōhaka sediment levels are considered to adversely impact on the ability of tāngata whenua to provide for their own needs.

*Protecting Outstanding Water Bodies*

- 15.3. A number of rivers within the Mōhaka Catchment have been proposed as Outstanding Water Bodies in Proposed Plan Change 7 (Outstanding Water Bodies). That proposal includes the following water bodies within the Catchment and their outstanding values:
  - 15.3.1. Mōhaka River: Cultural spiritual; ecology; natural character; landscape & geology; recreation
  - 15.3.2. Te Hoe River: Cultural, spiritual; ecology
  - 15.3.3. Hautapu River: Cultural, spiritual
  - 15.3.4. Ripia River: Cultural, spiritual
  - 15.3.5. Waipunga River: Cultural, spiritual; ecology
  - 15.3.6. Mangahouanga Stream: Cultural, spiritual; geology
  - 15.3.7. Tarawera Hot Springs: Cultural, spiritual
- 15.4. The provisions for such water bodies must protect both their outstanding and significant values. The significant values will be identified through this Mōhaka plan development process.

*Enabling tāngata whenua to provide for their needs:*

- 15.5. The Mōhaka catchment provides resources important to tāngata whenua and their cultural practices (e.g. mahinga kai, hangi stones). A substantial part of the catchment (% of area) is held as Maori Land under the Maori Land Court by a wide range of trusts, groups, whanau and individuals. The use of this land is varied, featuring indigenous forest, plantation forest, pastoral land and small amounts are used for horticulture and vegetable growing activities.

#### *Actions for Healthy Waterways*

16. The plan change must also give effect to the NPS-FM. The NPS-FM was first released in 2011, and since then has been revised in 2014, 2017 and 2020. The latest version comes into force on 7 September 2020 (note that this report is based on information available prior to the release of the NPS-FM 2020).
17. Based on the information available on Reform Actions for Healthy Waterways on the Ministry for the Environment's website, and the recently enacted Resource Management Amendment Act 2020, we anticipate the following requirements for any freshwater catchment-based plan change:
- 17.1. *Use of the new freshwater planning process.* Note that this relates to post notification procedures, so does not have any material impact on how the plan change is developed up to the point of notification.
- 17.2. *Recognition of any National Environmental Standard (NES).* Note that regional plan provisions do not duplicate any NES. They may be more stringent where that is provided for in the NES. Relevant NES already in existence include:
- 17.2.1. NES Plantation Forestry
- 17.2.2. NES Sources of Drinking Water
- 17.2.3. NES Electricity Transmission Activities
- 17.2.4. NES Assessing and Managing Contaminants in Soil to Protect Human Health.
- 17.3. *Awareness of any proposed NES.* The reforms for healthy waterways propose a new NES for freshwater, possibly by the end of this month. It is anticipated that the new NES may include immediate measures to:
- 17.3.1. Prevent further loss of natural wetlands and streams
- 17.3.2. Preserve connectivity of fish habitat
- 17.3.3. Address high-risk farming activities including intensive winter grazing, agricultural intensification and nitrogen use.
- 17.4. *Recognition of any s360 RMA regulations.* New stock exclusion from waterways requirements are also due out soon. As with the NES, regional plan provisions recognise but do not duplicate these regulations and may be more stringent where that is provided for in the regulation.
- 17.5. *Farm plans.* The recent RMA reforms now establish the requirement to have a farm plan, and details of the freshwater management of farm plans is being developed with relevant farming stakeholder groups.
- 17.6. *Te Mana o Te Wai.* As part of the NPS-FM 2020, it is anticipated that there will be:
- 17.6.1. A long-term, inter-generational, vision for the water, informed by the aspirations of tāngata whenua and communities
- 17.6.2. Reporting on progress towards the long term vision
- 17.6.3. Investigation of options for tāngata whenua involvement such as joint management agreements and reporting on those options.
- 17.7. *Maori values in freshwater.* Mahinga kai will become a compulsory value in the NPS-FM, alongside the other biophysical values and attributes specified in the NPS-FM.

- 17.8. *Ecosystem health.* All components of ecosystem health will be made explicit, and managed and reported on in an integrated way.
- 17.9. *Climate change.* There will be a need to recognise foreseeable climate change in setting any environmental flows and levels for rivers and lakes.
- 17.10. *Wetlands and stream loss.* The new NPS-FM will also prevent further destruction of natural wetlands and stream loss, and require new structures provide for fish passage.
- 17.11. *Threatened species.* The new NPS-FM will make threatened species a new compulsory value.
- 18. Further information on these actions are found here:  
<https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/action-for-healthy-waterways-information-for-regional-councils.pdf> .

### **Proposed plan change development process**

- 19. The proposed plan change development process for the whole of the Mōhaka catchment restarted last year.
- 20. In April 2019, Ngāti Pāhauwera Development Trust (NPDT) hosted the RPC on a bus trip around the Lower Mōhaka and across to the Pūtere Lakes (which are not in the Mōhaka catchment). The trip provided first hand experience of the state of the river near Raupunga and background on the importance of various tāonga, including the hangi stones.
- 21. Over the past year, work has progressed on developing the relationships with the various tāngata whenua entities and developing a co-design process. This work is now at the stage where a first hui with tāngata whenua, to be hosted by NPDT, is scheduled for Friday 21 August 2020.
- 22. Accordingly, the proposed Project Brief and Engagement Plan is presented to RPC for confirmation to proceed.
- 23. The process proposed has been re-designed to better reflect:
  - 23.1. The functions of the RPC and need to improve tāngata whenua involvement in the development of resource management within the region
  - 23.2. Learnings gained from recent plan development processes elsewhere across the region
- 24. In summary, the process proposed involves a dual pathway, with connections at critical points of plan development, being:
  - 24.1. Development of a common understanding of the issues, opportunities, outcomes sought for the Mōhaka Catchment
  - 24.2. Assessment of a range of options to deliver the desired outcomes
  - 24.3. Development of a preferred option, including any proposed regulation (the plan change) and draft implementation plan to guide the ongoing work of HBRC through its Long Term Plan (LTP) and the catchment community in achieving the desired outcomes
  - 24.4. Pre-consultation on the proposed plan change.
- 25. The proposed Project Brief is attached as Attachment 1.
- 26. Staff consider that there may be benefit in establishing a steering group which would possibly have both RPC and tāngata whenua membership, to:
  - 26.1. Facilitate the dual pathway for developing the proposed plan change, including its expression of Te Mana o Te Wai
  - 26.2. Guide the direction of the proposed plan change
  - 26.3. Facilitate decision-making by the RPC.

27. Such a steering group could comprise of those members of the RPC who represent the Mōhaka Catchment, but further discussion with tāngata whenua would be needed before settling on membership of such a group.
28. With respect to progressing this work, it must be undertaken within the context of the wider range of actions required of HBRC to give effect to the Actions for Healthy waterways programme. In particular, the NPS-FM 2020 is expected to require all necessary freshwater plan changes to be notified by the end of 2024.
29. This will limit the ability to undertake additional research to address issues where there is limited information in the short term. Staff envisage that necessary research would be identified, prioritised and scheduled in the implementation plan (and LTP).
30. Further, while the plan change could be progressed as a stand alone plan change, it may be more efficient to complete the notification process using the FPP as part of a larger body of freshwater work.

### **Strategic Fit**

31. This freshwater management work contributes towards achieving the strategic outcomes for land, water and biodiversity: Climate-smart and sustainable land use, biodiversity and water quality, safety and climate resilient water security.

### **Significance and Engagement Policy Assessment**

32. In terms of HBRC's Significance and Engagement Policy, this matter is not significant.

### **Climate Change Considerations**

33. The proposed plan change will need to address climate change, including through the requirements set in the reforms to the Resource Management Act, made in mid-2020 and the NPS-FM 2020. It is likely this will include consideration of carbon farming and renewable energy production (with respect to impacts on land and water).

### **Considerations of Tāngata Whenua**

34. The co-design process is intended to ensure sound engagement with tāngata whenua.

### **Financial and Resource Implications**

35. Work for this project is provided for within the Policy and Planning budget over the next two years.

### **Consultation**

36. The Project Plan provides information on how consultation will be undertaken in developing this proposal for notification.

### **Decision Making Process**

37. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 37.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 37.2. The use of the special consultative procedure is not prescribed by legislation.
  - 37.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 37.4. The persons affected by this decision are all those people and entities that have an interest in the Mōhaka Catchment.
  - 37.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

**Recommendations**

That Hawke's Bay Regional Council:

1. That the Regional Planning Committee receives and considers the "Mōhaka Plan Change" staff report.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
  - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision
  - 2.2. Agrees to support the co-design process between HBRC and tāngata whenua for development of the proposed Mōhaka Catchment plan change
  - 2.3. Adopts the Project Brief to guide development of the proposed Mōhaka Catchment plan change and draft implementation plan
  - 2.4. Request staff consider and report back on the establishment of a Mōhaka Steering Group to facilitate the exchange of information and decision-making between those involved in developing the proposal for the Mōhaka and the RPC.

**Authored by:**

**Dale Meredith**  
**SENIOR POLICY PLANNER**

**Approved by:**

**Ceri Edmonds**  
**ACTING GROUP MANAGER STRATEGIC**  
**PLANNING**

**Attachment/s**

[1](#) Mohaka catchment Project Brief draft - August 2020





**MŌHAKA : INTEGRATED CATCHMENT MANAGEMENT**  
**PLAN CHANGE**  
**Project Brief**

<b>Prepared by:</b>	Dale Meredith
<b>Prepared for:</b>	
<b>Date:</b>	3 August 2020
<b>Version:</b>	1
<b>File name and location:</b>	COMMON N: Mohaka Catchment
<b>Approval:</b>	

## Document Control

### Purpose of Document

A Project Brief is used to provide a firm foundation for a project. It is created during the Initiation Phase based on known information at that time. It is used as a reference document to complete the documents required during the Planning phase including Business Case, Project Schedule etc.

Typically, the intended audience for this document is the Project Sponsor but could vary from project to project. The Project Brief should be formally signed-off or approved by the Project Sponsor to authorise the Planning Phase.

### Document History

Version	Issue Date	Event	Status
1	03.08.2020	Revised project brief (RM Amendment Act)	Draft

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## 1. Project Background

### 1.1 History

As part of the ongoing programme of regional plan improvement, work commenced on a possible plan change to the Taharua catchment plan provisions in 2009, in response to declining water quality in the Taharua and Upper Mōhaka Rivers.

The Taharua catchment was first developed in the 1960s for sheep and beef farming, with land use intensifying since the 1990s. Water quality in the upper Mōhaka and Taharua rivers has been steadily declining over this time. Nitrate concentrations in the Taharua River now exceed toxicity guidelines for fish and other aquatic life and there has also been a decline in trout fishing. The water quality and natural character of the Mōhaka downstream of the Taharua confluence has changed, with elevated nitrogen levels being recorded for some distance downstream, and algal blooms appearing at times.

HBRC established a Taharua Stakeholder Reference Group in 2009, and a Taharua and Upper Mōhaka Draft Strategy was prepared in July 2011. In 2012, a proposal for the plan change was presented to HBRC by that Reference Group. However, by February 2015, the scope of the plan change was extended to the whole catchment. A 'ki uta ki tai /mountains to sea' approach was envisaged and HBRC made a commitment to establish a broader Mōhaka Reference Group. At that time, HBRC also committed to engage with a wider number of hapu/iwi groups with an interest in the Mōhaka catchment. A Project Plan for the Mōhaka Plan Change was adopted by the Council in September 2016, which included a Tāngata Whenua Advisory Group.

The Mōhaka Reference Group met once, late in 2016, but no further progress was made as other plan development work was given higher priority.

Planning for the whole of the Mōhaka catchment is restarting, with the process being re-designed to better reflect:

1. The functions of the Regional Planning Committee and need to improve tāngata whenua involvement in resource management within the region; and
2. Learnings gained from recent plan development and engagement processes elsewhere across the region.

Map 1 shows the spatial extent of the Mōhaka Catchment and its main tributaries.

All research and information gathered from the community and stakeholders will be brought forward into this refreshed process, together with necessary changes to give effect to recent updates to National Policy Statements and National Environmental Standards.

Previously, a number of papers were prepared, including:

- An environmental characterisation of the Mōhaka catchment;
- A report on the state and trends of water quality and ecology;
- An initial recreation assessment;
- An inventory of current knowledge of natural resources within the Ngāti Pāhauwera Rohe

These documents are still relevant and form an important baseline.

Map 1: Mōhaka Catchment



## 2. Business Case Outline

### 2.1 Project Objectives

**Outcome:** The natural resources of the Mōhaka Catchment, including its tributaries, are of good quality, meeting national objectives for freshwater management and community aspirations for water, land and coastal natural resources.

**Objective 1:** An integrated catchment management regime is prepared for the Mōhaka catchment water bodies, including all tributaries and groundwater, with particular focus on achieving good quality water in all water bodies and an initial path forwards to mitigate or adapt to the effects of climate change.

**Objective 2:** Tāngata whenua are effectively engaged in preparation of the draft proposed plan change, identification of significant cultural and spiritual values for tāngata whenua and methods for the protection of those values, and pre-notification recommendations for the Mōhaka catchment plan change;

**Objective 3:** Stakeholders and those using and enjoying the Mōhaka catchment are effectively engaged in:

1. Taking actions to maintain or improve catchment natural resources, collectively or individually
2. Plan change preparation – providing input to identify catchment level objectives, policies to achieve those objectives, rules and other methods to give effect to those policies, within the wider regional and national planning frameworks



3. Monitoring and review of the impacts, efficiencies and effectiveness of initiatives undertaken.

**Key Output 1:** The regime will be given regulatory effect through necessary changes to the Hawke's Bay Regional Resource Management Plan (RRMP).

**Key Output 2:** The RRMP provisions will be supported by a suite of actions identified in a non-statutory Mōhaka Catchment Implementation Programme (noting that this will sit alongside the RRMP).

## 2.2 Business Justification

Plan development work is necessary for the Mōhaka catchment to:

1. Achieve integrated and effective management of the natural and physical resources of the Mōhaka Catchment
2. Give effect to the NPSFM with respect to the freshwater management unit, the Mōhaka catchment
3. Give effect to changes currently being developed within the Regional Policy Statement section of the RRMP with respect to protecting identified outstanding water bodies
4. Ensure that the RRMP provides for more stringent rules than allowed for in national environmental standards, where necessary to protect natural resources within the catchment
5. Take into account any relevant planning document recognised by an iwi authority within the Mōhaka catchment.

The National Policy Statement for Freshwater Management 2014 (amended 2017) (NPSFM)<sup>1</sup> requires regional councils to, amongst other matters:

1. Consider and recognise Te Mana o te Wai in the management of freshwater (NPSFM Objective AA1)
2. Safeguard:
  - a. the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
  - b. the health of people and communities, as affected by contact with fresh water (NPSFM Objective A1)
3. Safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming or diverting of fresh water (NPSFM Objective B1)
4. Protect the significant values of wetlands and of outstanding water bodies (NPSFM Objectives A2 and B4).

The Mōhaka Catchment plan change work was identified in the NPSFM progressive improvement programme in 2012, and the updated November 2018 programme estimates proposed plan change notification by 2021, and definitely by 2024.

The NPSFM 2020 revision has just been released (5 August 2020), together with related National Environmental Standards for freshwater matters and regulations. The NPS-FM anticipates that any plan change will be required to give effect to Te Mana o te Wai, and will need to address a wider range of attributes and indicators, as well as clearly identifying how the forthcoming national directions inter-relate with the regional plan's provisions.

## 2.3 Strategic Alignment

The project contributes to three of the Council's strategic priority focus areas for 2020-2025:

1. Water quality, safety and climate-resilient security
2. Climate-smart and sustainable land use

<sup>1</sup> NB to be revised, the NPS-FM 2020 comes into force on 7 September 2020

### 3. Healthy, functioning and climate-resilient biodiversity.

This project contributes towards achieving a number of the strategic goals associated with each of these focus areas.

#### 2.4 Budget

The policy development work is provided for in the Years 2- 5 of the Long Term Plan (LTP) 2018-2028 (Prj 192). The policy development work will also feature within the proposals for 2021-2031 LTP

## 3. Project Benefits

### 3.1 Success Measures

The Mōhaka catchment plan change is:

1. Legally compliant and meets all statutory process requirements
2. Assessed as satisfactorily meeting Regional Planning Committee, tāngata whenua and stakeholder expectations for engagement in development of the proposed plan change
3. Notified within the timeline agreed in this project plan
4. Satisfactorily managed with respect to risk, with any resource issues clearly identified, to the satisfaction of the project sponsor
5. Supported by an Implementation Plan for the Mōhaka which includes non-statutorily prescribed actions beneficial to achieving good environmental, farming, iwi and community outcomes, in accordance with the RRMP.

## 4. Project Scope

### 4.1 In Scope and Out of Scope

The table identifies the types of matters that may be within scope for the plan change

Key Deliverable	IN SCOPE	OUT OF SCOPE
Proposed objectives, policies, rules & other methods	<ul style="list-style-type: none"> <li>Proposed change to RRMP</li> <li>Te Mana o te Wai</li> <li>Iwi values</li> <li>Sub-catchment management</li> <li>Flows and allocations</li> <li>Taking, use of freshwater</li> <li>Damming, diversion of freshwater</li> <li>Discharge: <ul style="list-style-type: none"> <li>Common rural contaminants management</li> </ul> </li> <li>Land use management re risk of common contaminant threshold</li> <li>Domestic wastewater discharges</li> <li>Swimmability</li> <li>Biodiversity, important terrestrial &amp; aquatic species, including fish passage at critical life stages (focus on water management)</li> <li>Wetland management</li> <li>Outstanding water bodies protection</li> <li>Relationship with national planning instruments e.g. NES Plantation Forestry, Drinking Water Standards (where stringency is required) and implementing the Mōhaka Water Conservation Order as relevant to the RRMP</li> <li>Transitions to achieve objectives</li> </ul>	<ul style="list-style-type: none"> <li>SOE report</li> <li>Stormwater (roading, domestic) (Need to address equitably across region)</li> <li>RPS change (unless change is needed to list of outstanding water bodies)</li> <li>Biosecurity</li> <li>Royalties &amp; resource ownership</li> <li>Gravel extraction management</li> <li>1080</li> </ul>

	<ul style="list-style-type: none"> <li>Monitoring and measurement over time, including for Mātauranga Māori</li> <li>Draft associated change to RCEP</li> <li>Supporting plan change documentation:</li> <li><i>Section 32 RMA Evaluation Report &amp; supporting analysis papers</i></li> </ul>	
Mōhaka Catchment Implementation Plan	<ul style="list-style-type: none"> <li>Methods necessary to implement the plan change, may be broken down into sub-catchments or other communities of interest</li> <li>Approved HBRC LTP work programme relating to Mōhaka catchment, including any proposed re-sequencing of work</li> <li>Additional work proposed (e.g. research) including sequencing of work, which may be needed to address catchment issues, but which has not yet been programmed in the LTP</li> <li>General commitments to implementation by parties external to HBRC</li> </ul>	<ul style="list-style-type: none"> <li>Allocation of roles &amp; responsibilities within HBRC</li> <li>Specific budget commitments by external parties</li> </ul>

#### 4.2 Constraints and Assumptions

This plan development work assumes that:

1. An Engagement Plan which is satisfactory to both tāngata whenua and the Regional Planning Committee will be agreed by August 2020;
2. Project staff will be available intermittently for the this and the next financial years (1 July 2020 to 30 June 2022);
3. Sufficient resourcing is provided within the Long Term Plan 2018-2028 (Years 2&3) to notify the proposed plan change within the timeline set in this Project Plan, including to undertake some further catchment-based research and planning options to enable option evaluation;
4. New national directions (final forms due in mid-2020) will create additional work to reconcile proposed plan provisions with the new national directions and establish where stringency is required.

### 5. Project Schedule

#### 5.1 Approach

The pre-notification project process will be co-designed with tāngata whenua, who will be involved at every stage of the Plan change development process. From notification, tāngata whenua and stakeholders will retain their Schedule 1 RMA submission and any appeal rights on the plan change proposal.

#### 5.2 Deliverables

The table below sets out the key steps in the refreshed plan development process. A more detailed project plan is available.

All timings are subject to:

- a) Gaining agreement from iwi within catchment regarding the process and engagement. A further step to engage with Mōhaka PSGEs was added in October 2019 to facilitate progression of the work through the RPC
- b) Effect of RPC meeting cycle and how we work with Mōhaka iwi in decision-making process: any RPC Recommendation step (up to notification) could be delayed by 1 meeting cycle)
- c) Release of national directions in mid-2020

- d) Any re-prioritising of workloads and policy programmes as a consequence of the LTP review for 2021-2031.

Deliverable	Milestone	Start Date	Due Date	Staff Resources
<b>Agreement(s) with Mōhaka iwi</b> <b>RPC Information</b>	<b>Agreements are in place with all relevant iwi re co-design &amp; involvement in plan development</b>	Apr 2019	30 Jun 2020	Policy Maori partnerships
<b>Project Brief</b> <b>RPC Recommendation</b>	<b>Project execution planned</b>	Mar 2019	19 Aug 2020	Policy Core Team
<b>Engagement Plan:</b> • Tāngata whenua • Stakeholders & community <b>RPC Information</b>	<b>Project engagement planned</b>	May 2019	19 Aug 2020	Policy Comms Catchment Mgmt
<b>Stocktake &amp; gap analysis report</b>	<b>Stocktake completed &amp; information gaps identified</b>	July 2020	31 Aug 2020	Policy Core Team Peer reviewers
<b>S35 Plan effectiveness report</b> <b>RPC Information</b>	<b>Report completed</b>	Jul 2020	14 Oct 2020	Policy Core Team Advisory group
<b>Workshop 1:</b> Recap, situation update, values, outcomes, issues Knowledge gaps Report on workshop 1 <b>RPC Information</b>	<b>Iwi &amp; Community re-engaged</b> Initial framework: Plan change (1) Implementation (1) S 32 strategic level	Jul 2020	30 Nov 2020	Policy Core Team Advisory group Peer reviewers
<b>Workshop 2:</b> Options: water focus Options evaluation Knowledge gaps Report on workshop 2 <b>RPC Information</b>	<b>Water options identified &amp; analysed</b> Framework development: Plan change (2) Implementation (2) Identify S 32 options	Nov 2020	31 Mar 2021	Policy Core Team Advisory group Peer reviewers
<b>Workshop 3:</b> Options evaluation: land focus Knowledge gaps Report on workshop 3 <b>RPC Information</b>	<b>Land options identified &amp; analysed</b> Framework development: Plan change (3) Implementation (3) S 32 options analysed	Mar 2021	30 Jun 2021	Policy Core Team Advisory group Peer reviewers
<b>Workshop 4</b> Preferred option Analysis Outstanding issues Issue resolution <b>RPC Information</b>	<b>Preferred option identified &amp; analysed</b> Framework development: Plan change (4) Implementation (4) S 32 preferred option initial analysis	Jun 2021	31 Jul 2021	Policy Core Team Advisory group Peer reviewers
<b>Workshop 5:</b> Develop implementation programme to deliver preferred option <b>RPC Information</b>	<b>Draft integrated catchment management plan</b> Including plan change component	Jul 2021	31 Aug 2021	Policy Core Team Advisory group Peer reviewers
<b>Workshop 6:</b> Pre-consultation draft plan change	<b>Draft Proposed Plan change</b> Supported by ICM Plan	Aug 2021	31 Oct 2021	Policy Core Team Advisory group



(+ Draft implementation programme) <b>RPC Recommendation</b>				Peer reviewers
<b>Proposed plan change</b> (iwi pre-notification)	<b>Iwi response to proposal</b> How iwi response has been considered in final proposal to notify	Oct 2021	30 Nov 2021	Policy Core Team Advisory Group Peer reviewers
<b>Proposed plan change</b> (for notification) & Hearing Panel selection <b>RPC Recommendation</b>	<b>Mōhaka catchment plan change publicly notified</b>	Nov 2021	31 Dec 2021	Policy Comms
<b>Summary of Requests for Change by Submitters</b>	<b>Summary of request for change, call for further submissions</b>	Jan 2022	31 Mar 2022	Policy
<b>Hearing Commissioners</b> Report to Freshwater Commissioner with commissioner recommendations <b>RPC Recommendation</b>	<b>Establish Freshwater Hearing Panel</b> RPC & Council nominate list, sent to Freshwater Commissioner	Nov 2021	31 Mar 2022	Policy Core Team
<b>Hearings &amp; decisions</b> <b>RPC Recommendation on Hearing Commissioners' Recommendations</b>	<b>Decisions released on submissions</b> , following receipt of recommendations of Freshwater hearing panel	Oct 2021	30 Nov 2022	Policy Core Team Comms Advisory group Peer review
<b>Appeals &amp; make operative</b> <b>RPC Recommendations on appeal scope</b> <b>HBRC adopts</b>	Either: <ul style="list-style-type: none"> <li>No appeals, make operative</li> <li>Appeals, including on points of law to High Court; make operative</li> </ul>	Nov 2022	Either: <ul style="list-style-type: none"> <li>Feb 2023</li> <li>Not known</li> </ul>	Policy Core Team experts as necessary Comms

## 6. Project Risks

#	Risk Descriptor	Risk Type*	Consequence	Likelihood
1	Staff resource not available when required	Operational	Medium	Likely
2	Joint plan development process falters	Reputational	High	Possible
3	Lack of consensus between stakeholders	Reputational	High	Likely
4	Breakdown in process between iwi and HBRC	Reputational	Moderate	Possible
5	Reasonable in-scope additional information / research requirements identified during process	Financial	Minor	Likely
6	Project scope creep	Financial	Minor	Possible
7	Project under budgeted	Financial	Minor	Possible
8	Project overruns time	Operational	Medium	Possible



9	Unplanned event (e.g resurgence of Covid-19)	Operational	Minor-Extreme	Possible
10	National directions change process	Operational	Minor-extreme	Likely

**\*Risk Type** - as per the Organisational Risk Management Register and quarterly reporting to the Finance and Audit Committee

## 7. Communications Brief

### 7.1 Key Messages

**Identify 3-4 points you want Stakeholders to understand and act upon.**

- Ki uta ki tai/mountains to sea integrated and holistic approach; all is interconnected;
- We work together to maintain water quality, and improve quality where it has become degraded;
- We protect the best features of the Mōhaka .

### 7.2 Target Audience

Who are you talking to?	Stakeholder Interest
Tāngata whenua/iwi and hapu Maori Land Trusts (mana whenua status) (Mōhaka iwi)	Inform and support the decision-making role of the RPC Resource management allocation, use, discharges Business investment decisions Social, economic, cultural impacts
Land owners and managers: pastoral, forestry, tourism, horticulture	Resource management allocation, use, discharges Business investment decisions Social, economic, cultural impacts
Government: national, local	DOC <ul style="list-style-type: none"> <li>• indigenous species &amp; habitat</li> <li>• Kaweka Forest Park</li> <li>• Kaimanawa Forest Park</li> </ul> MPI <ul style="list-style-type: none"> <li>• agriculture</li> <li>• forestry: Te Uru Rakau</li> <li>• fisheries: Tina a Tangaroa; allocation of fisheries resource; marine reserves:</li> <li>• biosecurity: Tiakitanga Putaiao Aotearoa</li> </ul> LINZ <ul style="list-style-type: none"> <li>• management of crown land, including river beds (excludes Mōhaka below Willowflat)</li> </ul> MfE <ul style="list-style-type: none"> <li>• Implementation of national guidance, NPSFM, NES-PF etc</li> </ul> Territorial local authorities <ul style="list-style-type: none"> <li>• Hasting DC (upper and central to Te Hoe River confluence): drinking water</li> <li>• Wairoa DC (lower): drinking water (Raupunga, Mōhaka)</li> <li>• Taupo DC</li> </ul>

	Neighbouring regional councils <ul style="list-style-type: none"> <li>Bay of Plenty</li> <li>Waikato</li> </ul>
Primary industry supporting services sector	Assessing economic impacts Best practices & education programmes <ul style="list-style-type: none"> <li>Federated Farmers</li> <li>Fonterra</li> <li>Dairy NZ</li> <li>Sheep &amp; Beef</li> <li>Forestry</li> <li>Deer</li> <li>Horticulture NZ</li> <li>OSPRI</li> </ul>
Environmental interest groups	Fish & Game Council – recreational fishing, trout, salmon: national and local water quality and habitat for sport fishing, lobbying government Royal Forest & Bird Protection Society Inc – biodiversity, habitat and water quality/natural characteristics, lobbying government Save the Mōhaka (rafting base) – crowd based response, rafting safety (forestry impacts – floating logs & debris, accurate river flow monitoring above rafting reaches) Choose Clean Water NZ (student led) – crowd based response, lobbying government
Recreational groups	Kayaking & rafting: access & parking (including haul out points), drinking, contact requirements, flow characteristics (experience), safety, amenity (including wilderness experience) Jet boating: access & parking (including haul out points), drinking, contact requirements, flow characteristics (experience), safety (including speed and needs of other water users in same stretch of water), amenity (including wilderness experience) Tramping & outdoors: access & parking (including alongside river), drinking, contact requirements, flow characteristics, amenity (including wilderness experience) Hunting & fishing: access & parking (including alongside river), contact requirements, flow requirements, drinking, amenity (including wilderness experience), sport habitat, Public access point users: access & parking, contact requirements, flow characteristics (type of activity), safety, amenity (including passive enjoyment and wilderness experience)
Catchment residents	Water supply: <ul style="list-style-type: none"> <li>Lower: Ngāti Pāhauwera: Raupunga community water supply (spring); Mōhaka School water supply (bore, spring); Waipapa a Iwi Marae (Mōhaka River bore)</li> </ul>

### 7.3 Marketing & Communications Tools

Media Releases	Printed Materials e.g. Pamphlets posters etc.	Website Content	Video Content	Photography	Graphic Design	Facebook
Yes	Yes	Yes	At later stage	yes	yes	yes

Radio Advertising/ Interviews	Print Advertising - Newspaper	E-Newsletter	Online Forms	Surveys	Herbi (Staff Intranet)	Snapshot (Internal Comms)
No	yes	yes	yes	yes	?	Yes

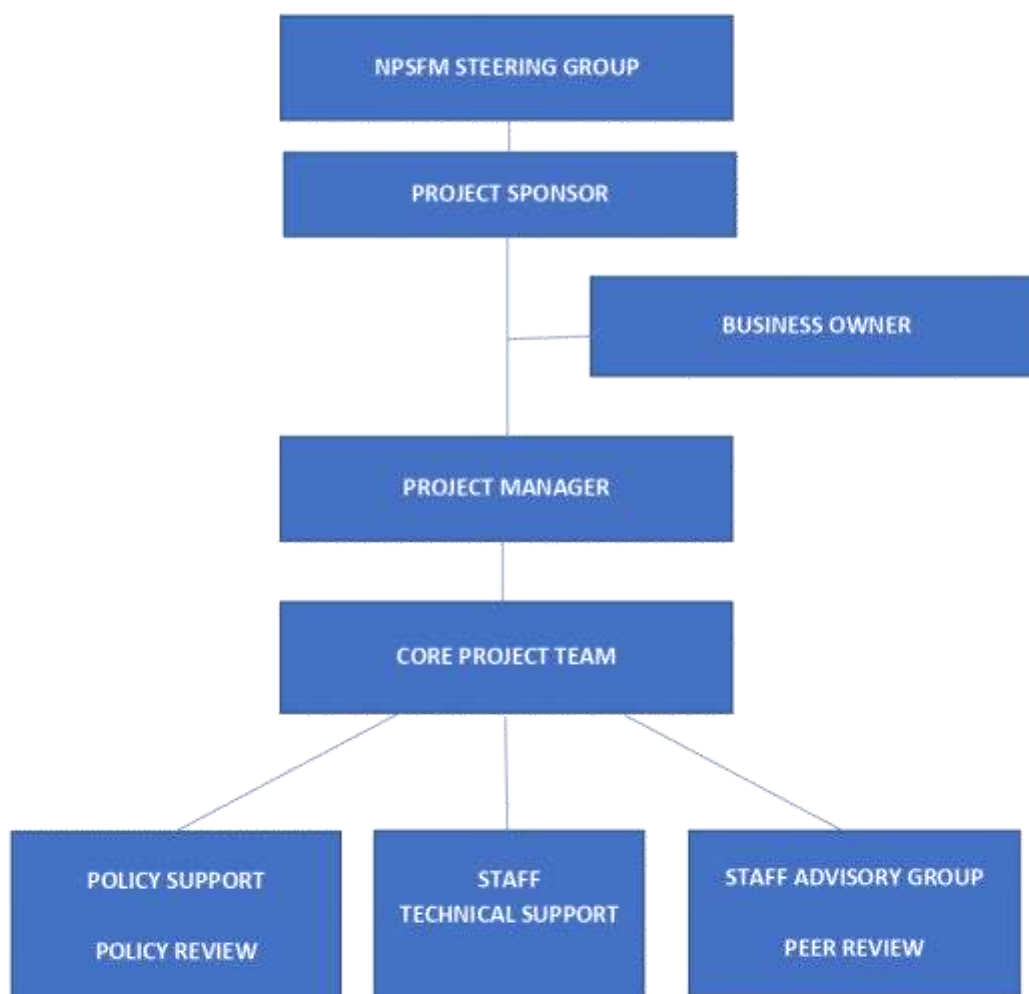
## 8. Project Organisational Structure

### 8.1 Project Team Structure

The structure of the Mōhaka Catchment plan development project is shown in Diagram 1, following.

Diagram 1:

Project Structure



## 8.2 Meeting and Reporting Requirements

The table following sets out the main meeting and reporting processes.

Role	Meeting	Reporting
<b>Regional Planning Committee</b>	RPC meetings	Information update to 6-weekly meeting Copy of all public workshop notes  Recommendation to HBRC on (milestones): <ul style="list-style-type: none"> <li>• 1: Project brief</li> <li>• 6: Consultation draft of plan change &amp; implementation plan to be released for feedback, establishment of hearing panel</li> <li>• 7: Proposed plan change to be notified, with draft implementation plan</li> <li>• 8: Recommendation to adopt decision recommendations of freshwater hearings panel</li> <li>• 9: Determine scope for resolution &amp; settlement of any appeals; delegations to staff to settle any appeals through mediation</li> <li>• 10: Recommendation to adopt plan change following resolution of any appeals.</li> </ul>
<b>RPC Steering Group</b>	HBRC & Mohaka iwi	Identify areas of agreement & disagreement between Mōhaka iwi, working groups, stakeholders and public as project evolves Guide where there is disagreement at each phase of plan development Facilitate RPC decision-making at key milestones above
<b>Mōhaka iwi group</b>	Convened by Mōhaka iwi	Pre and post each round of plan development engagement with stakeholders and community, ending when the plan change is ready to notify Final outcome (Milestone 10) – Thanks & implementation
<b>Sponsor</b>	As above As necessary	Project Status Report To address any emerging significant issue
<b>Business Owner</b>	Monthly brief by Project Mgr pre Steering Group mtg	Project Status Report draft General managerial support & advice Ensure policy team members available as necessary to support project
<b>Core Project Team</b>	Weekly meeting once project gets underway in July	Reporting progress against project timeline & deliverables Identify emerging issues, risk assessments & updates
<b>Policy support group</b>	As part of weekly Policy team update	Reporting progress against timeline & deliverable Identify additional policy resource needs & availability/priority
<b>Project advisory group</b>	Monthly email update	Reporting progress against timeline & deliverable Meeting as necessary for input to plan change or implementation plan development & assessment
<b>Peer review</b>	As necessary	Reporting progress against timeline & deliverable Review of reports to RPC, especially any Decision Report to the 1 <sup>st</sup> RPC meeting Advice on iwi feedback to RPC, as necessary

Corporate support	As necessary	As necessary
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### 8.3 Project Tolerances

It is acknowledged that the **organisational** standards for budget tolerances are:

- GREEN On Budget within 5% / \$15k
- AMBER Off Budget between 5-10% / \$15k - \$30k
- RED Off Budget greater than 10% / \$30K or over
- Tolerances beyond this need to be approved by the Project Sponsor.

There have been no specific project tolerances specified by the Project Sponsor in respect of scope, budget, schedule and/or risk.





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 19 August 2020

### Subject: TUKITUKI PLAN CHANGE 6A

Item 8

#### Reason for Report

1. This report updates the Regional Planning Committee (RPC) with the Minister for the Environment's response declining the Council's request to use the Streamlined Planning Process (SPP) for *Proposed Plan Change 6A: Tukituki Catchment Table 5.9.1D* to recalibrate the nitrogen leaching table, Table 5.9.1D, which applies to nitrogen management in the Tukituki Catchment.

#### Officers' Recommendations

2. In light of the Minister declining the use of the SPP pathway, staff recommend that the Proposed Plan change is withdrawn, in order to focus resources and effort into developing a longer term solution to nitrogen management through the review of the Regional Resource Management Plan (RRMP).

#### Executive Summary

3. The Minister has declined Council's application to use the SPP pathway for Proposed Plan Change 6A: Tukituki Catchment Table 5.9.1D.
4. The reasoning given was that the proposed plan change was considered to be a freshwater planning instrument and, under the recently enacted Resource Management Act Amendment Act 2020, all freshwater planning instruments must be considered under the new Freshwater Planning Process (FPP).
5. Staff consider that a more enduring solution to managing nitrogen is needed, given the risks associated with pursuing the proposed plan change through the FPP pathway, and resourcing should be prioritised to that longer-term solution instead.
6. As a consequence, this report also generally sets out how the current consent issue with the differing versions of Overseer will be addressed by updating the Procedural Guidelines that guide consenting processes.

#### Strategic Fit

7. Management of production land use allows for the integrated management of nitrogen, phosphorus and sediment losses into the environment and contributes towards achieving the strategic outcomes for land and water: climate-smart and sustainable land use and water quality, safety and climate-resilient security.

#### Background

8. The RPC meeting on 3 June 2020 recommended use of the SPP pathway to progress a proposed plan change to recalibrate Table 5.9.1D. The plan change proposed to update this table in accordance with the nitrogen leaching estimates that would be generated using OverseerFM, the current and only publicly available tool for estimating nitrogen leaching. The recalibration was seen as necessary as the information in Table 5.9.1D was generated using a much older version of Overseer, version 5.4.3, which generally under-estimated leaching at below the root zone as compared with OverseerFM. Overseer 5.4.3 is now obsolete and no longer able to be accessed for use.
9. On 8 June 2020, the Council lodged its application to use the SPP pathway with the Ministry for the Environment and received acknowledgement of receipt of the application on 10 June 2020.
10. While occasional informal discussions were held with Ministry staff regarding the application, no other formal response was received until the declining letter on 23 July 2020.

11. On 30 June 2020 the Resource Management Amendment Act 2020 was enacted, coming into effect from 1 July 2020. From this date, any plan change related to freshwater management is required to use the new FPP.
12. On 23 July 2020, the Minister informed the Council that the SPP pathway was no longer available for use for this proposed plan change. A copy of the Minister's response is attached (Attachment 1). A media release at the beginning of August publicised the Minister's decision.
13. On 28 July 2020, Federated Farmers requested that Council continue to pursue this plan change, using the FPP.

### Discussion

14. The window of opportunity to use the SPP pathway for this proposed plan change has closed. The FPP is now the only pathway open for any plan change addressing freshwater.

#### *Freshwater Planning Process*

15. The new FPP pathway is described in the separate report to this meeting of the RPC, 'Resource Management Policy Projects August 2020 Update'. In essence, the proposed change is notified in the usual way, with submissions, a summary of decision requests and further submissions. A freshwater hearings panel is formed of 3-5 commissioners comprising nominations from the council, local tāngata whenua and from the Chief Freshwater Commissioner's pool of freshwater commissioners. The panel makes recommendations to the Council, and only those recommendations not accepted by Council may be appealed to the Environment Court.
16. Here is a link to the summary information provided by the Ministry for the Environment: <https://www.mfe.govt.nz/sites/default/files/media/RMA/factsheet-on-freshwater-planning-process.pdf>.
17. The FPP process offers many of the advantages of the SPP process, such as a sound hearing process with RMA-accredited freshwater commissioners and no merit appeals to the Environment Court if the Council adopts the Freshwater Hearing Panel's recommendations. However, there are some significant risks with respect to the Tukituki proposal.
18. Two risks stand out.
  - 18.1. First, the Freshwater Hearing Panel is not bound by scope. The Panel is able to make recommendations beyond both the scope of the notified plan change and the changes requested by submitters. While the Council may reject any of their recommendations, such decisions are then open for appeal to the Environment Court. The proposed change to recalibrate Table 5.9.1D, the nitrogen leaching table, was narrowly constrained to address the immediate issue relating to Overseer v5.4.3 no longer being publicly available. Staff consider that there is a high likelihood that any freshwater panel would extend the scope to a wider change relating to the use of Overseer (such as has happened with the recent Waikato and Horizon's proposed plan changes) or even to reviewing nitrogen management as a whole
  - 18.2. Second, the FPP pathway is new and untested. There are no established processes or experienced people, the Chief Freshwater Commissioner was appointed only within this last month. Staff would expect delays and consequent higher costs in progressing the proposed plan change as new processes are developed and Ministry staff trained.
19. It is unlikely that the FPP pathway will achieve the key objective of making a timely fix to Table 5.9.1D to enable current consent processing activities.
20. Further, the necessary work to inform any more widely scoped plan change has not been done yet. This work is intended to be undertaken over the next four years in order to meet the December 2024 notification deadline expected to be set for freshwater planning in the new NPS-FM 2020.

## Options Assessment

21. Three options are considered with respect to what steps to take next:
- 21.1. *Withdraw the proposed plan change.* This is the least cost option in the short term. However, it does not resolve the immediate challenge facing Council with respect to consenting and activity status.
  - 21.2. *Continue to progress the proposed plan change using the FPP pathway.* This option would possibly mean being the first regional council to use the new FPP pathway. This option would help to address the immediate consenting activity status issue, however it is difficult to predict how quickly any change would become operative, given risks associated with scope and appeal.
  - 21.3. *Commence a review of Nitrogen management.* This would include looking at the use of Overseer in regulation and could either take a Tukituki-specific focus or a wider regional focus (excluding the TANK catchments as these areas are already the subject of a notified proposed change). It could be progressed alongside either of the above two options. It would enable the use of best available information, recognising that underlying models such as for soil continue to change. It would also incorporate any emerging guidance on the best ways to use Overseer in regulation. This option would not resolve the immediate challenge facing Council with respect to consenting. However, it would provide a clear Council commitment to progress this work as a priority.
22. The following table evaluates these options

**Table 1: Summary evaluation of Table 5.9.1D proposed plan change: next steps**

Evaluation Matter	1 Withdraw	2 Continue using FPP	3 Review N leaching
Cost of plan change	No further cost incurred Does not address cost of longer term solution	Additional cost, this will be minimised if scope remains narrow & no appeals Does not address cost of longer term solution	Significant additional cost incurred with a more comprehensive review in the short term However this will be required before the end of 2024, for the RRMP to give effect to NPSFM
Resolves inequity of using Overseer FM estimate of N leaching	Does not address the mismatch between the old and new versions of Overseer	Does not address future changes to Overseer	Enables the best current tools to be used & would address future proofing for ongoing improvements in science
Impact on actual N leached	No difference to status quo	No immediate impact Recalibration alone does not have an impact on the amount of N being leached	No immediate impact Assumes reduced N leaching when the best N management regime is in place

Evaluation Matter	1 Withdraw	2 Continue using FPP	3 Review N leaching
Impact on receiving environment	Depends on how quickly any currently needed consents are granted and put into effect based on the current plan provisions Potential to leave landowners/ farmers with motive to remain disengaged & is likely to require more compliance & enforcement	Recalibration alone does not have an impact on the receiving environment Depends on how quickly any currently needed consents are granted and put into effect Potential for landowners/ farmers to be more willing to engage in the consents, FEMP & water quality improvement process	No immediate impact as this is not an immediate solution Greatest benefit to environment in longer term Potential for landowners/ farmers to be more willing to engage in the consents, FEMP & water quality improvement process
Timeliness of change for consenting	No impact as no change is being made	Depends on how the FPP pathway takes as to whether consents may be put on hold pending change being made operative	Review will not be completed in sufficient time to inform current consenting needs but could be available for future (e.g if shorter term consents are granted in the current consenting round)
Impact on consent activity status	Ambiguity remains with use of different versions of Overseer The Procedural Guidelines will need to update the numbers to enable comparison between the old and new version of Overseer The risk of appeal with respect to activity status remains	Addresses consent activity status until the next significant change is made to Overseer If there is a delay in the change becoming operative, it may not help with current consenting processing	Ambiguity remains with use of different versions of Overseer until such time as the plan is changed
Impact on cost of consenting	Likely to be much higher than envisaged by the Board of Inquiry in 2015, as some 60-80 farms may have non-complying status and may require more extensive applications & allow for hearing costs Most farms in DIN exceeding catchment require consent anyway	Should be similar to that created by the Tukituki Plan Change in 2015	Unknown until further work is done



Evaluation Matter	1 Withdraw	2 Continue using FPP	3 Review N leaching
Impact on efficiency of consenting	Less efficient if N leaching data is calculated in different versions of Overseer Potential for more resistance & argument regarding the estimated leaching rate	More efficient if the change is made operative in sufficient time for current consent processing	Does not address current consent processing In the longer term, should be the most efficient option
Impact on certainty of consent outcome	With more farms falling into the non-complying activity status, there is greater risk of notification, uncertainty as to whether consent will be granted or not, and the cost of meeting any consent conditions	Greater certainty if the change can be used for the current round of consents, as there would be fewer non-complying activity status farms	Does not address current consent processing In the longer term, should provide more certainty as to what conditions may apply to any consents
Impact on plan change programme giving effect to NPSFM	Enables the agreed plan change programme to proceed	Requires diversion of resources away from the agreed programme	Brings forward the existing need to review how N is managed
Impact on tangata whenua/mana whenua	No direct impact Depends on farmer & community response to the current consenting requirements	No direct impact if the scope remains narrow to being a technical fix only	Unknown until further work is done
Impact on wider community	No direct impact Depends on farmer response to the current consenting requirements	No direct impact if the scope remains narrow to being a technical fix only	Unknown until further work is done
Impact on economic activity/employment	Cost of consenting higher Wider economic impact depends on farmer response to the current consenting requirements	Cost of consenting is relatively lower with fewer farms falling into non-complying activity status	Unknown until further work is done

Evaluation Matter	1 Withdraw	2 Continue using FPP	3 Review N leaching
Risk	<p>A number of risks remain, including:</p> <ul style="list-style-type: none"> <li>• Higher costs for consenting</li> <li>• Use of older/ different versions of Overseer</li> <li>• Delay in applying for consents because the original version of Overseer is no longer available</li> <li>• Debate about the different version of overseer distracts from the need to make improvements in catchments with poor water quality</li> </ul>	<p>A number of risks remain, including:</p> <ul style="list-style-type: none"> <li>• Costs &amp; speed in being able to complete the plan change</li> <li>• Further updates to Overseer before the change is made operative</li> <li>• Scope creep under the FPP</li> </ul>	<p>The use of Overseer in regulation is still under debate nationally</p> <p>Proceeding too quickly risks jumping ahead of any future national direction</p>
Efficiency	<p>By not resolving the issue with the ways that different versions of Overseer estimate N leaching, inefficiencies remain, especially in standardizing N leaching and being able to allocate fairly and transparently through consent processes</p>	<p>Efficient if the scope remains tightly constrained &amp; the change can be made operative quickly</p>	<p>No efficient in the short term as it does not address the current consent round</p> <p>It could take 1-2+ years to identify a new N management regime which is suitable for notification</p>
Effectiveness	<p>Less effective if land users do not supply N leaching data at the same time &amp; using the same version of Overseer, resulting in delay in calculating catchment N loads</p> <p>The Procedural Guidelines developed by Consents help address some of these issues</p> <p>Ineffective in the longer term</p>	<p>Effective if the scope remains tightly constrained as proposed &amp; the change can be made operative quickly</p> <p>Ineffective in the longer term as it does not address the ongoing improvements that are made to the Overseer model</p>	<p>Ineffective in addressing the current round of consents</p> <p>Most effective option in the longer term</p>

23. The options presented have different strengths and limitations.
24. On balance, staff recommend that the proposed plan change is withdrawn and a commitment is made in the proposed LTP 2021-2031 to commence the review of nitrogen management in Year 1 2021/2022. This will enable resources to be applied to develop a more enduring solution rather than just a one-off recalibration of the Overseer tool, which in itself is continuing to be improved.

## Implications for consenting

25. Whatever option is chosen, the Council must continue to administer the RRMP and address the current need to process consent applications for farms within the DIN-exceeding catchments of the Tukituki, or for farms where nitrogen leaching exceeds the permitted rates set in Table 5.9.1D. The risk for appeal remains until this matter is addressed.
26. The Consents team have prepared Procedural Guidelines to assist in implementing the consenting process for the Tukituki Catchment.
27. Table 5.9.1D sets one of the two gateway tests to require consenting for the discharge of nitrogen from 31 May 2020:
  - 27.1. If an activity exceeds the nitrogen leaching limits set in Table 5.9.1D a resource consent is required. If this limit is exceeded by more than 30% the activity is a non-complying activity
  - 27.2. The second test is whether the property concerned is within a catchment where instream monitoring shows that dissolved inorganic nitrogen (DIN) levels are too high.
28. For several reasons the Council has postponed the 31 May 2020 deadline for receipt of full consent applications from the first tranche of landowners, in part as an acknowledgement that landowners have had to deal with the impact of the drought and because of the COVID-19 restrictions on gatherings and public meetings.
29. However, staff now intend to proceed with requiring the receipt of full consent applications from the first tranche to allow those consent applications to be processed.
30. In proceeding, staff are aware that there is widespread landowner concern about the use of Overseer 5.4.3 as the only tool which determines the activity status for a consent as it is now impossible for an Overseer user to compare their current nutrient management budget with that from 8 years ago.

### *Update of Procedural Guidelines for consenting*

31. Plan Change 6 provided for the development of the Procedural Guidelines. These Procedural Guidelines may be used to set out the issues with Overseer version changes and how Overseer budgets will be used in a relative rather than absolute way. The Guidelines can be updated to enable comparison of the estimates from old and new versions of Overseer. However, this does not resolve the problem with the plan provisions determining activity status being based on an outdated version.
32. By using the adjusted Overseer numbers for processing consents, the focus will be on the extent of the LUC exceedance, both in terms of the Table 5.9.1D numbers and in the context of version changes. Requiring consent holders to reduce leaching to meet adjusted LUC numbers is an obvious first step, to be done quickly. The focus would then move to the water quality issues in the catchment, and the assessment of each farm's contribution to these issues and potential mitigation methods.
33. The key message for farmers is that where there are water quality issues (i.e. DIN-exceeding catchments) there will be a requirement to take steps to reduce their impact, and these should be commensurate with their contribution. It is not business as usual in a DIN-exceeding catchment.
34. Based on information currently held by the Council, some 23 properties lie outside DIN-exceeding catchments and require resource consent due to exceeding the Plan's nitrogen leaching limits in Table 5.9.1D. This number may vary under an updated version of Overseer.
35. Policy TT6 sets out the decision-making criteria that Council must have regard to when considering an application, including the extent to which the Table 5.9.1D table rates are exceeded. Consideration will be given to why a farm exceeds the LUC rates, by how much it exceeds, and how much of that exceedance is due to on-farm practices or to version changes.

36. In summary Council staff consider this is a pragmatic approach to administering consent applications until such time as the RRMP is updated. Clear messaging to the farming community will be critical to reassure them that they will be treated as fairly and equitably as possible and in recognition of the outdated information in the RRMP.

### **Significance and Engagement Policy Assessment**

37. Staff will inform those who have participated in pre-consultation on this proposed plan change of the RPC's recommendation to Council.
38. In terms of Council's Significance and Engagement Policy, this matter is not significant.

### **Financial and Resource Implications**

39. There are no additional financial or resourcing implications if the plan change is withdraw.
40. No specific budget has been assigned to progress a FPP, it should be noted that there will be legal, administrative and resourcing costs associated with this option. No specific budget has been assigned in the 2020/21 Annual Plan for this project.
41. The option to review nitrogen management as a long term option is scheduled as part of the review of the RRMP and this cost has been accounted for, within the review of the RRMP set to commence in 2021. However, if this piece of work was brought forward there is no budget assigned for this within the 2020/2021 Annual Plan.

### **Next Steps**

42. An update will be provided to all those who provided pre-notification feedback, informing them of the Minister for the Environment's decision to decline use of the SPP, and of the RPC's recommendations to Council's decision on this matter.
43. The Tukituki Catchment plan provisions are due to be reviewed this financial year, as set out in the Tukituki Implementation Plan. The results from that work will input to the wider review of land and freshwater provisions in the RRMP over the next four years.
44. Subject to resolution of Council, the freshwater plan improvement programme will be updated to reflect the need to give effect to the NPS-FM by notifying any necessary plan change/s by the end of 2024.

### **Decision Making Process**

45. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002. Staff have assessed the requirements in relation to this item and have concluded:
- 45.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
- 45.2. The use of the special consultative procedure is not prescribed by legislation.
- 45.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
- 45.4. The persons affected by this decision are all those people and entities that have an interest in nutrient management within the Tukituki Catchment.
46. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

### **Recommendation**

1. That the Regional Planning Committee receives and considers the "Tukituki Plan Change 6A" staff report.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:

- 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
- 2.2. Withdraws Proposed Plan Change 6A (Tukituki Catchment Table 5.9.1D) because the Streamlined Planning Process pathway is no longer available for use.
- 2.3. Advises all those people and organisations who provided pre-notification responses of the withdrawal of the proposed plan change.
- 2.4. Makes provision in the Draft Long Term Plan 2021-2031 to commence the review of nitrogen management in Year 1 2021-22.

**Authored by:**

**Dale Meredith**  
**SENIOR POLICY PLANNER**

**Approved by:**

**Ceri Edmonds**  
**ACTING GROUP MANAGER STRATEGIC**  
**PLANNING**

**Liz Lambert**  
**GROUP MANAGER REGULATION**

**Attachment/s**

[!\[\]\(0b5e7e25e8775f7e7e80906ada4f0021\_img.jpg\) 1](#) Minster for the Environment ltr Decline Application for SPP





**Hon David Parker** BCom, LLB

Attorney-General

Minister for the Environment

Minister for Trade and Export Growth

Associate Minister of Finance



23 JUL 2020

COR9829/2020-B-06964

Hawke's Bay Regional Council  
c/o James Palmer  
Chief Executive  
Private Bay 6006  
Napier 4142  
[James.palmer@hbrc.govt.nz](mailto:James.palmer@hbrc.govt.nz)

Dear James,

**Hawke's Bay Regional Council application to use the Streamlined Planning Process  
(Proposed Plan Change 6A Tukituki Catchment)**

On 8 June 2020 I received an application to use the Streamlined Planning Process (SPP) for Hawke's Bay Regional Council's Proposed Plan Change 6A Tukituki Catchment - Table 5.9.1D, under section 80C and clause 75 of Schedule 1 of the Resource Management Act 1991 (RMA).

As you may be aware, the Resource Management Act Amendment Act 2020 was recently enacted which requires all freshwater planning instruments to be considered under the new freshwater planning process in accordance with section 80A of the RMA. Your proposed plan change relates to freshwater matters and is a fresh water planning instrument. As Plan Change 6A has not been notified, I am now unable to further consider your application under the Streamlined Planning Process and I am returning your application.

I encourage you to further engage with Ministry officials as to whether you wish to progress this plan change under the freshwater planning process, or whether you want to include it in a wider plan review in light of the forthcoming new NPS.

Yours sincerely

Hon David Parker  
Minister for the Environment



## **HAWKE'S BAY REGIONAL COUNCIL**

### **REGIONAL PLANNING COMMITTEE**

**Wednesday 19 August 2020**

#### **Subject: RESOURCE MANAGEMENT POLICY PROJECTS AUGUST 2020 UPDATE**

**Item 9**

#### **Reason for Report**

1. This is a regular report that provides an outline and update of the Council's various resource management projects currently underway.
2. This report's edition also includes brief updates on:
  - 2.1. the Government's recently announced 'Action for Healthy Waterways' package of a new NPS for freshwater, new national environmental standards for freshwater, and a new national Regulation for stock exclusion; and
  - 2.2. legislation recently passed that amends the Resource Management Act.

#### **Resource management policy project update**

3. The projects covered in this report are those involving reviews and/or changes under the Resource Management Act to one or more of the following planning documents:
  - 3.1. the Hawke's Bay Regional Resource Management Plan (RRMP)
  - 3.2. the Hawke's Bay Regional Policy Statement (RPS) which is incorporated into the RRMP
  - 3.3. the Hawke's Bay Regional Coastal Environment Plan (RCEP).
4. From time to time, separate reports additional to this one may be presented to the Committee for fuller updates on specific plan change projects.
5. Similar periodical reporting is also presented to the Council as part of the quarterly reporting and end of year Annual Plan reporting requirements.
6. Refer to Attachment 1 for an update on the Regional Council's resource management plan-related projects.

#### **Action for Healthy Waterways Announcements by Agriculture Minister and Minister for the Environment**

7. On 5 August, Government announced new rules and a new freshwater national policy statement would come into effect from 3 September 2020. Staff had previously presented an update on the Government's freshwater reforms to the Committee at its meeting on 3 June 2020. That staff report outlined the Government's 'Action for Healthy Waterways' work programme which features:
  - 7.1. a completely new re-written National Policy Statement for Freshwater 2020 (to replace the 2014/17 NPS-FM)
  - 7.2. a completely new National Environmental Standard for Freshwater 2020,
  - 7.3. a new regulation under section 360 of the RMA for stock exclusion, and
  - 7.4. amendments to regulations for real-time water metering.
8. Earlier, on 28 May 2020 Agriculture Minister Damien O'Connor and Environment Minister David Parker announced the Government's policy package plus also proactively released Cabinet's decisions on the reforms. Officials are understood to still be drafting the actual documents and consequently those have not been publicly released yet. Staff are assuming that the new NPS-FM, new NES and Regulation will take effect in early September (i.e. prior to the General election).

9. Another key element of the proposals incorporated into the Resource Management Amendment Act 2020 was a new freshwater plan-making process. A 2017 review of the 16 regional and unitary councils' progress in implementing the current NPS-FM showed that the standard planning process under Schedule 1 of the RMA creates a barrier to the timely implementation of the NPS-FM – particularly consultation requirements and the scope for appeals to prolong plan-making processes.
10. In addition there is ongoing work to reform the regulation, delivery and funding of the three waters system (drinking water, wastewater and stormwater). The Three Waters Programme is part of the wider Essential Freshwater work programme, and together they are designed to create a system to better manage urban and rural water issues. As well as regulatory RMA tools, there are a range of other initiatives at both central and local government level that aim to improve the quality of freshwater. For example, at the national level this includes the Freshwater Improvement Fund, the Te Mana o te Wai Fund, and the partnership for good farming practice.
11. Staff continue to actively look for opportunities to learn from and share with other councils. Furthermore, the regional sector group is considering opportunities to jointly progress some parts of any new freshwater requirements nationally, by collaborating between councils and with central government.
12. The Government has foreshadowed that:
  - 12.1. over the next twelve months, it intends to work with primary sector representatives, iwi/Māori, regional councils and other interested groups to develop new regulations which will set out the exact requirements for mandatory freshwater modules of farm plans.
  - 12.2. it will continue policy work to:
    - 12.2.1. consider whether there should be a national bottom line in the NPS-FM for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP) that accounts for natural variation between different river types
    - 12.2.2. address fair allocation and Maori rights and interest in freshwater
    - 12.2.3. review and make improvements to OVERSEER.
13. The 'Action for Healthy Waterways' package announced by Ministers demands a considerable increase in the scope of work required to fully implement the NPS-FM into the regional policy statement and regional plans, while substantially decreasing the timeframe to get this done (notification of plan changes by the end of 2024 instead of fully operative plans by December 2030).
14. The Government's package will have wide ranging impacts on many parts of the organisation (e.g. environmental monitoring, data management, science investigations, policy and plan drafting, Maori partnerships, communications, consents, compliance, asset management, finance and governance to name several). These pose challenges in terms of capacity to deliver everything within timeframes that the Government demands.
15. Our current freshwater plan-making work programme will need to dramatically change to get freshwater plans done faster. This is critically important for the Committee given its role in overseeing preparation of RMA planning documents.
16. The June 2020 staff report to the Committee recorded that senior staff have already commenced preliminary planning about this. That work has also considered the wave of implications anticipated to emerge from the number of other pieces of national direction (e.g. national policy statements on urban development, highly productive land and indigenous biodiversity, national environmental standards on air quality and outdoor storage of tyres, RMA amendment legislation and so on). The preliminary planning will also serve to inform the Regional Council's resourcing needs, prioritising and ultimately drafting of the 2021-31 Long Term Plan.
17. The preliminary work programme re-design indicates a broader reform of our Regional Policy Statement and regional plans is required to not only deliver on the Government's



freshwater proposals, but also deliver updated policy in a timely manner on a range of other issues such as climate change response, enhancing indigenous biodiversity, natural hazard management, air quality, the marine environment, urban growth and numerous other issues.

### Updates on Resource Management Act Amendments

18. In the past few months, the RMA has been amended by the following
  - 18.1. the COVID-19 Recovery (Fast-track Consenting) Act 2020 (which came into effect on 9 July) and
  - 18.2. the Resource Management Amendment Act 2020 (which came into force on 1 July).
19. Attachment 2 is a [3-page overview](#) of changes introduced by the Resource Management Amendment Act 2020. This Amendment Act also introduced a new freshwater planning process.
20. Key features of the new freshwater planning process (FPP) are:
  - 20.1. the FPP must be used for proposed regional policy statements or regional plans (or changes) that give effect to the National Policy Statement for Freshwater Management (NPS-FM) or otherwise relate to freshwater ('freshwater plans'). Freshwater-related plans and plan changes that were publicly notified before 1 July 2020 continue to use the existing Schedule 1 process.
  - 20.2. freshwater plans can no longer use the streamlined planning process (such as what was contemplated for Tukituki plan change 6a).
  - 20.3. preparation and drafting of freshwater plans (pre-notification) continues as per Schedule 1 RMA requirements (i.e. Outstanding Water Bodies Change 7 and TANK Plan Change 9).
  - 20.4. independent freshwater hearings panels will be established with enhanced hearings powers, made up of expert freshwater commissioners, and nominees from the council and tāngata whenua.
  - 20.5. regional councils are required to notify freshwater plans that give effect to the NPS-FM 2020 by 31 December 2024, and make final decisions within two years of notification
  - 20.6. appeal rights are restricted compared to the standard plan-making process. Avenues for appeal depend on whether the council accepts or rejects the panel's recommendations.
21. For further information about the new freshwater planning process, see Attachment 3 for [MFE's 7-page factsheet summary](#).
22. Updates on a variety of the Government's other resource management-related proposals are provided in a separate staff report for the Committee's meeting on 19 August 2020.

### Decision Making Process

23. 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 Regional Planning Committee receives and notes the "*Resource Management Policy Projects August 2020 Update*" staff report.

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**Attachment/s**

- [↓1](#) Resource Management Policy and Planning Workstream Update as at 1 August 2020
- [↓2](#) MFE Overview of changes by the Resource Management Amendment Act 2020
- [↓3](#) MFE Factsheet on RMA Freshwater Planning Process

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 1 August 2020)

Item 9

Attachment 1

Project <sup>α</sup>	Narrative update <sup>α</sup>	Next intended reporting to RPC <sup>α</sup>
<a href="#">'PC7' Outstanding waterbodies plan change<sup>α</sup></a>	<p>1. → Proposed PC7 was publicly notified on 31 August 2019 and the submission deadline was 28 February 2020.¶</p> <p><u>Previously</u>¶</p> <p>2. → 41 submissions received, totalling approximately 900 submission points.¶</p> <p>3. → Submissions majority generally supportive of intent, but changes requested.¶</p> <p>4. → Heretaunga Tamatea Settlement Trust, Hineuru, Ruapani and Tatau Tatau were offered funding to assist with preparation of submissions. Hineuru took up offer of funding.¶</p> <p>5. → At Extraordinary RPC meeting on 22 July, RPC made recommendations to Council for Hearing Panel membership and several reserve panellists. Council confirmed the RPC's recommendations at meeting on 29 July.¶</p> <p><u>Next steps</u>¶</p> <p>6. → Staff finalising Summary of submissions. Summary will be publicly released in the coming weeks, at which time further submissions from any person will be invited. Further submissions can support or oppose original submissions received. Further submissions cannot raise new matters. Further submission period is ten working days.¶</p> <p>7. → Staff to liaise with Hearing Panel members on suitable hearing dates, aiming for early December 2020.¶</p> <p>8. → Decisions on submissions must be issued before 31 August 2021 (i.e. two years after public notification date).α</p>	October 2020 <sup>α</sup>
<a href="#">'PC8' Mohaka Catchment plan change<sup>α</sup></a>	<p>9. → Under preparation. α Not yet notified.¶</p> <p>10. → Refer to separate staff update report to RPC on 19 August 2020 meeting agenda.α</p>	October 2020 <sup>α</sup>
<a href="#">'PC9' Greater Heretaunga/Ahuriri catchment area plan change (a.k.a. TANK project)<sup>α</sup></a>	<p>11. → Proposed TANK Plan was publicly notified on 2 May 2020. Submission deadline was extended and now closes 14 August 2020.¶</p> <p><u>Next steps</u>¶</p> <p>12. → Staff are making preparations for the hearings, including contacting relevant iwi authorities inviting nominations for commissioner(s) who has an understanding of tikanga/Maori, cultural and spiritual values, and the perspectives of local iwi or hapu.¶</p> <p>13. → RPC will consider recommendations for Hearing Panel membership appointments. Refer to separate staff report to RPC on 19 August 2020 meeting agenda.¶</p> <p>14. → After submissions close on 14 August, submissions will be summarised. Summary will be publicly released and further submissions invited. Timing for this will be influenced by number and complexity of original submissions lodged.α</p>	October 2020 <sup>α</sup>
Ngaruroro and Clive Rivers Water Conservation Order <sup>α</sup>	<p>15. → Eight parties lodged further proceedings with the Environment Court regarding the Special Tribunal's recommendation report. Council lodged further proceedings in relation to the implementation of the draft Order. Because the Environment Court has received submissions, an inquiry will be held.¶</p> <p>16. → Environment Court's WCO proceedings were delayed due to COVID-19 &amp; illness.¶</p> <p>17. → The Court has now set down mediation for 30 September – 2 October 2020, and the hearing for 9 – 19 February 2021. Parties have previously filed and exchanged their respective experts' evidence.¶</p> <p>18. → For more information, see: <a href="https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/">https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</a>α</p>	Updates from staff as and when new information becomes available on proceedings. α
<a href="#">Statutory Acknowledgements of Treaty settlements<sup>α</sup></a>	<p>19. → No further Treaty settlement legislation relating to parts of the Hawke's Bay region has been passed into law since the previous update.¶</p> <p>¶ Refer to <a href="#">Pātaka</a> online mapping tool for further information [<a href="#">website link</a>] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.α</p>	Updates from staff as and when new information becomes available. α





## Resource Management Amendment Act 2020

# Overview of changes introduced by the Resource Management Amendment Act 2020

This factsheet provides an overview of the changes introduced by the Resource Management Amendment Act 2020.

## Consenting – changes come into force at various times

- Applicants can suspend the processing of their non-notified resource consent applications – in force from 30 September 2020.
- Consent authorities can suspend the processing of resource consent applications until fixed administrative charges are paid (for lodgement and notification) – in force from 30 September 2020.
- The time period to lodge retrospective resource consent applications for emergency works (under section 330B) is extended to 60 working days – in force from 1 July 2020.
- Public notification and appeal preclusions for resource consents for subdivision and residential activities are removed – in force from 30 September 2020.
- The restriction on submitters to only appeal matters that were raised in their original submission is removed – in force from 1 July 2020.
- Subdivision activity reverts to the original presumption of being “restricted” – in force from 1 July 2020.

## Compliance, monitoring and enforcement – changes come into force from 1 July 2020

- Enabling the maximum possible infringement fee (set in regulations) to increase to \$2,000 for natural persons and \$4,000 for other entities with legal personhood (such as corporate entities).
- The statutory limitation period to file charges for prosecutions increases to 12 months.
- The EPA is empowered to:
  - initiate its own RMA investigations if a council is not already involved in an active investigation
  - help councils with RMA investigations in progress at the request of the council
  - intervene in RMA cases and become the controlling lead agency of an investigation and subsequent enforcement action.



## Freshwater – changes come into force from 1 July 2020

- The new freshwater planning process comes into force.
- Consent authorities can review conditions of multiple resource consents concurrently.
- The collaborative planning process is removed.
- Regulation-making powers for freshwater farm plans are in place.
- Regulations may be made to require fertiliser companies to report on the sales of fertiliser.
- Changes to regional policy statements may be called in by the Minister and directed to a Board of Inquiry or the Environment Court for a decision.
- Regulations may restrict stock access to waterbody margins.

## Climate change – changes come into force at various times

- Councils must have regard to emissions reduction plans and national adaptation plans under the Climate Change Response Act 2002 (as amended by the Climate Change Response (Zero Carbon) Amendment Act) when making and amending regional policy statements, regional plans and district plans – in force from 31 December 2021 (unless extended by an Order in Council).
- Councils may consider discharges to air of greenhouse gas emissions, as the sections prohibiting councils from considering discharges are repealed (that is, sections 70A, 70B, 104E and 104F) – in force from 31 December 2021 (unless extended by an Order in Council).
- A Board of Inquiry or the Environment Court must take into account climate change when a matter is called in as a matter of national significance on the basis of its greenhouse gas emissions – in force from 1 July 2020.

## Environment Court – changes come into force from 1 July 2020

- Special advisors to the Environment Court are protected from legal proceedings when acting in good faith.
- References to Principal Environment Judge are replaced with “Chief Environment Court Judge”.
- Changes relating to the appointment of alternate Environment Judges take effect.

## Other – changes come into force from 1 July 2020

- The Resource Legislation Amendment Act 2017 is amended by repealing those parts that:
  - remove the ability to impose financial contributions as conditions of a resource consent
  - require financial contribution provisions in Resource Management Act plans to be removed.
- Financial contributions may not be recommended or imposed on notices of requirement lodged by the Minister of Education or the Minister of Defence as a requiring authority.
- The following regulation-making powers are removed:
  - Section 360D – regulations that prohibit or overturn rules in council plans which duplicate, overlap or deal with subject matter included in other legislation
  - Section 360G – regulations that prescribe activities as fast track
  - Section 360H – regulations that enable preclusion of notification for particular activities.

- The process for making national environmental standards is clarified.

### Disclaimer

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the most liveable place in the world*  
*Aotearoa - he whetupa māua kōwhiri te tangata*

New Zealand Government





## A new freshwater planning process

### Purpose of this factsheet

This factsheet provides a high-level overview of the new freshwater planning process (FPP) introduced by the Resource Management Amendment Act 2020.

### The freshwater planning process

The freshwater planning process is a new plan-making process that regional councils and unitary authorities ('regional councils') must use for proposed freshwater provisions in regional policy statements and regional plans (excluding regional coastal plans). This process must be used for proposed regional policy statements or regional plans (or changes) that give effect to the National Policy Statement for Freshwater Management (NPS-FM) or otherwise relate to freshwater ('freshwater plans').<sup>1</sup> If only part of the planning instrument relates to freshwater, the council must use the FPP for that part, and use the schedule 1 process for the other parts.

The FPP was introduced to enable regional councils to make changes to their freshwater plans in a robust but more efficient way than the current RMA schedule 1 planning process.

The FPP will streamline decisions on freshwater plans by:

- requiring regional councils to notify freshwater plans that give effect to the NPS-FM by **31 December 2024** and make final decisions within **two years of notification**<sup>2</sup>
- establishing independent freshwater hearings panels with enhanced hearings powers, made up of expert freshwater commissioners, council and tangata whenua nominees

<sup>1</sup> Only freshwater plans notified after the Resource Management Amendment Act 2020 was enacted will be captured by the new freshwater planning process. Freshwater plans that were notified before enactment will continue to use the existing Schedule 1 process.

<sup>2</sup> Regional councils and freshwater hearings panel chairs can request an extension to the two year decision-making time frame. An extension can be sought at different stages of the FPP but the total period of all extensions on a particular freshwater plan cannot exceed 12 months. The Chief may accept, decline or partially accept the request.



- providing for submitter appeal rights to the Environment Court only in certain circumstances (see appeals discussion below).

Freshwater plans (or freshwater parts of planning instruments) can no longer use the streamlined planning process. However, the Minister may still call in a freshwater plan as a proposal of national significance.

## Freshwater Commissioners

### Chief freshwater commissioner

The FPP is overseen by the Chief Freshwater Commissioner (Chief) who will ensure the timely delivery of freshwater hearings. The Chief must be a current or retired Environment Court Judge and is appointed by the Minister for the Environment.

The Chief's role includes:

- determining the appropriate size and composition of freshwater hearings panels
- considering regional council and tangata whenua nominations to a freshwater hearings panel
- convening a freshwater hearings panel and appointing its members, including the chair
- considering any requests to extend freshwater planning timeframes from a regional council or chair of the freshwater hearings panel
- considering any variations to freshwater plans proposed by a regional council (after documentation provided to the Chief).

### Freshwater commissioners

The Minister for the Environment will appoint freshwater commissioners to create a group of highly skilled commissioners who will be placed by the Chief onto regional freshwater hearing panels.

Freshwater commissioners must be accredited under section 39A RMA (Making Good Decisions certified) and collectively have knowledge of and expertise in:

- judicial processes and cross-examination
- freshwater quality, quantity and ecology
- the RMA
- tikanga Māori and mātauranga Māori.

The Chief will appoint two freshwater commissioners to sit on each freshwater hearings panel, one of whom will be the chair.

## Overview of the Freshwater Planning Process

Figure 1 (below) illustrates the FPP and statutory timeframes.

### Notification and pre-hearing stages

Under the FPP, regional councils will continue to prepare their freshwater plans and administer the public submissions process using the standard Schedule 1 RMA process.

The key features are:

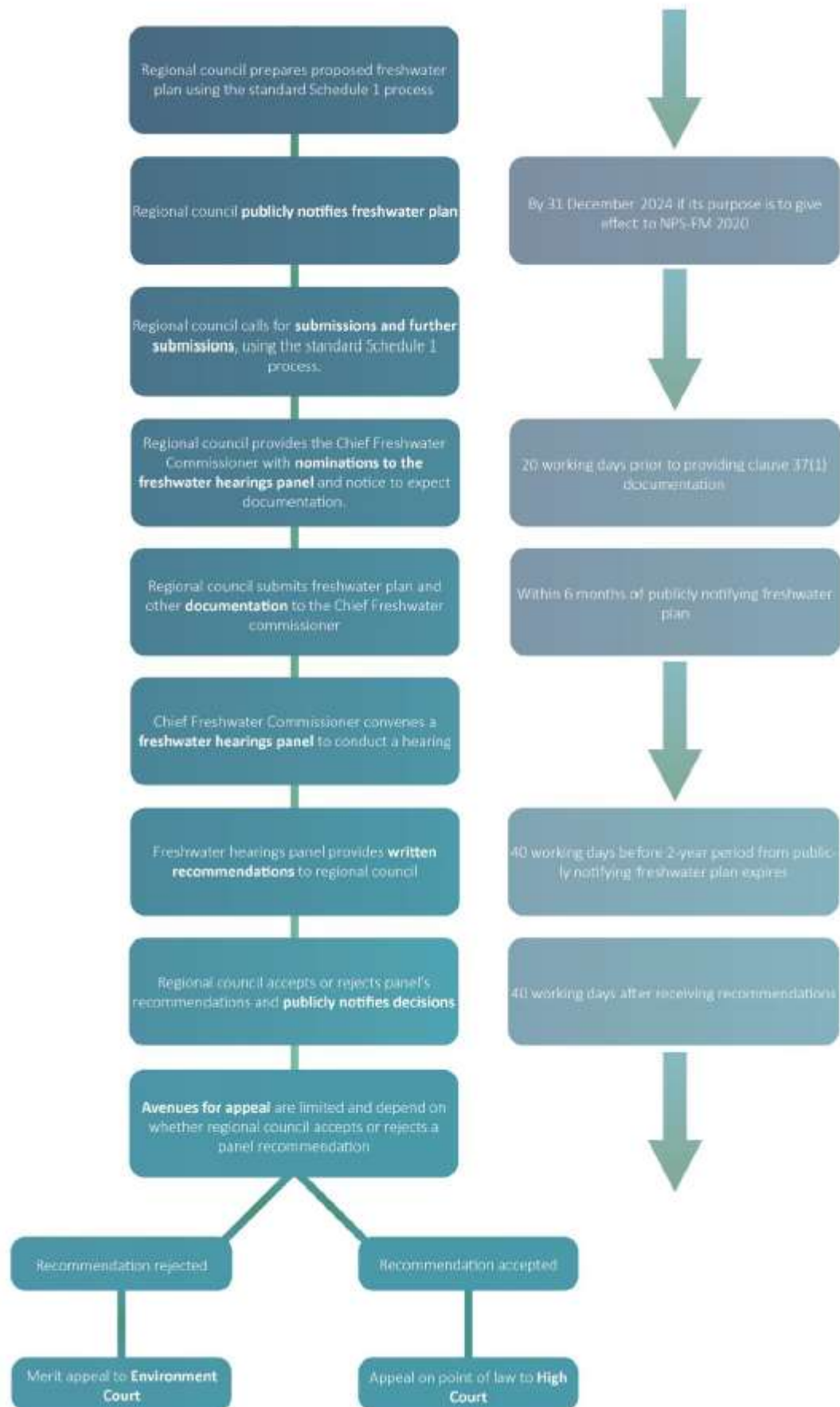


- regional councils must publicly notify freshwater plans that give effect to the NPS-FM by 31 December 2024
- regional councils have two years from notification to make final decisions on the freshwater plan (subject to any extensions)
- for plans with non-freshwater content, councils must state which part of the planning instrument will use the FPP and give reasons
- regional councils must provide nominations to the freshwater hearings panel for the two council nominated members and forward on nominations provided for one tangata whenua nominated member
- the submissions process must be completed within six months of notification (unless an extension is sought and granted by the Chief)
- all relevant documentation must be provided to the Chief within six months of notification – including the notified freshwater plan, section 32 evaluation report, submissions, planning documents recognised by an iwi authority.

Item 9

Attachment 3

Figure 1: The Freshwater Planning Process



## Freshwater hearings

### Convening a freshwater hearings panel

After receiving the freshwater plan documentation, the Chief will convene a freshwater hearings panel (panel). A panel will generally have five members (no less than three but there may be more than five):

- two freshwater commissioners (from a pool appointed by the Minister for the Environment)
- two members who are nominated by the relevant regional council, and who may or may not be elected councillors
- one member with an understanding of tikanga Māori and mātauranga Māori who is nominated by tangata whenua. If no nomination is received, the Chief will appoint an accredited person with an understanding of tikanga/Mātauranga Māori of their own choosing.

The Chief may convene a panel of more than five members depending on the scale and complexity of the freshwater plan.

Panel members must be accredited under section 39A RMA (Making Good Decisions certified) unless the Chief is satisfied there are special circumstances. When appointing members to a freshwater hearings panel, the Chief will consider the need for collective knowledge or expertise in:

- judicial processes (including cross-examination)
- freshwater quality, quantity and freshwater ecology
- the RMA
- tikanga Māori and mātauranga Māori
- Te Mana o te Wai
- the local community and knowledge of local water use
- subject areas likely to be relevant to the work of the panel.

The relevant regional council is responsible for all hearing costs from the time the panel is convened.

### Freshwater hearings

Once the panel is convened, the Chief will schedule a hearing for the panel to hear all submissions on the freshwater plan. Panels have enhanced hearings powers compared to standard hearings panels under the RMA. This is necessary to ensure freshwater plans, submissions and evidence presented to the panel are thoroughly tested given the restricted appeal rights.

Panels can:

- decide to accept or reject any late submissions
- recommend to the relevant regional council that a variation be made to a freshwater planning instrument
- permit or prohibit cross examination (and regulate the conduct of cross-examination)
- enable pre-hearing meetings
- direct a conference of experts
- refer submitters to mediation and other dispute resolution
- commission reports



- appoint a special advisor(s)
- appoint a *friend of the submitter* (a person, usually a planner, who can advise submitters about the FPP hearings process).

### Freshwater hearings panel provides recommendations

A panel must provide recommendations on the freshwater plan and submissions to the relevant regional council. Unlike the standard Schedule 1 process, panels can make recommendations that are outside the scope of submissions.

Recommendation reports must include:

- the panel's recommendations on the freshwater plan provisions and matters raised in submissions
- identification of any recommendations that are outside the scope of submissions
- the panel's reasons for accepting or rejecting submissions
- a further evaluation (section 32AA).

The panel must provide the recommendations no later than 40 working days before the two year period from notification expires.

### Council makes decisions on recommendations

A regional council must decide whether to accept or reject each recommendation in the panel report.

For each recommendation it rejects, the council must decide on an alternative solution and provide a further evaluation report (section 32AA). Where it rejects a recommendation that is outside the scope of submissions, the alternative it decides on may also be outside the scope of submissions.

Regional councils must make decisions in a manner that is consistent with any relevant iwi participation legislation, Mana Whakahono a Rohe, or joint management agreement.

The regional council must publically notify its decisions no later than 40 working days after being provided with the panel's recommendations.

### Appeals

Appeal rights are restricted compared to the standard plan-making process. Avenues for appeal depend on whether the regional council accepts or rejects the panel's recommendation.

Where a council accepts the panel's recommendation, a person who submitted on that matter can appeal to the High Court on a point of law followed by an appeal to the Court of Appeal only. Where a council rejects the panel's recommendation, a merit appeal is available to the Environment Court by a person whose submission covered that particular matter.

Where a panel makes a recommendation that is outside the scope of submissions, appeals related to a decision on that recommendation will be open to *any person* who made a submission on any matter.

### Further information

For further information about the FPP see the RMA. More detailed guidance on the FPP will be prepared for regional councils.

## Find out more

Contact the Ministry for the Environment by emailing [freshwater@mfe.govt.nz](mailto:freshwater@mfe.govt.nz) or visit [www.mfe.govt.nz](http://www.mfe.govt.nz).

## Disclaimer

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**Making Aotearoa New Zealand  
the most liveable place in the world**  
*Aotearoa = he wharenoa māori kōwhiri te tangata*

**New Zealand Government**





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 19 August 2020

### SUBJECT: AUGUST 2020 STATUTORY ADVOCACY UPDATE

Item 10

#### Reason for Report

1. This item reports on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project.
2. The Statutory Advocacy project (Project 196) centres on local resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission. These include, but are not limited to:
  - 2.1. resource consent applications publicly notified by a territorial authority
  - 2.2. district plan reviews or district plan changes released by a territorial authority
  - 2.3. private plan change requests publicly notified by a territorial authority
  - 2.4. notices of requirements for designations in district plans
  - 2.5. non-statutory strategies, structure plans, registrations, etc prepared by territorial authorities, government ministries or other agencies involved in resource management.
3. In all cases, the Regional Council is **not** the decision-maker, applicant nor proponent. In the Statutory Advocacy project, the Regional Council is purely an agency with an opportunity to make comments or lodge submissions on others' proposals. The Council's position in relation to such proposals is informed by the Council's own Plans, Policies and Strategies, plus its land ownership or asset management interests.
4. The summary outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in.

#### Decision Making Process

5. 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 Regional Planning Committee receives and notes the "*August 2020 Statutory Advocacy Update*" staff report.

#### Authored by:

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**POLICY PLANNER**

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**ACTING GROUP MANAGER STRATEGIC**  
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#### Attachment/s

[!\[\]\(eabd9f9ababee93effadc3b380fe65fd\_img.jpg\) 1](#) August 2020 Statutory Advocacy Update



**Statutory Advocacy Update (as at 5 August 2020)**

(Note updates since last RPC meeting are provided in red text)

**TABLE 1: NATIONAL PROPOSALS**

Received	Proposal	Agency	Status	Current Situation
5 Aug 2020	<b>'Action for Healthy Waterways' package</b> , featuring: <ul style="list-style-type: none"> <li>- A new national policy statement for freshwater management (replacing the 2014/17 NPS-FM)</li> <li>- A new national environmental standard for freshwater</li> <li>- A new Regulation for stock exclusion</li> <li>- Amendments to regulations for water metering.</li> </ul> <a href="https://www.mfe.govt.nz/action-for-healthy-waterways">https://www.mfe.govt.nz/action-for-healthy-waterways</a>	Ministry for the Environment	Gazetted and in effect from 3 Sept 2020	<p>On 5 August, Environment Minister David Parker and Agriculture Minister Damien O'Connor <a href="#">announced</a> that the Government has passed into law new regulations to restore and protect NZ's rivers, lakes, streams, aquifers and wetlands for future generations. This is the outcome of a major work programme led by the Ministry for the Environment with support from the Ministry for Primary Industries over the past two years. Representatives from the regional sector have been involved and worked closely with formation of this 'Action for Healthy Waterways' package.</p> <p>In a <a href="#">media release</a>, LGNZ's Regional Sector said it welcomed "the introduction of new freshwater regulation, saying it's time to look closely at the on-the-ground implementation measures that will be vital to achieve the freshwater improvements sought by both local and central government."</p> <p>Previously, Agriculture Minister and Environment Minister announced Cabinet decisions on 28 May. HBRC, NCC and HDC lodged a joint submission. <a href="#">The cover letter</a> and a copy of the full submission can be found at <a href="#">HBRC Submissions</a>.</p> <p>Also refer to separate briefing paper update in agenda for Regional Planning Committee's 19 August 2020 meeting.</p>
4 Aug 2020	<b>National Climate Change Risk Assessment (NCCRA)</b> The Climate Change Response (Zero Carbon) Amendment Act, which passed last year, requires the publication of a NCCRA every six years. MFE commissioned the first risk assessment, but following assessments will be completed by the Climate Change Commission.	Ministry for the Environment	Information only	<p>The NCCRA identifies 43 risks that have an extreme or major consequence to NZ across five domains: the natural environment, the human environment, the built environment, the economy and governance, and have a consequence rating of major or extreme. The 43 priority risks have also been assessed in terms of urgency with which they need to be addressed.</p> <p>Summary of the NCCRA is online: <a href="https://www.mfe.govt.nz/climate-change/assessing-climate-change-risk">https://www.mfe.govt.nz/climate-change/assessing-climate-change-risk</a></p> <p>Government officials and the Climate Change Commission will commence work on the first 'National Adaptation Plan' under the Act. The NAP must be completed within two years of the first NCCRA (i.e. by August 2022).</p>

Received	Proposal	Agency	Status	Current Situation
30 July 2020	<b>National Environmental Standards for Marine Aquaculture (NES-MA)</b> The new standards provide a more consistent framework for ongoing management of existing farms. The NES-MA removes complexities and standardises the rules nationally for re-consenting NZ's existing 1,150 marine farms. <a href="https://www.fisheries.govt.nz/nas-ma">https://www.fisheries.govt.nz/nas-ma</a>	Ministry of Primary Industries and Ministry for the Environment	NES-MA gazetted and in effect from 1 Dec 2020	On 30 July, Environment Minister David Parker and Fisheries Minister Stuart Nash announced release of a new National Environmental Standard for Marine Aquaculture. The NES will come into effect from 1 July 2020.  New environmental standards will make the re-consenting of existing marine farms more consistent across the country, including existing consents for the marine farming venture offshore from Waipatiki. Those consents are due to expire in 2032.
Feb 2020	<b>Proposed Amendments to National Environmental Standard for Air Quality</b> The consultation document sets out several key changes relating to particulate matter and mercury in the current 2004 NES: <ul style="list-style-type: none"> <li>• Introduction of a daily and annual ambient PM2.5 (fine particulate matter) standard</li> <li>• Stricter standards for newly-installed domestic solid fuel burners</li> <li>• Standards apply to all domestic solid fuel burners</li> <li>• Indefinite ban on new open fires in airsheds when standard is breached</li> <li>• Prohibition on the use of mercury in industrial processes.</li> </ul>	Ministry for the Environment	Public feedback closed 31 July 2020	Joint council submission lodged, a copy can be found at <a href="#">HBRC Submissions</a> <sup>1</sup> .
Feb 2020	<b>Proposed National Environmental Standard for the outdoor storage of tyres</b> The consultation document sets out options for the proposed NES to respond to the risks associated with tyres stored outdoors and to provide the clarity needed about regulation of such tyres under the Resource Management Act 1991.	Ministry for the Environment	Public feedback closed 25 March 2020	Submission lodged, a copy can be found at <a href="#">HBRC Submissions</a> .  An announcement from Environment Minister was expected by 5 August 2020, but had not happened at time of staff preparing this update.
Jan 2020	<b>Improving Whitebait Management</b> Discussion document detailing proposed management changes for whitebait. It proposed a management goal for the six species fished as whitebait, management outcomes for the whitebait fishery, amendments to the whitebait fishing regulations, and to phase out export of the whitebait species.	Department of Conservation	Public feedback closed 16 March 2020	Submission lodged, a copy can be found at <a href="#">HBRC Submissions</a> .

<sup>1</sup> <https://www.hbrc.govt.nz/our-council/about-council/hbrc-submissions/>



Received	Proposal	Agency	Status	Current Situation
26 Nov 2019	<b>Draft National Policy Statement for Indigenous Biodiversity (NPS-IB)</b> The proposed NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991. <a href="https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity">https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity</a>	Ministry for the Environment	Public feedback closed 14 March 2020.	HBRC, NCC, HDC and CHBDC lodged a joint submission. The cover letter and a copy of the full submission can be found at <a href="#">HBRC Submissions</a> .  Associate Minister for Environment Nanaia Mahuta agreed to extend the timeframe of the delivery of the proposed NPS-IB to April 2021 (delayed due to COVID-19). The longer timeframe means the joint project team (Ministry for the Environment and the Department of Conservation) can now work on an implementation plan to support the roll-out of the policy statement once it is finalised, while working to address feedback from consultation.
14 Nov 2019	<b>Death, Funerals, Burial and Cremation: a Review of the Burial and Cremation Act 1964 and Related Legislation</b> This consultation document sets out a range of options for modernising the legislation relating to death, burial, cremation and funerals in New Zealand, including the Burial and Cremation Act 1964, Cremation Regulations 1973 and the Health (Burial) Regulations 1946.	Ministry of Health	Public feedback closed 31 July 2020.	Submission lodged, a copy can be found at <a href="#">HBRC Submissions</a> .
Sept 2019	<b>Resource Management Act 1991 Amendment Bill</b> The Bill includes a new freshwater planning process which will support implementation of the upcoming National Policy Statement for Freshwater Management 2020. The Bill also addresses issues with: <ul style="list-style-type: none"> <li>resource consenting</li> <li>enforcement</li> <li>Environment Court provisions within the RMA.</li> </ul>	Ministry for the Environment	Bill passed and now in force (as amendments to the RMA)	Resource Management Amendment Act 2020 came into effect on 1 July 2020. Refer to fact sheets from MFE on key features of the amendments: <ul style="list-style-type: none"> <li>- <a href="#">Overview</a><sup>2</sup> of changes from the Resource Management Amendment Act 2020 (3pgs)</li> <li>- <a href="#">Factsheet</a><sup>3</sup> on new Freshwater Planning Process (7-pgs)</li> </ul> Previously, HBRC lodged a Submission - copy can be found at <a href="#">HBRC Submissions</a> .

<sup>2</sup> <https://www.mfe.govt.nz/sites/default/files/media/RMA/Final-overview-of-changes-introduced-by-the-resource-management-amendment-act-2020.pdf>

<sup>3</sup> <https://www.mfe.govt.nz/sites/default/files/media/RMA/factsheet-on-freshwater-planning-process.pdf>

Received	Proposal	Agency	Status	Current Situation
21 Aug 2019	<b>National Policy Statement – Urban Development (NPS-UD)</b> MfE has notified a discussion draft which intends to enable opportunities for development in New Zealand's urban areas in a way that delivers quality urban environments for people, now and in the future. Link to the NPS and supporting material: <a href="https://www.mfe.govt.nz/national-policy-statement-on-urban-development">https://www.mfe.govt.nz/national-policy-statement-on-urban-development</a>	Ministry for the Environment	<b>NPS-UD released on 23 July to take effect from 20 August 2020</b>	HBRC, NCC, HDC and CHBDC made a joint submission which can be found at <a href="#">HBRC Submissions</a> .
14 Aug 2019	<b>National Policy Statement – Highly Productive Land (NPS-HPL)</b> MPI and MfE have prepared a draft NPS to improve the way highly productive land is managed under the RMA. <a href="https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/">https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/</a>	Ministry for Primary Industries	<b>Public feedback closed 10 October 2019</b>	HBRC, NCC, HDC and CHBDC made a joint submission which can be found at <a href="#">HBRC Submissions</a> .  Update from MfE officials on 30 July was that MfE and MPI "were working towards providing final advice in mid-2020. However, the work to incorporate the feedback from submissions and to further develop the policy has been affected by the government's need to focus on the response to Covid-19 and ongoing recovery. We now expect to provide final advice on the NPS-HPL to Ministers in the first half of 2021."
5 Aug 2019	<b>Draft NZ Biodiversity Strategy</b> DOC proposes a strategy to protect and restore our nature over the next 50 years. <a href="https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2019/proposal-for-new-zealands-next-biodiversity-strategy/">https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2019/proposal-for-new-zealands-next-biodiversity-strategy/</a>	Department of Conservation	<b>Public feedback closed 22 September 2019</b>	DOC continuing work on revising Strategy in response to submissions received.  Staff provided input into the submission made by the Local Government New Zealand Regional Sector Biodiversity Working Group.

Received	Proposal	Agency	Status	Current Situation
31 July 2019	<b>Three Waters Policy Package</b> The Cabinet announced its decisions on the proposed Three Waters policy package and has released a number of documents ahead to proposed legislative change: <a href="https://www.dia.govt.nz/Three-waters-review#Prog-Aug">https://www.dia.govt.nz/Three-waters-review#Prog-Aug</a>	Department of Internal Affairs	Information only	<p>Staff are maintaining a watch on Government's developments. Submissions on Taumata Arowai - the Water Services Regulator Bill closed on 4 March 2020.</p> <p>The Government has introduced the <a href="#">Water Services Bill</a> (3<sup>rd</sup> Parliamentary Reading was on 22 July 2020). This Bill is the third pillar of the Government's reform programme which comprises establishing <a href="#">Taumata Arowai</a> (the new regulator for drinking water) and proposing <a href="#">new multi-regional statutory entities to deliver three waters services</a>. The Water Services Bill contains the details of the new drinking water regulatory system that gives Taumata Arowai the powers it needs to regulate drinking water safety. The Bill is very significant for all councils – for territorial authorities, irrespective of any new service delivery arrangements and for regional councils with respect to the new functions and duties proposed.</p> <p>On 8 July at Havelock North, Prime Minister Jacinda Ardern announced:</p> <ul style="list-style-type: none"> <li>• A \$761m package for three waters investment over the next twelve months, the first of several expected tranches, with \$50m earmarked for Hawke's Bay's councils.</li> <li>• An invitation for councils to work with Government to co-design and support multi-regional three waters service delivery entities.</li> </ul> <p>The five councils of Hawke's Bay welcomed the <a href="#">Prime Minister's announcement</a> on three waters reform and Government funding to support regional three waters investment. Since early in 2019, the five HB councils have been working together to review the current and potential service delivery options for drinking, waste and stormwater (three waters) for all of Hawke's Bay – <a href="#">read full media release</a>.</p> <p>Previously, the five HB councils launched a new website in May. The new website - <a href="http://www.hb3waters.nz">www.hb3waters.nz</a> - provides information about the Review including its background, current status, anticipated timeframes and FAQs.</p>
24 July 2019	<b>Comprehensive Review of the Resource Management System</b> MfE has released two Cabinet papers and a regulatory statement impact summary on the pending Stage One changes to the RMA and wider resource management system. Resource Management System review webpage: <a href="https://www.mfe.govt.nz/rmreview">https://www.mfe.govt.nz/rmreview</a>	Ministry for the Environment	Information only	<p>Staff are maintaining a watch on developments.</p> <p>Review Panel's 500+ page report was publicly released on 29 July 2020. The Panel has come up with a large number of recommendations that will reorient the system to focus on delivery of specified outcomes, targets and limits in the natural and built environments.</p> <p>Cabinet is responsible for making all decisions about how to progress the Panel's report and recommendations. Cabinet has indicated that a broad, open process of public consultation will follow its consideration of the Panel's proposals. Wide engagement with New Zealanders and stakeholders is anticipated for the introduction of any new legislation.</p>

TABLE 2: TERRITORIAL LOCAL AUTHORITY PROPOSALS

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
July 2020	NCC	<b>Application to Ministry of Transport Pipeline Protection Zone under the Submarine Cables and Pipeline Protection Act 1996</b> Application made to seek protection for submarine pipes in the coastal marine area.	Napier City Council, Hastings District Council, Pan Pac Forest Products Ltd	Application made June 2020 – public feedback closed July 2020	Feedback submitted. A copy of H BRC's submission can be found at <a href="#">HBRC Submissions</a> .
March 2020	NCC	<b>Napier City Council District Plan Review – Discussion Documents</b> NCC released and sought public feedback on discussion documents relating to the following topics: 'Ecosystems and Indigenous Biodiversity', 'Natural Features and Landscapes', 'Built Heritage' and 'Greenfield Growth in the Hills'.	Napier City Council	Discussion documents released – public feedback closed 1 May 2020.	Submissions lodged separately on Ecosystems and Indigenous Biodiversity, and Greenfield Growth in the Hills. Copies can be found at <a href="#">HBRC Submissions</a> .
Aug 2019	HDC	<b>Seasonal Workers Accommodation Variation 7</b> HDC have notified Variation 7 to the proposed Hastings District Plan which relates to Seasonal Workers Accommodation.	Hastings District Council	Decisions issued. <b>Subject to appeal, mediation pending</b>	<ul style="list-style-type: none"> <li>Submission lodged, a copy can be found at <a href="#">HBRC Submissions</a>.</li> <li>HDC issued its decisions on 30 April 2020.</li> <li>Three parties have lodged appeals. HBRC has joined these appeals as an interested party. As at 27 July 2020, appellants and interested parties are liaising to secure a date for mediation.</li> </ul>
May 2019	CHBDC	<b>Central Hawke's Bay District Plan Review</b> CHBDC are undertaking a full review of the District Plan. Notification of proposed review plan is anticipated in early 2020.	Central Hawke's Bay District Council	Draft review discussion document released – public feedback closed.	Feedback submitted. A copy of HBRC's submission can be found at <a href="#">HBRC Submissions</a> .



Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
Nov 2018	NCC	<b>Napier City District Plan Review</b> Review of District Plan has been initiated. Preliminary phase of review underway with notification of proposed reviewed plan in 2020/21.	Napier City Council	Ongoing - Draft review discussion document feedback closed	<b>Previously...</b> Napier City Council have publicly launched a review of their district plan. There will be further opportunities during NCC's District Plan Review process for HBRC to provide feedback and influence content.
13 July 2016	HDC	<b>Howard Street Rezoning Variation 3</b> Variation to rezone 21.2 hectares of land from its current Plains zone to General Residential zone in between Howard Street and Havelock Road.	Hastings District Council	HDC Decisions issued Subject to appeal, mediation ongoing	<b>Previously...</b> <ul style="list-style-type: none"> <li>Following Environment Court-assisted mediation and discussions between engineering experts, parties have indicated resolution is achievable regarding land for stormwater management. Final documentation is being drafted by HDC for Court's approval.</li> <li>Parties to the appeal have been discussing recently completed stormwater engineering investigations and geotechnical assessments and how the District Plan rezoning appeal might now be resolved. HDC issued its decisions on 25<sup>th</sup> March 2017.</li> </ul>
18 Jan 2016	WDC	<b>Resource Consent Application</b> Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	Applicant R & L Thompson Agent Insight Gisborne Ltd	Limited Notified WDC hearing pending	<b>Previously...</b> <ul style="list-style-type: none"> <li>HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at <a href="#">HBRC Submissions</a>.</li> <li>HBRC staff and applicants have held discussions about potential alternative clearance proposals.</li> </ul>
8 Nov 2013	HDC	<b>Proposed Hastings District Plan</b> Review of the Hastings District Plan in its entirety. Includes the harmonisation of district wide provisions between the Napier District Plan with the Hastings District Plan where relevant.	Hastings District Council	Notified HDC decisions issued, subject to appeals	<b>Previously...</b> <ul style="list-style-type: none"> <li>Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. All but one of those appeals has been resolved. That last one will be awaiting the appellant to prepare a draft 'structure plan' for their development area in Havelock North.</li> <li>HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected so did not need to lodge an appeal itself.</li> </ul>



TABLE 3: OTHER PROPOSALS

Received	Proposal	Agency	Status	Current Situation
9 Dec 2017	<b>HB Fish and Game Council's Draft Sports Fish and Game Management Plan</b> A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	Notified, Submissions closed. Hearing pending	<b>Previously...</b> Submission lodged. A copy of HBRC's submission can be found at <a href="#">HBRC Submissions</a> .
24 July 2017	<b>Application for Water Conservation Order (WCO)</b> Application for a WCO for the Ngaruroro River & Clive River	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Special Tribunal Recommendation Report Released. <b>Environment Court inquiry in progress</b>	<ul style="list-style-type: none"> <li>8 parties have lodged further proceedings with the Environment Court, so an inquiry will be held.</li> <li>Pre-hearing expert witness conferences were held in March regarding hydrology, water quality, avifauna, fish, and planning.</li> <li>Environment Court proceedings were paused during the Level 4 and Level 3 of COVID-19 response. A tentative date has been set for a hearing in early September 2020.</li> </ul>

**TABLE 4 - UPDATE OF CURRENTLY ACTIVE APPLICATIONS LODGED UNDER MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011 RELEVANT TO HAWKE'S BAY**

NB: INFORMATION IN TABLE 4 IS BASED ON THE INFORMATION AVAILABLE TO COUNCIL AT THE TIME OF WRITING

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Malcom J Kingi on behalf of Ngai Tahu o Mohaka-Waikare	Court CIV-2017-485-235	Yes	Yes	Yes	Mohaka River mouth in the north to mouth of Waiohinga River or Esk River in the south, out to 12 NM limit.	Application lodged in Wellington High Court. Public notice 25/4/17. received by HBRC 16/5/17.  Application to be considered in full as part of Ngāti Pāhauwera's application.  HBRC evidence to be lodged by 25 <sup>th</sup> September 2020.  Application to be heard February/March 2021.
Ngāti Kere Hapū	Court CIV-2017-485-193	Yes	Yes	Yes	Queptoto Stream in the north to Akitio River (in Horizons region) in the south, out to 12NM limit.	Application lodged in Wellington High Court. Public notice 25/4/17. Copy received by HBRC 8/6/17
Cletus Maanu Paul on behalf of all Māori	Court CIV-2017-485-512	Yes	Yes	TBC	"Entire area of Aotearoa New Zealand, including surrounding all islands and reefs..."  Claim area amended to only include the area which spans from Nuhaka in the north to Waimarama in the south (June 2020).	High Court to decide whether Mr Paul's claim in relation to "(a)ll Māori not already represented in customary title proceedings under the Act" should be struck out (May 2020).  The application was due to be the subject of a strike-out hearing on 28 May 2020. Due to Cletus Maanu Paul's unavailability, the Court proposed to move the hearing to 23 July 2020 in Auckland. The applications for customary marine title and protected customary rights have been amended. Reference to "on behalf of all Māori" have now been removed. Mr Paul is now an applicant in conjunction with other applicants and has asked for the strike-out application to be discontinued on that basis.  Following court direction Cletus Maanu Paul has now become the lead applicant with other applicants joining his application. Hillary Seymour has joined the application claim title over the area in the

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
						<p>Hawke's Bay region (including areas spanning from Nuhaka to Waimarama).</p> <p>Churchman J issued a minute (Ngāti Pāhauwera (No 8)), which was critical of Mr Paul's failure to work towards preparing for the February/March hearings dates. He made clear that the Court has directed that cross-claims be heard together and that applicant cannot dictate to the Court the basis on which they will participate in hearings.</p> <p>The Court has noted Mr Paul's desire to participate only as an interested party but has been warned of the consequences of this (16 June 2020).</p>
R. Dargaville for NZ Māori Council	Court CIV-2017-404-538	Yes	Yes	No, HB application area withdrawn	Waimarama to Blackhead Point	Hawkes Bay portion of national application withdrawn.
Maungaharuru-Tangitu Trust	Court CIV-2017-485-241	Yes	Yes	Yes	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	<p>Application to be considered in full as part of Ngāti Pāhauwera's application (12 February 19)</p> <p>HBRC evidence to be lodged by 25<sup>th</sup> September 2020.</p> <p>Application to be heard February/March 2021.</p>
Ngāti Pāhauwera Development Trust	Court CIV-2011-485-821	Yes	Yes	Yes	<p>Poututu Stream in the north to the Esk river in the south, out to 12NM limit.</p> <p>Application made to extend southern boundary of application area to just south of Napier Port.</p> <p>Application for extension of southern boundary struck out due to it being considered in essence a new application.</p>	<p>Application to be considered contemporaneously with applications from Ngāti Pāhauwera Development Trust, Malcom J. Kingi on behalf of Ngai Tahu o Mōhaka Waikare, Maungaharuru-Tangitū Trust (MTT), Cletus Maanu Paul.</p> <p>HBRC evidence to be lodged by 25<sup>th</sup> September 2020.</p> <p>Application to be heard February/March 2021.</p>

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Rongomaiwahine Iwi Trust (previously lodged by Pauline Tangiroa)	Court CIV-2011-485-794	Yes On hold at applicant's request	Yes On hold at applicant's request	Yes	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River. in the south, including areas surrounding Te Māhia Peninsula out to 12NM limit.	On hold at applicants request pending Crown engagement application process.  Memorandum filled seeking that high court application remain adjourned while it negotiates the crown (July 2020).
Poronia Hineana Te Rangi Whanau (C.Clarkson)	Court CIV - 2011-485-789	Yes	No	Yes	Whangaehu in the north to Poroporo (in Horizons region) in the south, including Cape Turnagain out to 12NM limit.	Council's evidence to be filled by the 30 <sup>th</sup> June 2020.  Affidavit received from Landowners Coalition Incorporated (interested party) (June 2020).  Application made by applicant's counsel to withdraw and subsequent direction from Churchill J to appoint pukenga. (May 2020).  Council submitted evidence 30 <sup>th</sup> June 2020.  Case to be heard 2 November 2020.
Ngāti Parau Hapu (Waiohiki Marae Board of Trustees)	Court CIV-2017-485-246	Yes	Yes	Yes	The area from the Ahuriri Harbour entrance including the inner harbour and Pandora area. Ends approx. 11km south of the old harbour entrance at the southern end of the Tutae o Mahu block. Extends 12NM out including Pania Reef.	Application to be considered in full as part of Ngāti Pāhauwera's application (February 2019).  Due to Ngāti Pāhauwera's claim area extension being reject the application no longer overlaps with this application. However, it has been determined that it will still be heard in conjunction with the Ngāti Pāhauwera application.  HBRC evidence to be lodged by 25 <sup>th</sup> September 2020.  Application to be heard February/March 2021.
Rangitāne Tū Mai Rā Trust	Court CIV-2017-485-224	Yes	Yes	Yes	Arataua (Poroporo) in the north to Turakirae Point (in Wellington Region) in the south out to 12NM limit.	Application lodged in Wellington High Court 31/3/17. Public notice 26/4/17. Copy received by HBRC 21/4/17.
Maungaharuru-Tangitu Hapu	Court	No	Yes	Yes	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
	CIV- 2017-485-241					
Tamanuhiri Tutu Poroporo Trust	Court CIV-2017-485-314	Yes	Yes	Yes	Kopututea in the north (in Gisborne District) to Paritū in the south, out to 12NM limit.	Application lodged in Gisborne High Court 3/4/17. Public notice 29/4/17. Copy received by HBRC 5/4/17.
Peter Riki Mihaere - on behalf of Ngāti Kurupakiaka, Te Aitanga a Puata & Ngāti Tauira (see Crown application filed under Te Aitanga a Puata)	Court CIV-2017-485-230	Yes	Yes	Yes	NE side of Wairoa River bar to Hikakawa Bluff extended to Waikokopu stream, SW side from the river mouth to Poututu stream by a line extending from coast abutting the SW side of Poututu stream to Cape Kidnappers to 12NM.	
Rangitane Tu Mai Ra Trust	Court CIV-2017-485-224	Yes	Yes	Yes	Arataua (Poroporo) in the north to Turakirae Point (in Wellington Region) in the south out to 12NM limit.	Rangitane o Wairarapa me Tamaki nui-a-Rua has joined this application.
Te Rauhinu Marae & Hapu (Ngāti Kahu, Te Uri o Te O, Ngā Huka o Tai, Aitanga a Puata, Ngai Te Rangituanui, Ngai Matua, Ngāti Koropi)	Court 2017-485-288	Yes	Yes	Yes	Hika Kawa on east side where Iwitea boundary ends to Pilot Hill before Whakamahia Lagoon, out to 12NM. Boundaries in Ngamotu Lagoon, 1km up Wairoa River.	Application seeks crown engagement first.
Anita Broughton – on behalf of Te Hika o Papauma	Court CIV-2017-404-481	Yes	Yes	Yes	Landward side by the line of MHWS at the mouth of Whareama River, seaward side by 12nm, Whareama river mouth (south point) up to Poroporo (north, to 12NM east and westward).	
Heretaunga Tamatea	Court	Yes	Yes	Yes	From just south of Napier Bluff Hill to 4 KM north of Cape Turnagain.	



Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
	CIV-2017-485-					
Mana Ahuriri	Court CIV-2017-485-	Yes	Yes	Yes	Panepaua (near Tangoio) in the north to Ngaruroro rivermouth in the south, including the Ahuriri Estuary, out to 12 NM limit.	
Tracy Francis Hiller (on behalf of Ngai Tamahaua Hapu)	CIV-2017-485-262	Yes	Yes	TBC	The part of the area defined in the New Zealand Boundaries Act 1863 (UK) which is East of Whakatane, i.e.: All that marine and coastal area lying between the one hundred and seventy-seventh degree of East longitude and the one hundred and seventy-third degree of West longitude, and between the thirty-third and fifty-third parallels of South latitude.	
Te Rauhina Marae Trustees (aka Ngati Kaahu and Others)	CIV-2017-485-288	Yes	Yes	Yes	The area from Hika Kawa on the east to Pilot Hill just before Whakamahi/Whakamahia Lagoon and 12NM to sea. Also boundaries in Ngamotu Lagoon and 1km up Wairoa River. Area stretches from the mouth entrance of the sea to Kaimango Pa at Spooners point.	
Pauline Tangiora on behalf Rongomaiwahine Iwi	Crown	Yes	Yes	n/a	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River in the south, including areas surrounding Te Māhia Peninsula out to 12 NM limit.	
Maungaharuru-Tangitu Hapu	Crown	Yes	Yes	n/a	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	
Ngāti Pāhauwera (1 of 2) Ngāti Pāhauwera Development Trust	Crown	Yes	Yes	n/a	From Poututu Stream in the north to Pōnui Stream in the south out to 12NM limit.	
Ngāti Pāhauwera (2 of 2) Ngāti Pāhauwera	Crown	Yes	Yes	n/a	Pōnui Stream in the north to Esk River in the south, out to 12NM limit.	

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Development and Tiaki Trusts						
Rongomaiwahine Iwi	Crown	Yes	Yes	n/a	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River in the south, including areas surrounding Te Māhia Peninsula out to 12 NM limit.	
Mana Ahuriri Iwi Inc.	Crown	Yes	Yes	n/a	Panepaua (near Tangoio) in the north to Ngaruroro rivermouth in the south, including the Ahuriri Estuary, out to 12 NM limit.	
Ngā Hapu Kairakau me Pourerere	Crown			n/a	No map provided.	
Ngā Hapu o Iwitea Marae	Crown	Yes	Yes	n/a	From Hikakawa Bluff in the west to Hereheretau B1 Block to the east.	
Ngā hapu o Te Whakaki (Ngāti Hine, Ngāti Hinepua, Ngai Te Ipu)	Crown			n/a	No map provided.	
Ngāti Kahukura and Ngāti Rakaipaka (Kahukura Whanau Trust)	Crown			n/a	Nuhaka River mouth in the north to Wairoa River mouth in the south, out to 12NM limit. (from the Wairoa River to Waikokopu OTS 07.07.17).	
Ngāti Kere hapu incl. Ngāti Manuhiri, Ngāti Pihere & Ngāti Hinetewai (Ngāti Kere MACA working party)	Crown	Yes	Yes	n/a	CMT - The Wainui stream mouth to the Ouepoto stream mouth out 12NM or 22.2km offshore. PCT - Ouepoto stream in the north to Akitio river in the south.	

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Ngāti Kirituna (Archie Fabiam Waikawa)	Crown	Yes	Yes	n/a	The area from Nuhaka River mouth to the Wairoa River mouth. This area extends 12NM offshore between these two points	
Ngāti Rahui , Ngai te Apatu (Ngai te Apatu Trust)	Crown	Yes	Yes	n/a	From Poututu Stream into the Wairoa River mouth.	
Rongomaipapa Marae	Crown	Yes	Yes	n/a	<b>CMT:</b> The area from Kihitu to Mahia. Also the area from Papmoa Beach to Maketu, excluding Motiti Island. <b>PCR:</b> The are from Kikitu to Mahia. Also the area of Makatu.	
Te Aitanga a Puta, Ngāti Kurupakia e Ngai Tauira (see also High Court Application' filed under Peter Riki Mihaere)	Crown	Yes	Yes	n/a	The area from Cape Kidnappers stretching around to Waikokopu Stream. This area extends out to Lachlan banks and further out to 12NM between the two points.	



**HAWKE'S BAY REGIONAL COUNCIL**

**REGIONAL PLANNING COMMITTEE**

**Wednesday 19 August 2020**

**Subject: DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA**

**Item 12**

**Reason for Report**

1. This document has been prepared to assist committee members note the Minor Items to be discussed as determined earlier in Agenda Item 5.

Item	Topic	Raised by
1.		
2.		
3.		