



Meeting of the Environment and Services Committee

Date: Wednesday 14 November 2018
Time: 9.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Environment and Services Committee meeting held on 5 September 2018	
4.	Follow-ups from Previous Environment & Services Committee Meetings	3
5.	Call for Items of Business Not on the Agenda	15
Information or Performance Monitoring		
6.	(9.15am) Ahuriri Estuary Stormwater and Wastewater presentation by NCC	17
7.	Addressing New Zealand's Biodiversity Challenge – A Regional Council Think Piece	19
8.	Integrated Catchment Management Implementation	21
9.	Essentially Freshwater - Government Freshwater Reform Discussion	29
10.	(11am) Whangawehi Catchment Group Acknowledgement	37
11.	Tukituki Water Taskforce Update	39
12.	HBRC, TLA and Private Landowners' Obligations for Maintaining Waterways	45
13.	Hotspots Environmental & Freshwater Improvement Funded Projects November 2018 Update	53
14.	Verbal Update on the Future Farming Initiative	
15.	Discussion of Items Not on the Agenda	63

**HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE**

Wednesday 14 November 2018

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

Item 4

Reason for Report

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

Decision Making Process

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

Recommendation

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

Authored by:

**Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT**

Approved by:

**James Palmer
CHIEF EXECUTIVE**

Attachment/s

[!\[\]\(2bae76de5ebbd5c4d7d47162f1673734_img.jpg\) 1](#) Follow-ups for November 2018 E&S meeting

Follow-ups from Previous Environment & Services Committee Meetings

E&S Committee 5 September 2018

	Agenda item	Follow-up item	Responsible	Status/Comment
1	Follow-ups: Pandora Pond Update	invite Te Komiti Muriwai o Te Whanga representatives to future E&S meeting to update on Ahuriri activities	J Palmer / I Maxwell	Item on 14 November E&S agenda
2.	Delegations Register – Resource Consent Processes – Sept 2018	Provide members with an outline of the notification decision making steps and considerations	J Palmer	Provided to 26 September Council meeting Reference 2 following
3.	Response to Ongaonga/Tikokino Bore Issues	Possible solutions to in Ongaonga and Tikokino domestic water security be investigated with CHB and other Stakeholders.	J Palmer / I Maxwell	CHB taskforce established – Item on 14 November E&S agenda
4.	Response to Ongaonga/Tikokino Bore Issues	Tranche 2 applications to be publically notified	M Millar	Recommendation to 26 September Council meeting to revoke staff delegation and delegate notification decision to Council or the Hearings Committee was not carried following the provision of further staff advice
5.	Response to Ongaonga/Tikokino Bore Issues	\$20,000 Sustainable homes funding for water storage to be confirmed	M Heaney	Confirmed at 26 September Council meeting and agreed as recommended by E&S
6.	Forestry Slash Management	Provide copy of risk zones map to committee members	M Miller	Staff have generated an example report and circulated this along with the MPI erosion susceptibility indicator web site address to Councillors. The web address is also attached below. https://mpi_nes.cloud.eaglegis.co.nz/NESPF/
7	Forestry Slash Management	Staff to develop a proposal for HBRC to host a conference on forestry management and harvesting issues	E Lambert	Ongoing
8.	Freshwater Improvement Fund Projects Update and Environmental Hot Spots Projects	Manuka investment opportunities report	J Palmer / I Maxwell	On 12 December 2018 Corporate & Strategic Committee meeting agenda
9.	Verbal update on Future Farming Trust Initiative	Distribute copy of letter of invitation to support Future Farming Trust establishment to Committee members	T Skerman	Circulated to members by email on 24 October 2018.

Attachment 1

	Agenda item	Follow-up item	Responsible	Status/Comment
10	September 2018 Operational Activities update	Distribute Point Analysis (soil stability) project final report summary to committee members	I Maxwell	Report in final review process, will be distributed once completed

Council Meeting held 27 June 2018

	Agenda Item	Action	Responsible	Status Comment
11	Significant activities through July	Provide the "high level assessment of four of HB's shallow lakes (<u>Poukawa</u> , <u>Whatuma</u> , <u>Qingo</u> and <u>Runanga</u>)" to committee members	I Maxwell	Item on 14 November E&S agenda
12	Significant activities through July	Briefing on the NCC stormwater strategy to be provided to interested councillors	E Lambert	Item on 14 November E&S agenda

Item 4

Reference follow-up 2 above

DECISION REPORT ON APPLICATION NOTIFICATION & AFFECTED PERSON(S) - RMA S95 – S95G (PINKY)

Application Number	<<Variable_App_IRISID>>
Statutory Basis	Change of Conditions/New Consent (pick relevant)
Applicant Name	<<Variable_App_ApplicantNames>>
Date Lodged	<<Variable_App_LodgedDateText>>

1. CLASSIFICATION OF ACTIVITY(IES)

Authorisation No.	Plan	Rule	Classification
<<ActivityDetails_Start>><<ActivityDetails_ActivityTable_AuthorisationIRISID>>			<<ActivityDetails_ActivityTable_ActivitySubtype>>

2. GENERAL CONSIDERATIONS

Delete answers that are not applicable

Do the following National Environmental Standards (NES) relate to this activity?	YES/NO/NA
a) NES Ambient Air Quality 2005;	YES/NO/NA
b) NES for Sources of Human Drinking Water 2007	YES/NO/NA
c) NES for Production Forestry	YES/NO/NA
Is there a CMT or PCR in the area of the activity?	YES/NO/NA
Is the activity within, adjacent to or directly affecting a statutory acknowledgement?	YES/NO/NA

3. PUBLIC NOTIFICATION

Step 1 (Mandatory Public Notification)

Has the applicant requested public notification?	YES/NO/NA
Has a Section 92 request been sent and the applicant has failed to respond, or has refused to provide the information/agree to the commission of a report [95C]?	YES/NO/NA
Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977	YES/NO/NA

If the answer to ANY Step 1 question is YES = PUBLIC NOTIFICATION IS REQUIRED

Item 4

Attachment 1

Step 2 (Preclusions to Public Notification)

Does a Rule or NES standard preclude notification?	YES/NO/NA
Is the application for one or more of the following?	YES/NO/NA
a) a controlled activity;	YES/NO/NA
b) a restricted discretionary activity or discretionary activity and a residential activity (refer to s95A(6) for definition of residential activity);	YES/NO/NA
c) a prescribed activity [see s360H(a)(i)].	YES/NO/NA

If the answer to ANY Step 2 question is YES = **PUBLIC NOTIFICATION IS PRECLUDED** unless there are Special Circumstances.

Step 3 (Public Notification Required)

If not precluded by Step 2

Does a Rule or NES standard <u>require public notification</u> ?	YES/NO/NA
Is the activity likely to have adverse effects on the environment that are more than minor in accordance with s95D?	YES/NO/NA

If the answer to any Step 3 question is YES = **PUBLIC NOTIFICATION IS REQUIRED**. Explain why public notification is necessary in Section 5 of this form.

Step 4 (SPECIAL CIRCUMSTANCES)

Do special circumstances exist in relation to the application that warrant the application being publicly notified [95A(9)]?	YES/NO/NA
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If the answer to Step 4 is YES = **PUBLICLY NOTIFY**. Explain what special circumstances apply and why public notification is necessary in Section 5 of this form.

If the answer is No to Step 4 determine whether to Limited Notify

4. LIMITED NOTIFICATION**Step 1 (Certain affected groups/persons must be notified)**

Are there any affected protected customary rights groups [S95F] or affected customary marine title groups [s95G]?	YES/NO/NA
Are there any statutory acknowledgement areas and is the person to which these are made affected [s95E]?	YES/NO/NA
Are there any previous submitters to this consent that may be affected [s127(4)]?	YES/NO/NA

If the answer to any Step 1 question is YES = **NOTIFICATION OF EACH AFFECTED GROUP IS REQUIRED**

Step 2 (Preclusions to Limited Notification)

Does a Rule or NES standard preclude limited notification [S95B(6)(a)]?	YES/NO/NA
Is the application for a prescribed activity (See s360H(a)(ii))?	YES/NO/NA

If the answer to ANY question is YES = **LIMITED NOTIFICATION IS PRECLUDED**

Step 3 (Certain other persons must be notified)

If not precluded by step 2;

Is this a boundary activity and if so is an owner of an allotment with an infringed boundary affected?	YES/NO/NA
Is this activity subject to Regulations made under s360H which prescribe who may be considered an affected person?	YES/NO/NA
Is any other person an affected person [s95E]?	YES/NO/NA

If the answer to any Step 3 question is YES = **NOTIFICATION OF EACH AFFECTED PERSON IS REQUIRED UNLESS**

Unconditional written approval has been submitted to the Council [s95E(3)(a)]?	YES/NO/NA
Is it unreasonable in the circumstances to seek the written approval of affected persons?	YES/NO/NA

Step 4 (SPECIAL CIRCUMSTANCES)

Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already identified [95B(10)]?	YES/NO/NA
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If the answer to Step 4 is YES = **Notify those persons.** Explain what special circumstances apply and why notification of them is necessary in Section 5 of this form.

If the answer to Step 4 is NO, proceed on a non-notified basis (provide information relating to your notification decision in Section 5 of this form).

Attachment 1

5. DECISION SUMMARY

In accordance with the above assessment, I recommend that the application be:

PUBLICLY NOTIFIED

LIMITED NOTIFIED

NON-NOTIFIED

Provide explanations for your determinations made in Sections 2- 4 of this form:

Recommending
Planner Name: _____

Position: _____

Signed _____

Date: _____

Item 4

DecisionIt is decided that this application be processed on a ~~non-notified/ limited notified/ publicly notified~~ basis for the reasons outlined above/below (~~strike-through that which does not apply~~)

Reasons for Decision on notification which are different to the recommendation OR further comment on recommendation:

Authorised By
(Name): _____

Position:

Strikethrough that not applicable

- Senior Consents Planner
- Principal Consents Planner
- Manager Consents
- Group Manager Resource Management

Signature: _____

Date: _____

APPENDIX 1 – POSSIBLE AFFECTED PERSONS OR ORDER HOLDERS

Please explain reasons why affected in Section 5 of this form.

- | | | | |
|--|-----------------------|--|-----------------------|
| Department of Conservation (Hawke's Bay) | <input type="radio"/> | Hawke's Bay District Health Board | <input type="radio"/> |
| Eastern/Hawke's Bay Fish & Game Council | <input type="radio"/> | District Council (details): | <input type="radio"/> |
| | | | |
| NZ Transport Agency | <input type="radio"/> | Landowners(details): | <input type="radio"/> |
| | | | |
| Tangata whenua | <input type="radio"/> | Other (provide details in <u>Section 5</u> of this form) | <input type="radio"/> |

Tangata whenua are recognised by Council as;

Hapū (details):.....	Marae (details):.....
.....
.....
Iwi (details)	
.....	

APPENDIX 2 – LIMITED NOTIFIED PERSONS SERVICE ADDRESS

LIMITED NOTIFIED PERSON	ADDRESS FOR SERVICE	OFFICER (OPTIONAL)

Reference follow-up Item 3

Application #	Applicant	Total Tranche 2 volume sought (m3/yr)	Irrigation volume (m3/yr)	Augmentation volume (m3/yr)	Date application received	Augmentation % of total	Groundwater Zone
WP140291T	JM Bostock Ltd	1,639,430	1,291,584	347,846	6-Aug-14	21.2	3
WP140512T	Te Awahohonu Forest Trust	4,914,920	2,890,000	2,024,920	19-Nov-14	41.2	2
WP150016T	Ingleton Farms Ltd	1,005,213	597,997	407,216	26-Jan-15	40.5	2
WP150044T	Tukituki Awa Ltd	952,400	822,800	129,600	17-Feb-15	13.6	3
WP160193T	Plantation Road Dairies	6,081,499	4,471,279	1,610,220	5-Dec-16	26.5	3
WP140555Tb	Papawai Partnership	423,062	320,000	103,062	7-Apr-17	24.4	3
WP170155T	Abernathy Partnership	477,122	350,000	127,112	7-Apr-17	26.6	3
WP170166T	Buchanan Trust No. 2	1,631,018	1,203,173	427,848	1-May-17	26.2	3
		17,124,664	11,946,833	5,177,824			

Please note: the amount of water applied for exceeds the 15 million that is allocated under the plan change. It is ok for applicants to apply but HBRC cannot allocate more than the 15 million. There is some work being done to understand the impacts of the takes, the augmentation requirements and to help determine if all that is being sought is required for each applicant.

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

Subject: CALL FOR ITEMS OF BUSINESS NOT ON THE AGENDA

Item 5

Reason for Report

1. Standing order 9.12 states:

"A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

(a) the reason the item is not on the agenda; and

(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.

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

2. In addition, standing order 9.13 allows "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendations

3. That the Environment and Services Committee accepts the following "Minor items of Business Not on the Agenda" for discussion as Item 15:

Topic	Raised by

Leeanne Hooper
PRINCIPAL ADVISOR GOVERNANCE

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

Subject: AHURIRI ESTUARY STORMWATER AND WASTEWATER

Item 6

Reason for Report

1. At the inaugural meeting of *Te Komiti Muriwai o Te Whanga* the representative agencies gave presentations on their activities in and around the Ahuriri Estuary.
2. The Napier City Council's presentation covered, among other matters, their stormwater and wastewater management regimes and programme for improvements to the respective systems. NCC staff have been invited to present on this aspect to the Environment and Services Committee.
3. Jon Kingsford, Director of Infrastructure Services, and Cameron Burton, Manager Environmental Solutions, will make the presentation.

Decision Making Process

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

Recommendation

That the Environment and Services Committee receives the ***"Ahuriri Estuary Stormwater and Wastewater"*** Napier City Council presentation.

Authored and Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

**Subject: ADDRESSING NEW ZEALAND'S BIODIVERSITY CHALLENGE – A
REGIONAL COUNCIL THINK PIECE**

Item 7

Reason for Report

1. The importance of biodiversity and its value in sustaining our environment, economy and cultural values is becoming increasingly recognized. Regional Authorities collectively have commissioned a think piece to discuss the challenges facing biodiversity management in New Zealand. This think piece considers and makes key recommendations on how we might better manage biodiversity in New Zealand and is presented for Councilors information. The intention of the thinkpiece is to provoke thinking, discussion, debate and ultimately change. It has been prepared for regional and unitary councils because of their role in biodiversity management particularly on private land.

Background

2. New Zealand is a true biodiversity hotspot and we have many unique species that occur nowhere else on earth. Our country is recognized as a world leader in the management of pests and saving species and there are many biodiversity exemplar projects.
3. There are also current large scale trends favourable to biodiversity recovery. These include:
 - 3.1 A rise in community conservation, philanthropic interest and interest in the environment
 - 3.2 National scale initiatives like PF2050 and wilding conifer management
 - 3.3 Development of new technologies for controlling pests
 - 3.4 A range of new strategies and action plans plus changes to legislation.
4. Hawkes Bay Regional Council has an increasing focus on delivering biodiversity outcomes from the range of activities it undertakes. It is one of Councils strategic priorities and the delivery of biodiversity outcomes within the region has seen additional momentum through long term plan programmes related to priority ecosystem management, large scale tree planting and predator pest management. Facilitating the delivery of more integrated biodiversity outcomes from Council activities has also been enhanced through the creation of the Integrated Catchment Management group within council.
5. The attached thinkpiece (*hard copies provided to Committee members only and available to others upon request*) canvasses the big questions: What do we want to achieve? What's the battle plan? Who will provide the necessary leadership? How will we know if we are succeeding? What systems and structures are needed to support success? It also proposes a way forward with five key recommendations. These are:
 - 5.1 The need for strong leadership and clarity of roles and responsibilities.
 - 5.2 The need for agreement on where we should focus our efforts at national, regional and local level.
 - 5.3 The importance of a plan and joined up action across all players
 - 5.4 The need to understand what success looks like, and how to measure it.
 - 5.5 The need for modern, fit-for-purpose frameworks, including legislation, to help achieve our goals.

6. There is not a one size fits all solution to biodiversity recovery. Threats vary and require different interventions depending on situation, location and context. A common theme through the think piece is however an urgent need for more active management.
7. It is within this context of active management that Hawkes Bay Regional Council and other regional authorities have a long history of developing and implementing work programmes on private land. This is a comparative advantage that sets us apart from others in this area of biodiversity management. Our key role in biodiversity recovery on private land is why it is critical that our investment on behalf of our community delivers the maximum level of benefit possible.
8. The BioManagers special interest group of regional council biosecurity/biodiversity staff commissioned a video to encapsulate the key themes/ideas in the thinkpiece. This video will be presented to Council.

Decision Making Process

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

Recommendation

That the Environment and Services Committee receives the ***“Addressing New Zealand’s Biodiversity Challenge – A Regional Council Think Piece”*** staff report.

Authored by:

Campbell Leckie
MANAGER CATCHMENT SERVICES

Approved by:

Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT

Attachment/s

 **1** Addressing New Zealand's Biodiversity Challenge Under Separate Cover

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

Subject: INTEGRATED CATCHMENT MANAGEMENT IMPLEMENTATION

Item 8

Reason for Report

1. The purpose of this report is to provide the Environment and Services Committee an initial update of activities and progress from the first four months of Catchments staff within the ICM Group.

Background

2. This report is intended to provide a high level insight to the activities of the Catchment Management staff. Staff would welcome feedback on the content and style of this report so that we can continue to refine and revise the layout and content so that it is a useful product to allow governance connection to this important work.
3. Approximately 252,000 hectares of Hawke's Bay hill country has been identified through modelling as being at high risk of erosion. It is estimated that this land produces on average 3,272,686 tonnes of sediment into the region's waterways every year. In addition to the economic impacts of soil loss to the landholder, this high level of sedimentation impacts upon water quality within the region and the biodiversity (both aquatic and terrestrial) that depends upon it.
4. The Hawke's Bay Afforestation Programme is an HBRC initiative that seeks to help address three of the four focus areas of the HBRC Strategic Plan 2017-2021, being; water quality /safety and certainty of supply, healthy and functioning biodiversity, and smart sustainable land use.
5. The overall programme of work incorporates both commercial and non-commercial activity designed to control soil erosion within the Hawke's Bay Region. The programme allows for the provision of grant funding through the Erosion Control Scheme (ECS) and is investigating the commercial viability through the Right Tree, Right Place Afforestation project (led by HBRIC).
6. HBRC has contracted Project Management support to assist HBRC with the design and implementation of components of the Hawke's Bay Afforestation Programme, including the ECS and Right Tree, Right Place Afforestation projects.
7. The ECS, led by ICM's Catchment Management team, will enable targeted tree planting and other erosion control tools to be delivered on highly erodible land that is agreed in partnership with landowners. The ECS is a key tool for the ICM teams to engage with and support landholders with land at high risk of erosion.
8. An ECS Operating Manual, which will provide the standards and detailed operational/administrative processes required for scheme implementation, will complete the design phase. Interim procedures are being implemented now with the complete, Operating Model scheduled for completion by March 2019.
9. This programme of work is still at a fledging stage and we are working hard to establish the systems and processes to reliably base our work. This unfortunately takes time and is critical to the long term success and credibility of this work. The team are also actively working with landowners who have identified projects to 'keep them warm' until we are ready to move them into the project assessment, funding and project management process.

Programme Update

10. Over the past three months the ICM teams, in particular the Catchment Management teams, have been through substantial internal changes through the reorganization and initiation of key strategic projects from the Long Term Planning process. The formation of these teams are designed to align ourselves to better deliver on our strategic objectives. Although this process has been resource demanding, we are now more than satisfied we have the right people in the right role. Each team is now in a position to review their projects, tasks and targets and is able to reallocate resourcing to leverage benefits.
11. Project Management have worked closely with HBRC staff to plan and develop the operational procedures required to implement the ECS policy, approved by Council in early July 2018. The funding is available to Landowners now so the project has focused on developing interim procedures to enable Catchment Management staff to process early applications whilst the longer-term operating model is defined and developed for handover in March 2019.

Erosion Control External Advisory Group

12. Iain Maxwell, Group Manager Integrated Catchment Management, identified a select number of key industry representatives with a range of experience, views and interests. This group was brought together in August 2018 to test and discuss key aspects of the ECS policy. Their views have been incorporated into supporting how the policy is implemented and are being considered with respect to HBRC's position on carbon credits (i.e. the policy states that HBRC captures any potential carbon credits from ECS activity). This group meets on an as and when basis and will meet again prior to Christmas.

Working with landowners - Engagement Strategy

13. If we are to meet our erosion control planting programme targets, at scale and pace, we need to better understand landowners across the Hawke's Bay region, regarding attitudes towards environmental business practices, current behaviours, future intentions and motivators. To do this we contracted Simon Taylor, Fresh Perspective to interview landowners across the region, face to face, asking a series of questions which will shape our approach, our engagement strategy, and ultimately drive action. Simon has recently presented his work and this is being used to then inform a communications and engagement strategy.

Innovation and Strategic Relationships Fund

14. The criteria and guidelines for reviewing and making a decision on proposals seeking funding through the Innovation and Strategic Relationships Fund have been developed and implemented. The Drylands Eucalypts Forest Initiative applied for funding (\$10k per year for 10 years) and has been approved.

ECS Grants

15. The first of the grant applications are being processed and the systems tested. The Client Services team at HBRC will be joined next month by a Grants Coordinator. This role is responsible for processing applications and contracts with suppliers, monitor project progress and provide regular quarterly reporting on the quantum and cost of projects.

Interim Operating Mode;

16. Procedures have been defined and reviewed with Catchment Managers. An ECS application from CHB is testing the procedures and supporting documentation and tools. Catchment staff are scheduled to be briefed and guided through the procedures on Friday, 02 Nov 2018.

ECS data collector and mapping tool

17. Working with a local software development company GPSit we have created, and are currently piloting, a tool for catchment management staff to record highly erodible areas, when conducting land assessments. This tool combines survey app, Survey123, to

record data spatially against a point on the property, and ArcGIS app, for staff to draw a polygon of erodible area on a GIS map. The information combined will be added against the property on our newly created GIS layer 'Highly Erodible Areas'.

18. Furthermore, our Land Science team and ICT GIS are creating a GIS SedNet layer, which intersects SedNet and Agribase to assist with identifying farms with land over 1000T/km² and the proportion of each farm covered by these highly erodible areas. Farms can be sorted based on the proportion of highly erodible land to prioritise farms requiring erosion control work.

Direct Landowner Engagement

19. Catchment Management staff have identified highly erodible land within the region using SedNet and subsequently had contact with over 90 landowners whose properties are at high-risk. It is important to understand that many of these discussions will take time before becoming projects. Therefore our targets at this time are focused on the number of discussions on the go with landowners in our target areas, and ultimately whether these conversations progress to on-ground activity. We will also be collecting data on a range of other issues as we engage that will enable us to ascertain barriers to uptake and other influencing factors to enable us to adapt and evolve both our approach and the targeting of the grant into the future.

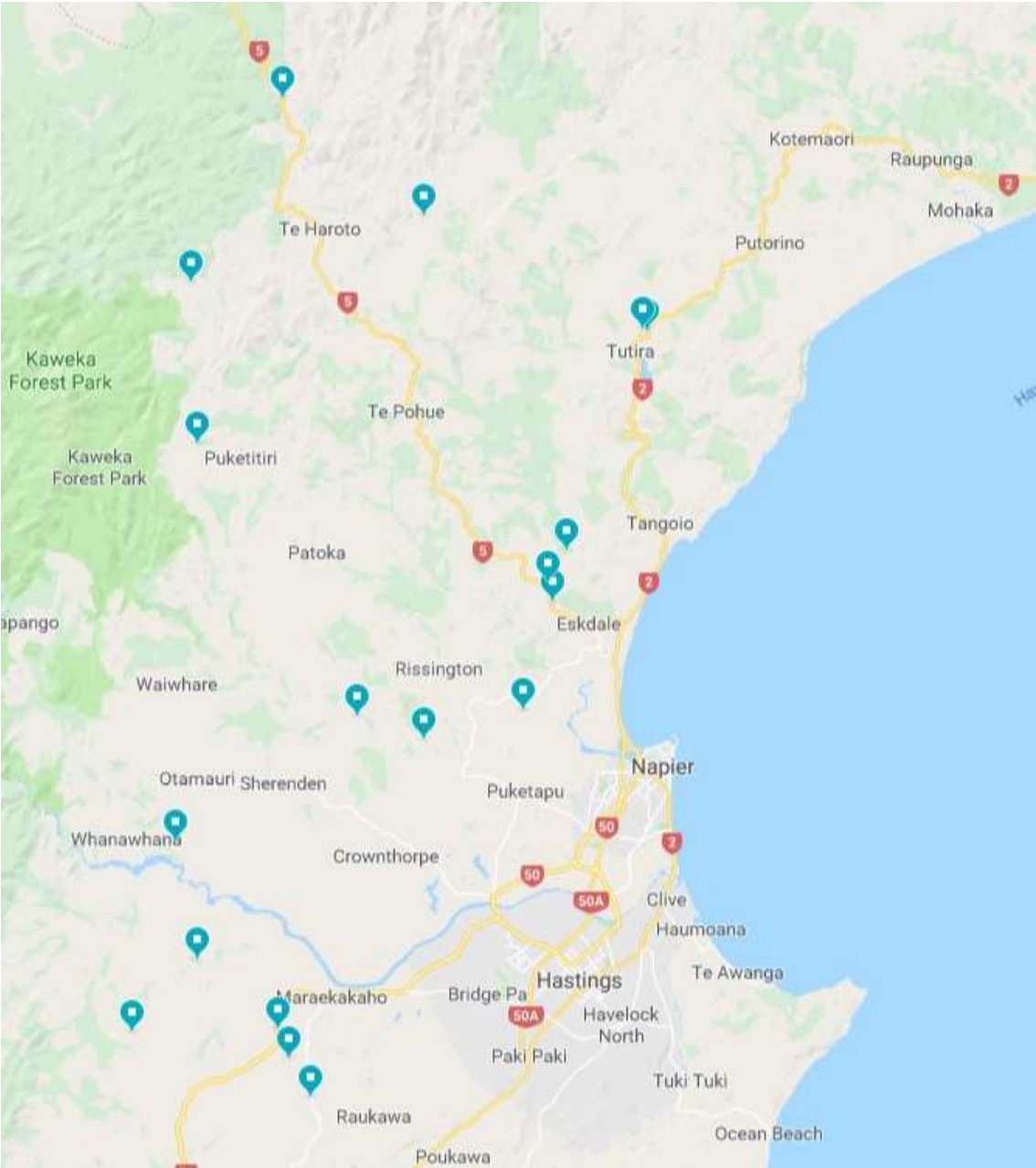
Landowner Engagement Maps

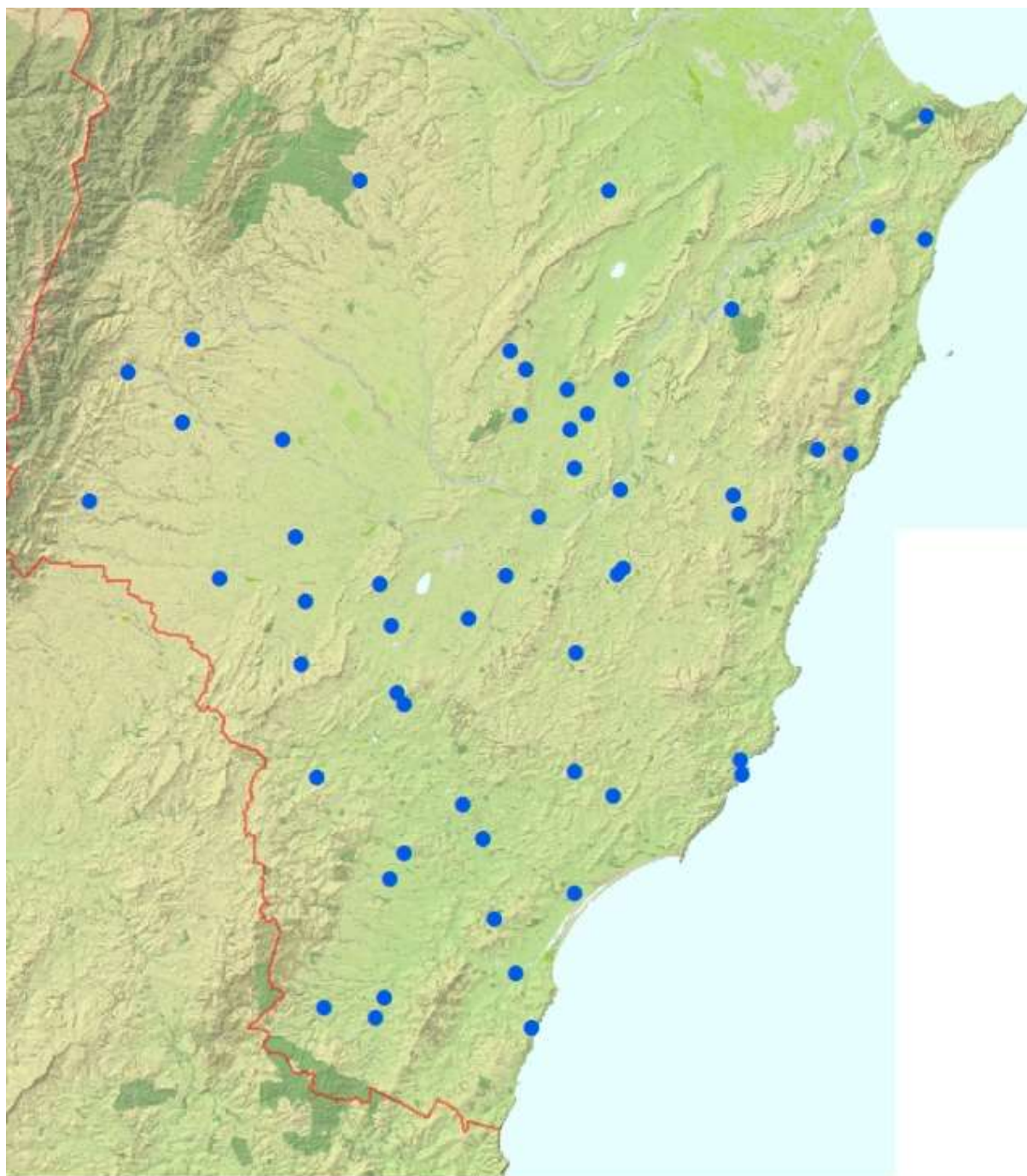
20. The following series of maps graphically displays where we have active conversations with landowners. Unfortunately we are not quite ready with a reporting tool that allows for a consistent view of this. That is a work in progress.

20.1. Northern zone – Wairoa/Mohaka catchments



Central zone – TANK catchments





Iwi and Community Engagement

21. Northern zone – Wairoa/Mohaka catchments

- 21.1. Tatau Tatau & Wairoa Waikaremoana Trust Board – 4 October to discuss Awa restoration proposal
- 21.2. Waikaremoana Tribal Authority – 25 September – Meet and greet, follow up actions required.
- 21.3. WDC Maori Standing Committee meeting – to provide updates and discuss issues – 9 August, 13 September & 11 October
- 21.4. Ngati Pahauwera – 19 July – to discuss issues with the Raupunga water supply and options for catchment work to help reduce the sediment loading
- 21.5. Mahia Maori Committee – 29 August & 30 September - meet and update marae on activity and issues

- 21.6. Whakakā Lake Trust – attended a formal Trust meeting on 13 October. Have meet informally with members on the trust nearly on a weekly basis.
- 21.7. Have meet with marae representatives or attended meetings at the following marae – Mahanga, Kaiuku, Ruataniwha, Hura-mua, Tawhiti-A-Maru, Putahi & Tuahuru
- 21.8. Whakaki Catchment Group 17 July – land evaluation and risk assessment of highly erodible land. This workshop included representatives from Landcare Research, HBRC & WDC
- 21.9. Whakaki Catchment Group 28 September – FEMP workshop with Lachie Grant. What a plan includes and how it can assist farm decision making
- 21.10. Workshop with native plant growers and nurseries in the Wairoa District – 17 September
- 22. *Central zone – TANK catchments*
 - 22.1. Puketitiri / Mohaka farmer group meeting to discuss catchment issues and farmer action – 29 August
 - 22.2. Maraekakaho catchment group – Water quality testing discussion - September
- 23. *Southern zone – Tukituki and southern coastal catchments*
 - 23.1. Porangahau/Maharakeke community water quality meeting. Takapau September 2018.
 - 23.2. Meeting and correspondence with Kairakau Lands Trust re forestation and wahi Taonga sites. Waipawa August 2018.
 - 23.3. Red Meat Profit Partnership meeting 11 September 2018.
 - 23.4. Discussion with Brian Morris (Takapau Marae) re future of Makirikiri Restoration site.
 - 23.5. Discussion with Mike Mohi and Karanema Bartlet re planting/retirement options on Pukepuke Estate Waipuka Incorporation lands (Ocean Beach/Waimarama)
 - 23.6. Lake Whatuma key stakeholders meeting – September 2018.

Decision Making Process

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

Recommendation

That the Environment and Services Committee receives the ***“Integrated Catchment Management Implementation”*** staff report.

Authored by:

Dean Evans
CATCHMENT MANAGER
TUKITUKI/SOUTHERN COASTS

Nathan Heath
CATCHMENT MANAGER
(WAIROA/MOHAKA)

Brendan Powell
CATCHMENT MANAGER (CENTRAL)

Jolene Townshend
PROJECT MANAGER, RESOURCE
MANAGEMENT

Approved by:

Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

**Subject: ESSENTIALLY FRESHWATER - GOVERNMENT FRESHWATER
REFORM DISCUSSION**

Item 9

Reason for Report

1. This item provides an overview of Central Government's proposed freshwater reform programme, "Essentially Freshwater".

Background

2. On the 8 October 2018 Environment Minister David Parker and Agriculture Minister Damien O'Connor announced a proposal for a two year work programme for further freshwater reform.
3. The announcement was accompanied by the publication of two documents;
 - 3.1 *Essential Freshwater* – Healthy water, Fairly Allocated
This document outlines the government objectives, the principles behind the objectives and the proposed work programme.
 - 3.2 *Shared Interests in freshwater* – A New approach to the Crown/ Māori relationship for Freshwater.
This document acknowledges that Māori have rights and interests in freshwater and sets out how the government intends to progress this important discussion.
4. No exact details have been provided so far. The announcement focusses on the intent behind the proposed reforms and the work programme which has been loosely scheduled from now until 2020.
5. Submissions have not been invited at this stage, however input from regional councils will be required throughout the development and consultation stages.
6. There are three main objectives;
7. Stopping further degradation and loss – taking a series of actions now to stop the state of our freshwater resources, waterways and ecosystems getting worse and to start making immediate improvements so that water quality is materially improving within five years.
8. Reversing past damage – promoting restoration activity to bring our freshwater resources, waterways and ecosystems to a healthy state within a generation, including through a new National Policy Statement for Freshwater Management and other legal instruments.
9. Addressing water allocation issues – working to achieve efficient and fair allocation of freshwater and nutrient discharges, having regard to all interests including Māori, and existing and potential new users.

Principles

10. The Government has agreed to the following principles, to apply across the *Essential Freshwater* work programme.
 - 10.1 Ensure central government plays an effective leadership role on freshwater issues, while retaining appropriate decision-making at local government level
 - 10.2 Establish policies and solutions that are enduring; which means they need to be science-based, reflect mātauranga Māori, be predictable, understood by the public, and underpinned by effective regulation and enforcement
 - 10.3 Work with landowners, water users, Māori, communities, and local government to

this end

- 10.4 Provide for flexibility and adaptability so that as knowledge and technology evolve and the climate changes, policy settings and rules can adapt
- 10.5 Promote an integrated approach to freshwater management, within catchments, across issues, and with the marine and coastal environment
- 10.6 Promote sound environmental outcomes, and in doing so seek to optimise social, cultural, economic development, and national identity outcomes
- 10.7 Address the rights and interests of Māori in freshwater and the development aspirations of owners of Māori freehold land, consistent with the Crown's Treaty obligations
- 10.8 Provide for intergenerational equity
- 10.9 Ensure the benefits of commercial water use are not captured solely by existing users, but that potential new users can access water so that water is applied to higher value uses with lower environmental impacts.
- 11. The government are focussing on the areas where the Crown and Māori have shared interests – improving water quality and ecosystem health and providing fair access to water resources. This is discussed in the companion document *Shared interests in Freshwater*.

Iwi Interests

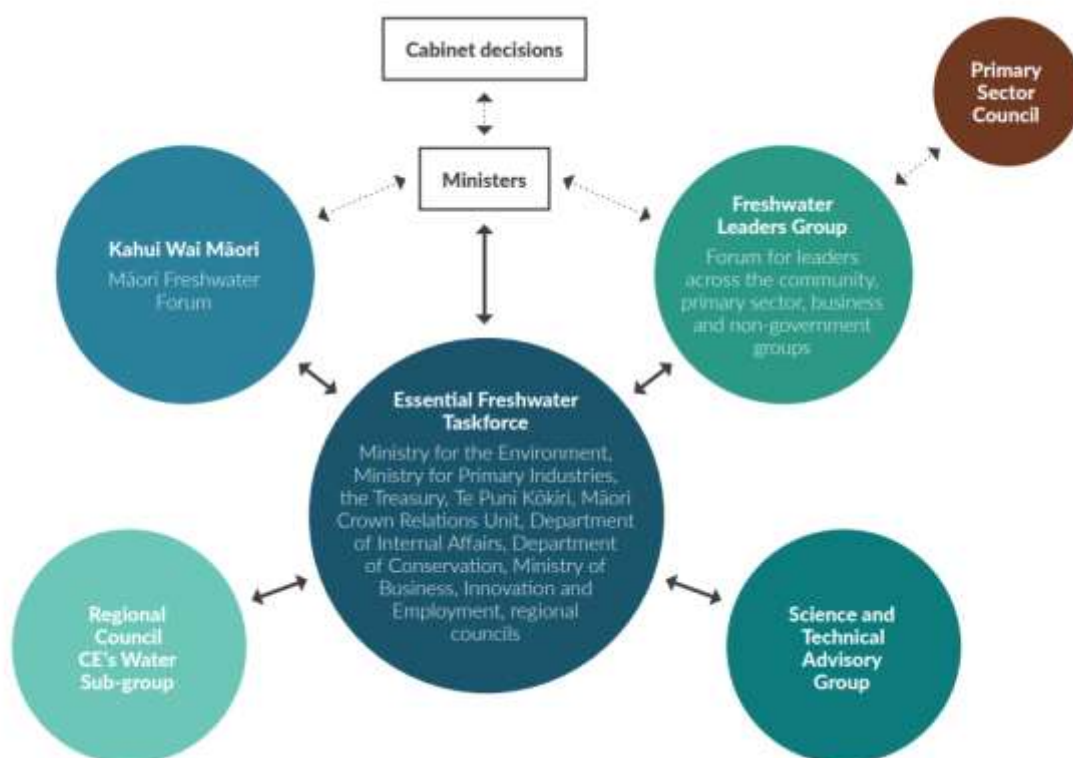
- 12. The Government sees Māori aspirations with respect to freshwater broadly as:
 - 12.1 Improving water quality and the health of ecosystems and waterways: this was consistently identified as the most important and pressing issue.
 - 12.2 Governance/management/decision-making: Māori want to be involved in freshwater decision-making, and to have the capacity, capability and resources to do so effectively.
 - 12.3 Recognition: ensuring there is formal recognition of iwi/hapū relationships with particular freshwater bodies.
 - 12.4 Economic development: Māori want to be able to access and use water resources (ie, water takes and discharge rights) to realise and express their economic and development interests (although this remains within the context of a holistic view of Te Mana o te Wai)¹.
- 13. Government will adopt a phased approach to engagement with Māori across all freshwater issues, starting with a focus on water quality rather than water allocation and addressing key information gaps. The government will then engage on broad policy parameters regarding Māori desires for access to freshwater resources for economic development.
- 14. The Government's preference is to find a regulatory mechanism to more equitably share resources over time, rather than focus on ownership.
- 15. The Crown will work with Māori and regional government to consider how, on a catchment-by-catchment basis, freshwater resources can be accessed fairly to achieve the development of underdeveloped land, based on the following principles:
 - 15.1 The need to gather key catchment-level information on water-related Māori land development opportunities and the current situation in those catchments in terms of water quality, water takes, and existing capital investments;
 - 15.2 Any change to existing allocation method is achieved in a way and at a pace that takes into account the interests of existing users and the public interest in the optimal use of the resource;

¹ Te Mana o te wai is a concept for freshwater that encompasses the integrated and holistic health and well-being of a water body. When Te mana o te wai is given effect, the water body will sustain the full range of environmental, social, cultural and economic values held by iwi and the community.

- 15.3 The need to ensure solutions for water meet sustainable limits for swimmability, ecological health, and human health, being the values captured by Te Mana o Te Wai.
16. Where decisions are made at the local level (for regions or specific catchments) the Government's expectation is that local government will involve iwi, hapū and whānau in those decision-making processes.

Working with regional councils

17. Work programme (attached)
18. At-risk catchments – Report to government with an overview of at-risk catchments and recommendations on potential interventions, by the end of 2018.
19. National Policy Statement (NPS) for Freshwater Management – Options will be discussed with advisory network over the last 6 months. Public consultation will be held in 2019. Amended Freshwater NPS will be in force in 2020.
20. National Environmental Standard (NES) for Freshwater Management – Options will be discussed with advisory network over the next six months. Public consultation will be held in 2019. The Freshwater NES will be in force in 2020.
21. Resource Management Act (RMA) Amendments – Amendment Bill due to be introduced to parliament late 2018 or early 2019. A second phase involving a more comprehensive review of the resource management system will follow.
22. Allocation of Freshwater Resources – Issues and options for allocation of discharges will be discussed and consulted on through 2019 and 2020.
23. Future Framework – Extend good practice across farms, forests and urban water management. Target investment in solutions and in advice and tools to support decision-making. Improved and nationally-consistent measurement and monitoring. Support councils to undertake their roles.
24. Working together to protect and restore New Zealand's freshwater



25. The Government is committed to working inclusively to find solutions that are enduring and practical. To tackle the challenging issues ahead, the Government plans to bring experts from all sides together.
26. Regional councils are vital partners in improving freshwater quality, because of their links to local communities and their statutory role. Councils would continue to play a key role in any future freshwater management system, and it is important they have the capability, competency, and funding to undertake their functions effectively.
27. The Government will continue to work with regional councils, and other councils, to ensure options are practical and easy to implement. The regional chief executives' freshwater sub-group will be involved in testing policy options before central government decision-making. The Science and Technical Advisory Group has regional council science staff involved in this and will be key to providing a strong evidence base for any proposals.
28. Government also intends to more effectively monitor the performance of councils and the quality of their systems and decision-making.
29. A key issue is the pace, consistency and practice that councils are applying when implementing the Freshwater NPS. Government is concerned that implementation is highly variable across councils and timeframes are too long in many cases. Government would like to see a regulatory framework that:
 - 29.1 Accelerates timeframes for getting plans and new regulatory controls in place, especially those relating to water quality;
 - 29.2 Reflects the public good aspects of freshwater management;
 - 29.3 Avoids each proposed plan being challenged through the courts over essentially the same matters, wasting time and money;
 - 29.4 Addresses the rights and interests of Māori including the development aspirations of owners of Māori freehold land; and
 - 29.5 Allows much faster adjustments of rules in future in response to new science and technology.
30. The Government plans to support council RMA implementation by identifying exemplary councils across varying aspects of good practice in water regulation and management, using those exemplars as a guide, and considering what further national direction on implementation may be appropriate. They will also develop good management principles to support water-sensitive urban design.

Relevance to HBRC

31. Identify at-risk catchments - A preliminary list of at-risk catchments within the Hawke's Bay region was identified and provided to the Ministry of Environment, at their request, in September 2018. These were; Karamu Stream, Porangahau River, Tukituki River and Wairoa River.
32. Target erosion – HBRC has an established erosion control programme.
33. Partake in development and consultation on the proposed new NPS, NES and amendments to the RMA. Staff are actively involved in the various strands of work through either direct invitation or as part of the work that the sector does through its various Special Interest Groups.
34. May require faster regional plan changes than what had earlier been considered. This will result in increased pressure on existing resourcing within HBRC.
35. The establishment of an NES will have the biggest, immediate impact on HBRC and, dependant on the content, is likely to result in increased pressure on existing resourcing within HBRC over the next 6 to 12 months.

Decision Making Process

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

Recommendation

That the Environment and Services Committee receives and notes the “***Essentially Freshwater - Government Freshwater Reform Discussion***” staff report.

Authored by:

Louise McPhail
PRINCIPAL ADVISOR (POLICY
IMPLEMENTATION)

Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Tom Skerman
GROUP MANAGER STRATEGIC
PLANNING

Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT

Attachment/s

[!\[\]\(4b7a79268f6ba26c1471d4232fffa85a_img.jpg\) 1](#) Work programme - Essential Freshwater

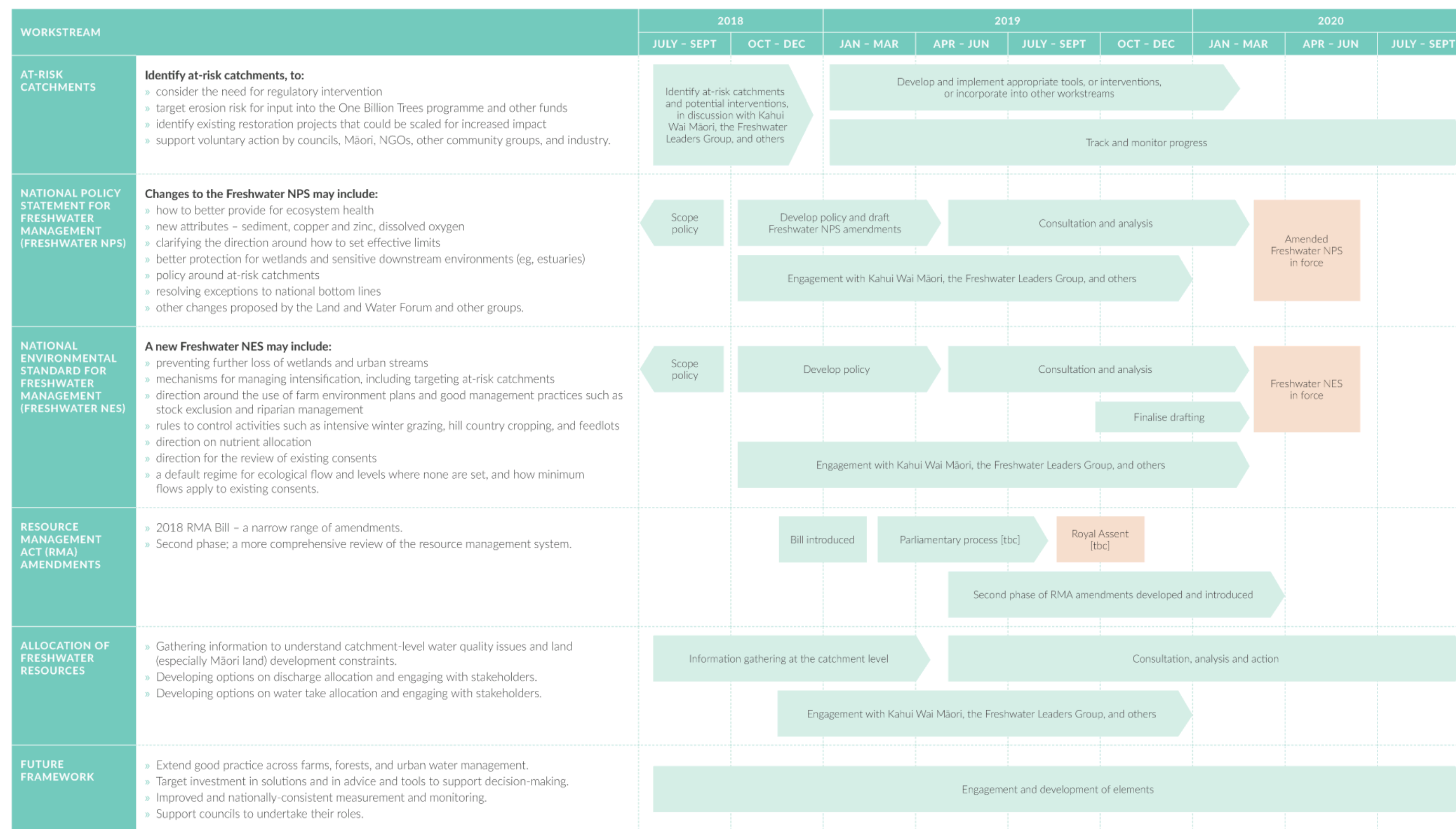
WORK PROGRAMME

Essential Freshwater

The Essential Freshwater work programme will deliver important long-term improvements to our freshwater. While changes to the National Policy Statement for Freshwater Management are needed, it will take time before these fully take effect as councils need to incorporate any changes into their planning processes. So more immediate impacts are achieved, we propose identifying at-risk catchments where immediate action can be targeted and developing a national environmental standard, which can take effect as soon as it is complete.

Item 9

Attachment 1



Find out more: More information on the Government's Essential Freshwater work programme is available on the Ministry for the Environment's website. | Published October 2018. INFO 848

New Zealand Government

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

Item 10

Subject: WHANGAWEHI CATCHMENT GROUP ACKNOWLEDGEMENT

Reason for Report

1. This item acknowledges the Whangawehi Catchment Group's (WCG) recent award of the Australasian River Prize and briefly outlines the significance of that award and the acknowledgement the group received from an international panel of judges.

Background

2. HBRC alongside DOC provided sponsorship to enable Nicolas Caviale-Delzescaux (WCG Coordinator) and Patrick O'Brien (WCG Chair) to attend the River Symposium and the announcement of the River Prize winners. Nathan Heath (Catchment Manager – Northern HB) also attended the River Symposium and organised two days of field tours with the WCG members to visit community group projects in Southern New South Wales and Northern Victoria.
3. Pat and Nic will provide the committee with a brief presentation outlining the award and key observations from the field tour.

Riverprize

4. "Riverprize is promoted as the world's foremost award in river basin management. It recognises and rewards organisations making waves in the sustainable management of the world's rivers, whether at the grassroots or transboundary level. The prize rewards inspiring initiatives that demonstrate Integrated River Basin Management to restore and protect rivers, wetlands, lakes and estuaries. Previous winners and finalists have received widespread recognition, built new partnerships, shared their knowledge and won other awards following Riverprize, becoming part of a network of river practitioners and experts from around the world" <http://riverfoundation.org.au/our-programs/riverprize/>
5. The significance of the award was only truly apparent by being part of both the River Symposium and the awards evening itself and therefore it was of special significance to the WCG to be provided with support to attend. The WCG won \$70,000 as winners of the award and now joins a prestigious group of River Prize alumni that include only one previous winner in New Zealand, the Aorere River in 2015. The WCG were very gracious of the support they received and acknowledged HBRC support in their acceptance speeches and presentations.
6. The quality of entrants from around Asia and Pacific was outstanding with the Asian entrants being an Asia Development Bank sponsored project with the Yangtze River and the eventual Asian River Prize winner the Pasig River in the Philippines, which was classified as biologically dead in the 1990's. This project had involved the relocation of 20,000 people and the removal of 20,000 tonnes of rubbish and now has significant life returning to the river. The Australasian entries included the Parramatta River in Sydney and the Laidley River in South East Queensland.
7. The judges acknowledged the Whangawehi Catchment Group's grass roots approach to doing the work they had. Their engagement and relationship with tangata whenua, their ability to achieve what they have on a shoestring budget and the overall results achieved to date singled them out as deserved winners on the night.
8. The WCG are at currently evaluating their future. The group has made significant progress in the Whangawehi Catchment and is now extending their efforts into supporting the Mahia Predator Free Project and capitalising on the current opportunities for investment in soil conservation projects through on-ground works in other catchments on the Mahia Peninsula. The group is also considering the current opportunity to leverage wider social and economic outcomes from both the work and achievements of the group to date and from the emerging opportunities through funding

and their relationship with Rocket Lab and Rongomai Wahine. This includes the creation of a walkway along the Whangawehi River, the potential for the creation of a brand and extension of the Whangawehi approach in neighboring catchments such as the Kopuawhara, Nuhaka and Whakaki.

Field Tour

9. The first day field trip was with the Holbrook Landcare Group (HLG) in Southern New South Wales. HLG was established in 1989 and has had significant success in their on-ground achievements in revegetating the landscape and conserving biodiversity. The group now operates largely autonomously and has 400 members. The HLG acts as an umbrella coordination group to a number of smaller landcare groups in the area. The HLG employs 5 staff and has an annual budget of around \$1.4 million from Federal and State government funding, membership subscriptions and participation in specific projects and research.
10. The HLG has had to weather significant shifts in funding over their history and have had to branch into a variety of different community issues and interests to maintain their membership and funding base. This has led to their being a more production focus with their work and projects, but this has enabled them to keep true to their people-placed based approach and purpose and maintain their work efforts on ground.
11. As a contrast, the Victorian State Government historically has maintained a degree of support to Landcare Groups but that has led to the Landcare Groups being quite dependent on their support and susceptible to the whims of State policy and political direction. Issues dealt with by groups seemed to be more single factor issues (such as weed and pest control) largely driven by the agencies themselves with their key purpose being to support landholder resilience to environmental challenges.
12. The Riverine Plains Cropping group however was a significant exception to this. This is a cropping oriented grower group that also has around 400 members who pay a subscription fee and the group receives significant sponsorship and project funding. Work is production and profit oriented but has continued to maintain significant interest and participation, particularly with the next generation of farmers.
13. Overall the trip was a highly successful and informative experience for all those involved, and the WCG would like to formally extend their thanks and gratitude to HBRC for their support throughout the project's history and more recently in enabling members of the WCG to attend the River Symposium and field trip.

Decision Making Process

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

Recommendation

That the Environment and Services Committee receives and notes the ***“Whangawehi Catchment Group Acknowledgement”*** staff report.

Authored by:

Nathan Heath
CATCHMENT MANAGER
(WAIROA/MOHAKA)

Approved by:

Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

Subject: TUKITUKI WATER TASKFORCE UPDATE

Item 11

Reason for Report

1. To update the committee on the Tukituki Water Taskforce, including to describe the purpose, membership and work of that group, as well as to update the committee on progress of Tranche 2 water consent applications.

Tukituki Water Task Force

2. The Tukituki Water Taskforce Group (The Taskforce) was formed following concerns raised with Councilors and staff of the Hawkes Bay Regional Council (HBRC) and Central Hawkes Bay District Council (CHBDC) regarding water management challenges in Central Hawkes Bay (CHB). The concerns focussed on issues associated with individual water supplies for the villages of Tikokino and OngaOnga alongside the concerns being raised by irrigators faced with new flow cut offs in the Tukituki catchment.

Purpose and composition

3. The taskforce is comprised of individuals from key agencies, tangata whenua as HBRC partners, irrigator user groups, environmental NGOs and the wider community. The purpose of this group is:
 - 3.1 To bring with them from their parent agencies and/or personal experience--
 - 3.1.1 Advice
 - 3.1.2 Guidance
 - 3.1.3 Insights
 - 3.1.4 Perspectives
 - 3.1.5 Ideas
 - 3.1.6 Solutions
 - 3.2 to make recommendations for the management of water quantity issues.
 - 3.3 to assist HBRC staff in the co-design of science programmes.
4. The group has not been formed to:
 - 4.1 Conduct advocacy
 - 4.2 To develop or rewrite policy
 - 4.3 To develop or rewrite rules
 - 4.4 To inform or have input to quasi-judicial processes such as resource consents
 - 4.5 To direct or inform HBRC decision making on compliance and law enforcement matters
5. The Taskforce has only met twice and is very early in the process. There is currently little to report on outcomes from the group given the very early stages of this process. The initial meetings have been intended to establish the operating environment, build relationships, and start to build an understanding of the issues and each other's views.
6. External project management support is assisting staff in managing this group and its work.

7. The Taskforce first met on 20 September 2018. There are 24 participants from a range of interests. The Taskforce is chaired by Cllr Debbie Hewitt. Membership is in the **attached** document.
8. The initial meeting discussed the terms of reference, introduced the group's purpose and tasks and provided a high level view of the water quantity related science programme in the catchment.
9. The group met again on 30 October where the TOR and purpose were confirmed, council staff presented information on the regulatory environment (primarily an introduction to the consenting process) and more detailed discussions on the science programme. Irrigator and village supply concerns were traversed and a range of solutions tabled for discussion but not concluded. Council staff also presented the Sustainable Homes package that is available to provide some assistance to households in the Tikokino and OngaOnga villages. This package has previously been presented to Council.
10. Central Hawke's Bay District Council outlined the approach they are taking to conduct a survey of individual supplies for water of the Tikokino and OngaOnga villages.
11. The group is due to meet again on 20 November where a more detailed examination of the potential solutions will occur.

The science programme

12. HBRC staff have outlined the proposed water quantity science programme for the Tukituki catchment to the group, which includes:
 - 12.1 Managed aquifer recharge investigations
 - 12.2 Re-build of the Ruataniwha groundwater model to update new data and move to a new modelling platform
 - 12.3 Sky-TEM investigations (electromagnetic survey)
 - 12.4 Review and update the catchments monitoring network for water quantity.
13. The proposal is to consider using this Taskforce, or a variant of it, to assist staff in the science co-design. This is to run a process similar to the one in the TANK science programme to facilitate input to the science design. This process has proven successful in avoiding to a large degree contention over the science to be used for informing policy design.

Regulatory Environment

14. The rules that apply in the Tukituki catchment relating to minimum flows and water allocation. These require consented surface water takes, direct stream depleting takes and high stream depleting takes to reduce or cease when the minimum flows are reached. The concern of the consent holders is that the minimum flow restrictions will kick in sooner and last for longer this season due to the higher minimum flow restrictions coming into effect this year.
15. The opportunities available within the rules, to lessen the impact of these restrictions include:
 - 15.1 that high stream depletion takes can continue to take half their daily volume when the minimum flows are triggered
 - 15.2 that emergency water may be allocated and taken commencing five days after the minimum flows are triggered
 - 15.3 that there may be opportunity for allocated but unutilised groundwater to be taken providing overall allocation limits are not exceeded. This water could be:
 - 15.3.1 taken and conveyed to properties required to cease their surface take
 - 15.3.2 partially transferred and taken from groundwater in another location
 - 15.3.3 taken and discharged to augment the river and hold it above the minimum flows, or

- 15.3.4 taken and discharged to the river and an equal amount taken out further downstream.
- 15.4 Staff have also discussed options for some consent holders to adjust their stream depleting takes so that they fall below the 2L/s cut off rate meaning they are treated as having a Low stream depletion effect and are therefore not subject to minimum flow conditions.
16. The Taskforce is also discussing the effect of taking groundwater on the Ongaonga and Tikokino communities. This follows on from the petition presented to HBRC by these communities. While concerns have been expressed about bores going dry it is not known how many are actually at risk. A survey is being undertaken by CHBDC with assistance from HBRC to quantify the problem. But also it is being made clear that RPS policy 28 only protects efficient groundwater takes. Bores that do not have pumps installed to take from the bottom of the bore are not considered efficient and are not protected from takes which will lower the water levels.

Tranche 2 Water Take Applications

17. Concerns have been raised about the taking of extra water via the Tranche 2 allocation provisions. Eight applications have been lodged seeking all the water available. The eight Tranche 2 water permit applications remain on hold waiting for the applicants to have a report prepared on the impact of these takes and on how the effects of taking this water are to be mitigated (particularly through offsetting during low flow periods). Until this information is provided, no decision on notification will be made. There is no expectation that these applications will be resolved and consents issued for this irrigation season.

Decision Making Process

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

Recommendations

That the Environment and Services Committee receives and notes the ***“Tukituki Water Taskforce Update”*** staff report.

Authored by:

Dean Evans
CATCHMENT MANAGER
TUKITUKI/SOUTHERN COASTS

Malcolm Miller
MANAGER CONSENTS

Approved by:

Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT

Liz Lambert
GROUP MANAGER REGULATION

Attachment/s

- [!\[\]\(c045a398c48fcb47adf237d338b1b391_img.jpg\) 1](#) Tukituki Water Taskforce Group list

Tukituki Water Taskforce Group**HBRC**

Debbie Hewitt – Councillor (Chair)
 Iain Maxwell – Group Manager Integrated Catchment Management
 Dean Evans – Catchment Manager Southern
 Malcolm Miller – Manager Consents
 Jeff Smith – Principal Scientist Hydrology/Hydrogeology
 Helen Shea – Communications Specialist
 Louise McPhail – Principal Advisor Policy Implementation
 Monique Benson – Water Management Advisor

CHBDC

Alex Walker – Mayor
 Monique Davidson – Chief Executive
 Josh Lloyd – Group Manager

DoC

TBC (Connie for now)

Water users

Hugh Ritchie – Surface water users
 Alastair Halliburton – surface water users
 Bob Cottrell – Tranche 2 applicants
 Duncan Holden – Ruataniwha Water Users

Tamatea Taiwhenua

Brian Gregory
 Roger Maaka

Community/Environmental groups

Bill Stevenson – Ongaonga/Tikokino community
 Jesse Friedlander – Fish and Game NZ
 Peter Wilson – Fish and Game NZ
 Clint Deckard – Forest and Bird
 Louise Phillips – Forest and Bird

Project Haus

Libby Tosswill
 Amanda Langley

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

**Subject: HBRC, TLA AND PRIVATE LANDOWNERS' OBLIGATIONS FOR
MAINTAINING WATERWAYS**

Item 12

Reason for Report

1. To provide a high level guidance to Councillors on the obligations of HBRC, Territorial Authorities and private landowners with respect to maintaining waterways, in particular with respect to obstructions of watercourses.

Background

2. There have been a number of issues over the past few years where obstructions in waterways have resulted in damage to property and community concern over who is liable for 'putting things right'. Some recent examples are:

Kopuawhara Stream

3. During a storm on 23 May 2015 a large log-jam was created, allegedly caused by a windfall tree blocking or partially blocking the channel. Besides the problem of the logs in the stream there was a lot of collateral damage from the event, damaged fences, and silt and log debris strewn across paddocks, including at least one house that had floodwater through it. The question arose as to who was responsible (liable) for the clean-up. The images below show the stream before clean-up and during clean-up.



Rissington, Mangaone Stream

4. Flooding occurred in March and June 2018. Flooding was across 5 private properties with a significant amount of silt and debris deposited. The properties are on a floodplain of the river and there has been a request for some form of flood protection such as a stopbank and tree removal. Following the latter event HBRC provided staff and a digger to assist with the clean-up. Residents thought that the stream was partly blocked by vegetation, contributing to the flooding. It is also possible that the flow was sufficient to overtop the banks and flood onto the floodplain, irrespective of the vegetation. There is an issue of who is responsible for keeping the waterway clear of obstructions.
5. The two images below show the flood damage from the June 2018 floods. There is a large amount of silt and debris. The buildings are on the floodplain in close proximity to the stream.



Wanstead: Taurekaitai Stream and Flaxmill Bridge

6. There has been ongoing concern from the local community that road closures of Porangahau Road are becoming more frequent with large quantities of tree debris flowing down the Taurekaitai Stream and blocking the Flaxmill Bridge. This has happened at least twice in recent times. A key part in this problem was the spraying of a block of willows on private land upstream, which were left where they fell and subsequently got transported by the floodwater to block the Flaxmill Bridge causing floodwater and debris to cross the main road to Porangahau. The issue arose as to who is responsible for the clean-up and clearing of the stream. Both Central Hawke's Bay District Council and HBRC have contributed to the clean-up in the past.

7. The photo below shows debris build-up at the Flaxmill Bridge in 2007, and similar effects occurred in 2018.



Waikare Stream and beach

8. A south-easterly storm hit the East Coast on Saturday 30 January and lasted until Monday 1 February 2010 with some bands of intense rainfall. The result was some localized large rainfall runoff volumes with associated mid-slope failures and forestry slash and debris carried downstream. There was roading, culverts and a bridge destroyed in the process. This was bad enough but the resulting forestry slash and debris ended up in the river bed and along the beach. This is evident in the photo below.



9. Considerable pressure was put on the Council and the forest company by a private overseas landowner whose property overlooked the beach, to do something about cleaning up the beach. The forest company did not consider that their harvesting practices directly caused any of the resulting damage and this was not strongly refuted by HBRC as there were some significant geological conditions that would most likely have occurred even if the area was under native forest. Fortunately the forest company decided to act and spent a considerable amount of time and effort in cleaning up the beach.

Legal opinion on damage from Forestry Activities

10. Following the Kopuawhara event HBRC sought legal advice from Sainsbury Logan & Williams, Solicitors on:
 - 10.1. It is alleged that the log jam was created because a windfall tress was blocking the channel. What responsibility does HBRC have because we manage a Scheme covering the whole of the Wairoa District for the purpose of removing unwanted vegetation from rivers and streams throughout the district?
 - 10.2. What remedies do the individual property owners (or their insurers) have if they wish to pursue one or other organization for clearing up the collateral damage as a result of the event and the log jam?
 - 10.3. Should the forest company pick up the full cost of the response or is there a reason why HBRC should meet part of the cost?
11. The log jam occurred in a stretch of the river which is not covered by the Kopuawhara Stream Flood Control Scheme. The area is, however, part of the Wairoa District Rivers and Streams Scheme which has been in place since 2001. That scheme funds the removal of trees from river edges or in waterways in the area of the Hawkes Bay region administered by Wairoa District Council.
12. There is no particular liability attached to the Council through the operation of this scheme.
13. Land owners whose properties have been damaged as a result of flooding caused by the log jam have grounds for a civil claim against the forestry company. There are two possible causes of action. The first is under the rule in *Rylands v Fletcher*, a case which was decided in 1865, but which continues to be applied today. The rule in *Rylands v Fletcher* holds an occupier of land strictly liable for damage caused by an isolated escape of something harmful that was brought onto or accumulated on the defendant's land in the course of a non-natural use of that land.
14. In New Zealand, the courts have resolved the issue of what is non-natural by asking whether the risk of harm inherent in the nature of the activity undertaken by the defendant is so abnormally great, even if all due care is taken, that neighbouring occupiers cannot reasonably be expected to accept it. The case against the company based on this cause of action is a strong one.
15. The second cause of action which might be taken against the forest company is one in negligence. There are a number of tests that will need to be met in order for a claim to be successful. They are:
 - 15.1. The person sought to be held responsible for the negligent conduct must owe the victim a duty to take care
 - 15.2. They must have breached that duty of care (i.e. have been careless)
 - 15.3. The damage suffered by the plaintiff must have been caused by the defendant's breach of duty
 - 15.4. The damage must be a sufficiently proximate consequence of that breach (i.e. the damage must not be too remote).
16. A claim brought in negligence is much more complicated and difficult to succeed on than one based on *Rylands v Fletcher*. In a negligence claim, a defendant (Forest Company) can point to contributing conduct from other parties. While that will not remove the company's liability (if it is found to exist), it may reduce the amount of damages that they must pay. The other contributors to the damage will pay their share.
17. Claims against the forest company can be brought either in the Disputes Tribunal (if the amount claimed is less than \$15,000) or in the District Court (if the amount for damage claimed is greater than that). Obviously, a far better solution for the landowners concerned and the forest company is an agreement that the forest company will cover the costs of any work necessary to remediate damage to landowners' properties. At this point, HBRC may be able to assist in achieving that outcome.

18. There is potential exposure for forestry companies generally if no agreement is reached about remediation of property damage. The risk is first that affected property owners may take proceedings against the company for property damage. However the likely outcome of proceedings is that a court would find the forest company liable for the damage caused by the escape of slash from its forest under the rule in *Rylands v Fletcher*.
19. However, more broadly, if there is adverse publicity arising out of this incident, there is the risk of increased regulation to the forestry industry. This incident might (for example) prompt the regional council to revisit its rules in relation to forestry activity and impose more stringent controls than are presently in place.
20. Some of the affected property owners contacted the council after the event suggesting that the council should be 'doing more' to fix the problem. HBRC is not under any obligation to accept responsibility for the clean-up operation (though it can of course do so if it wishes). This is where the council can assist by sorting out a contact person and arranging meetings for example.
21. If there has been a breach of rules in the Regional Resource Management Plan s84 of the Resource Management Act requires a regional council to observe and enforce its plan. That said, the High Court has held that a council has a discretion as to how it enforces its plan. It might do so by threat, persuasion, prosecution, by seeking an enforcement order, or by a combination of those means, or by other means.
22. The type of damage which has occurred here is precisely the sort of damage which ought to be covered by a forest company's public liability insurance. Such insurance is intended to cover unexpected and unintended property damage for which the insured might be liable arising out of the insured's business activities.
23. There is nothing about this incident that would trigger claims under HBRC's public liability insurance. However, there is no harm in HBRC advising its insurers of this incident and it should do so. Many insurance policies require early notice of possible claims, however unlikely.
24. On the question of who should bear the costs of the response/clean-up, it is apparent that had the log jam not occurred, it is most unlikely that the affected properties would have suffered flooding damage. Therefore it is considered that the forest company should pay the vast majority of clean-up costs.
25. However, it will be important to obtain the forest company's agreement to any clean-up proposal, as it will avoid HBRC incurring legal costs in order to recover from the company the costs of the clean-up. It may be that in order to reach agreement, HBRC agrees to bear some of the costs (for example, the cost of labour associated with the clean-up), with the forest company paying for the costs of digger hire/use and any compliance costs.

Legal opinion on Obstructions of Watercourses and the Land Drainage Act

26. This legal opinion deals with the flooding and damage that is apparently due to debris which is transported downstream during high rainfall events. The debris is from vegetation which has been planted or has grown along the stream's banks. The vegetation does not obstruct the stream in normal weather conditions (it grows alongside the stream rather than in or over it), but it causes problems in adverse weather conditions when material breaks off or is swept into the stream, where it contributes to flooding of downstream properties.
27. The owners and occupiers of the flooded properties believe that HBRC should take steps to prevent further such events and assist with the clean-up. The properties concerned are not in any drainage or flood protection scheme. Advice has been sought on:
 - 27.1. Who is responsible for the maintenance of the vegetation alongside the watercourse?
 - 27.2. Whether HBRC has powers which can or must be exercised in respect of the vegetation?

28. The Land Drainage Act 1908 (the Act) allowed for drainage districts and every such district was required to have a board of trustees, and that Board had a range of powers under the Act, including powers to:
 - 28.1. Cleanse, repair, or otherwise maintain in a due state of efficiency any existing watercourse, and
 - 28.2. Remove obstructions to watercourses.
 - 28.3. Give written notice to the owner or occupier of any land to remove any tree (or part of it) that the Board considers likely to obstruct or damage any drain vested in or managed by the Board.
29. A 'watercourse' includes all rivers, streams and channels through which water flows. The Mangaone Stream plainly meets that definition.
30. A Drainage Board is obliged to keep all watercourses and drains vested in it or under its management in such a way that they are not a nuisance or injurious to health. As part of that obligation, the Board is obliged to ensure that all such watercourses and drains are properly cleared and cleansed, and maintained in proper order. Where a drain has been constructed by the Board, and the Board fails to comply with this requirement, it is liable to owners or occupiers of any land for any damage that results from that failure.
31. No such liability applies here because the Mangaone Stream is a natural watercourse and not a drain constructed by the Regional Council. Further, the problem is not so much the state of the watercourse, but rather the vegetation which adjoins it.
32. The Act also empowers local authorities to take certain actions. A 'local authority' is defined to mean any Harbour Board, Drainage Board, River Board, or 'other persons or body however designated having authority under any Act to undertake the construction of any public work'. Plainly, HBRC falls within that definition. ***Every local authority has the same powers as a Board in relation to the cleansing, repairing or otherwise maintaining of watercourses or drains.***
33. Importantly, where a local authority is of the opinion that the obstruction of any watercourse within its district is likely to cause damage to any property in the district, it may order the occupier (or if there is none, the owner) of any land on the banks of the watercourse to remove from its banks all obstructions 'calculated to impede the free flow of water' in the watercourse. An 'obstruction' includes trees, plants, weeds and growth of all kinds. The power to order the removal of that material only applies to trees, plants, weeds etc. within 3 metres from the nearest margin of the watercourse.
34. If an owner occupier does not comply with an order to remove an obstruction by failing to begin the work within fourteen days of receiving the order and continuing to do that work with reasonable speed, he or she will be liable to a fine of \$2 for every day that the order is not complied with. The order itself may specify a time for completion and the owner is liable under the Act if he or she does not complete the work within that specified timeframe.
35. Where an owner or occupier does not comply with an order made by a local authority, the council may enter onto private property to remove the obstruction (though it should give notice before doing so). The cost of removing the obstruction is a charge on the land and is recoverable in the same manner as rates.
36. An owner or occupier served with ***a notice under section 62 of the Act*** may appeal against that order within 10 days of being served with it. The Judge will hear that appeal and determine whether, in all circumstances, the order should have effect. The order is suspended pending determination of the appeal.
37. Finally, a ratepayer can give written notice to the local authority requesting that it order a specified owner or occupier of land to remove all weeds or other growth from a specified watercourse. If the local authority does not comply with that notice within 28 days, the ratepayer can apply to the District Court for an order requiring the Council to comply with the notice. The Court will then hear the application and decide whether and to what extent the notice should be complied with by the local authority. The District Court's

decision is final. However, the order which is then made by the local authority pursuant to that decision can still be appealed by the recipients of that order.

38. In answer to the question 'who is responsible for the maintenance of that vegetation?' it is ***the owners of the land adjoining the stream are responsible for maintaining the vegetation adjacent to the stream.***
39. In answer to the question 'does HBRC have powers which can or must be exercised in respect of that vegetation?' ***If HBRC believes that the state of vegetation within 3 metres of the stream edge impedes or may impede the free flow of water in the watercourse, it can order the owner or occupier of the land to cut or remove that vegetation.*** A ratepayer can require HBRC to make such an order by making a written request that it do so and then applying to the District Court if the Council does not comply with that written request within 28 days.
40. **Pre-conditions:** From case history councils need to be aware that there are matters to consider before making an order under section 62 of the Act
 - 40.1. The watercourse must exist
 - 40.2. There needs to be an obstruction in that watercourse
 - 40.3. The obstruction must be likely to impede the free flow of water in the watercourse; and
 - 40.4. The local authority must have formed the opinion that the obstruction is likely to cause damage to property in the district at the time it makes the order.
41. The local authority's powers under section 62 are not restricted to cases of deliberate obstruction of watercourses or drains. Evidence of past damage can be offered by the Council as evidence that future, similar damage is likely. If, when hearing an appeal, the Judge considers that no damage is likely to be caused to any property, the appeal will almost certainly be allowed.

Summary of what HBRC can do under the Act

42. The Council has powers to make orders requiring the removal of vegetation within a distance of 3 metres of the margins of a watercourse. Before making that order, it must be satisfied that each of the pre-conditions listed in paragraph 34 have been met.
43. While the Council has the power to make such order, it is not obliged to do so unless it receives a written request to make such an order from a ratepayer. That notice must specify the properties which would be subject to the order.
44. The only reason that the Council might not comply with that written request is if it was not satisfied that the pre-conditions in paragraph 34 above had been met. Even in that situation, the better course might be to order the removal of the vegetation so that the Council is seen to be complying with the written request made by the downstream property owner (or owners). If it does not act, it is likely to be criticised for that failure, particularly if there are further flood events during which vegetation is swept downstream and causes damage to those properties.

Implications for HBRC

45. The Act does not necessarily require occupiers to keep the waterways clear of obstructions. If an order is served on an owner or occupier of land requiring them to remove obstructions they should comply with that order.
46. Any such order should be served on the occupier. If the land is vacant then it should be served on the owner. ***It does not matter if the land is within a managed flood control or drainage scheme.***
47. If the land is Crown land administered by HBRC and HBRC is the occupier, it is no different to any other occupier. If trees on HBRC administered land are contributing to flooding problems downstream that are likely to cause damage to property, HBRC should do something about that in order to avoid any argument that it might be liable for the damage caused by that flooding.

48. Potentially this is an issue for HBRC. We have 1196 km of Crown river land under our administration and 90 km of river land owned by HBRC. We have not, and probably cannot (readily) determine how much of this could potentially be likely to cause damage to property. Often we have no means to access, or access is difficult. There is no means by which to recover costs from the Crown. This burden must fall back on the ratepayer(s) and the required work must be affordable.
49. There are two limited funding sources (HBRC Projects) that can assist with clearing up vegetation and obstructions.
 - 49.1. Project 251, Subsidised Investigations and Minor Projects. This is for work where there is **a clearly defined beneficiary and an element of public good**. Any work is 70% cost recovered. Council contributes 30% of the cost of the work up to a maximum of \$5,000. The budget is currently set at \$130,000. In recent past years the budget has not been fully spent.
 - 49.2. Project 277 and 278 (Northern and Southern Rivers and Streams Schemes). These schemes are for work where there is **no clearly defined beneficiary and a public good benefit**. The Northern area has a budget of \$160,000 and in the previous 3 years has been fully spent or over budget. The Southern area has a Budget of \$230,000 and in the previous 3 years has fluctuated between over budget and under budget.
50. The above schemes are not set up to provide for flood protection, other than where tree removal might help reduce loss. In areas such as Rissington where flood protection is sought, it should be provided where it is practicable, the community approve an appropriate scheme, including ongoing maintenance, and there is a rating base on which to fund the scheme.

Decision Making Process

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

Recommendation

That the Environment & Services Committee receives the “HBRC, TLA and Private Landowners' Obligations for Maintaining Waterways” staff report.

Authored by:

Gary Clode
MANAGER REGIONAL ASSETS

Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE

Wednesday 14 November 2018

**Subject: HOTSPOTS ENVIRONMENTAL & FRESHWATER IMPROVEMENT
FUNDED PROJECTS NOVEMBER 2018 UPDATE**

Item 13

Reason for Report

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

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

Project vision

2. "To restore the mauri of Lakes Tūtira, Waikōpiro, and Orakai, making place that families can happily return to, and where children can swim". By empowering and aligning community, implementing well-researched actions now, the goal of restoring the mauri of Lakes Tūtira and Waikōpiro, making them swimmable by 2020, is achievable and realistic.

Project objectives

Objective one	Iwi/hapū, Māori landowners, farmers, community and local authorities are aligned in their vision for Tūtira through establishment of an Integrated Catchment Management Plan (ICMP) and Farm Environmental Management Plans.
Objective two	Maungaharuru-Tangitū Trust (MTT) will develop and establish a cultural monitoring programme (CMP) and will support the water quality education program in Tūtira.
Objective three	The Papakiri Stream will be reconnected to Lake Tūtira, and an outlet will be created by 2021 at the southern end of the lake complex, to provide longitudinal flow and fish passage, improving the mauri of the lake.
Objective four	Sediment mitigations will be established at critical source areas within the Kahikanui and Te Whatu-Whewhe sub-catchments, reducing sediment entering the lake system.
Objective five	An aeration curtain is installed in Lake Tūtira, improving the water quality to a swimmable level.

3. The Project Manager is Te Kaha Hawaikirangi.

Project progress update

4. Project Te Waiū o Tūtira formally started on 22 March 2018.
5. The Project Team (PT) and Project Governance Group (GG) continue meeting on a regular basis. Two community meetings have also been held updating local residence on the projects progress.
6. The Tūtira Integrated Catchment Management Plan (ICMP) is in draft ready for a second round of workshops with the Tūtira community, this meeting will take place in December. Discussions are also underway with regards to the ownership of the ICMP as this plan will continue past the projects life span. It is envisaged to be held by a community lead group, perhaps a similar representation make up to the Te Waiū Governance Group.
7. Monitoring of the Waikōpiro air curtain will continue over this coming summer period. This will inform the Project Governance Group as to whether we install an air curtain in Tūtira next year, or whether we require investigation into alternative mitigation devices. Due to the loss of oxygen in Lake Waikōpiro last year, Council will install an additional

device (floating surface aerator) which assists in oxygenation of the water body alongside the air curtain, this device will only be used if required.



Picture: Floating surface aerator

8. The first of many FEMPs are completed. These plans have set the template for all FEMPs within the Tūtira catchment which will be delivered to landowners over the next year. Meetings with Beef and Lamb, Fonterra and Forestry representatives are positive with a keen interest to work collaboratively on delivering FEMPs within the Tūtira catchment. An example of this is a joint FEMP workshop with Beef and Lamb scheduled for this December.
9. The sediment control plan for the Kahikanui and Whatuwhe catchment (HBRC Forestry harvest catchment area) is in the process of revision, feedback from the Governance Group has resulted in key changes from the proposed plan. Site visits with engineers and Governance Group members agreed to changes and to amend the plan. Due to these amendments and the limited availability of engineers, this has delayed the construction of the sediment traps. The original completion date works was scheduled for completion this side of the year. The new timetable is to complete the amendments and confirm contractors for works to start first thing in the New Year.
10. Planting around Lake Tūtira is complete, a total of 34,000 native plants have gone in around the lake. An ongoing maintenance regime will be required for the next 3 years to ensure a high rate of survivability.
11. Investigation into the Southern Outlet proposed to connect Lake's Waikōpiro and Orakai by drilling under State Highway 2 is underway. An Assessment of Environmental Effects and Cultural Impact Assessment will be completed by June 2019. Some of these effects include lesser flows through the Mahiaruhe stream and Hydrilla movement.

Project budget update

12. The total project cost is \$3.35m. The total expenditure for Year 1 totalled \$213,242.58. Year 2 budget estimated is \$1,132,735.37. The main project expense for the 2018-19 financial year is the construction of sediment traps. Other key deliverables include the completion of the ICMP, developing Farm Environment Management Plans and distributing the first round of funding from the project's catchment subsidy scheme to assist landowners deliver actions within their FEMPs.

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

Project Objective

13. To revitalize Whakakī Lake while supporting sustainable land use. Our goal is to help the water recover so tuna are fit for consumption and people can swim safely. Project Manager: Nicolas Caviale-Delzescaux (Nic).

Project progress update

14. HBRC's \$200k Hot Spot Whakaki funding (over 5 years, totalling \$1m) is HBRCs contribution towards MfE's Freshwater Improvement Fund. As part of this process HBRC are required to secure all relevant project resource consents prior to submitting

our Stage 2 FIF application to MfE. MfE have extended our submissions deadline to April 2019.

Resource consent consultation process

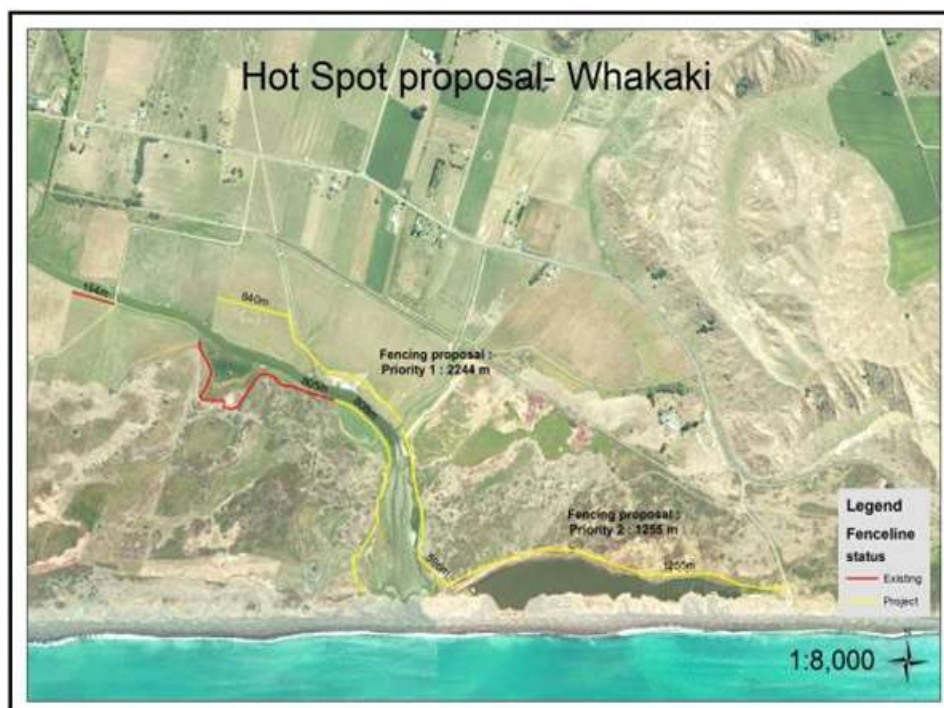
15. Prior to submitting an application for resource consents, over the last six months HBRC staff have been focused on community engagement. There have been many positive meetings, discussions, presentations with the Whakakī community on the future Whakakī Lake, and the proposed project deliverables in the FIF Whakakī application. Now we are meeting with affected parties to obtain their support. If we cannot get all affected parties to support our resource consent application, it is most likely that this application will not proceed.
16. We require five consents across our proposed project deliverables, as follows.

Deliverable	Consents required
Waikatuku alignment	Water take diversion consent
Weir	Land use structure consent
Recirculating wetland	Surface water take consent, Disturbance consent, Discharge contaminants to water consent

17. Hawke's Bay Regional Council has contracted Mana Tomlins of ManaHuia Ltd to help facilitate the application process for resource consents. Her role is to arrange meetings with landowners of the Māori land blocks directly affected by the three key deliverables that require resource consent.
18. Mana and project manager Nic are working together to consult with all affected parties around the wider Whakakī ui a Rua. The aim is to meet all affected parties and obtain their support prior to submitting a resource consent application, by the end of October.

Whakakī/Hereheretau Station - Riparian fencing and weed control

19. Discussions are underway with Hereheretau Station Farm Manager and the Whakakī Lake Trust, to build 1km fence along the Rahui channel. Hereheretau Station has agreed to spray the Pampas on the sand dunes, which will help our riparian planting programme.

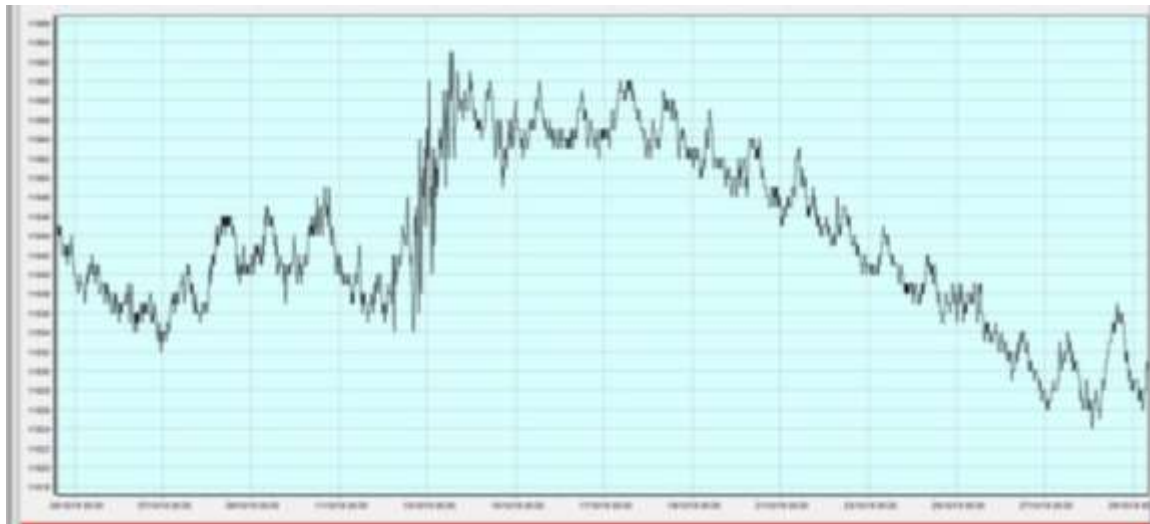


Water monitoring platform

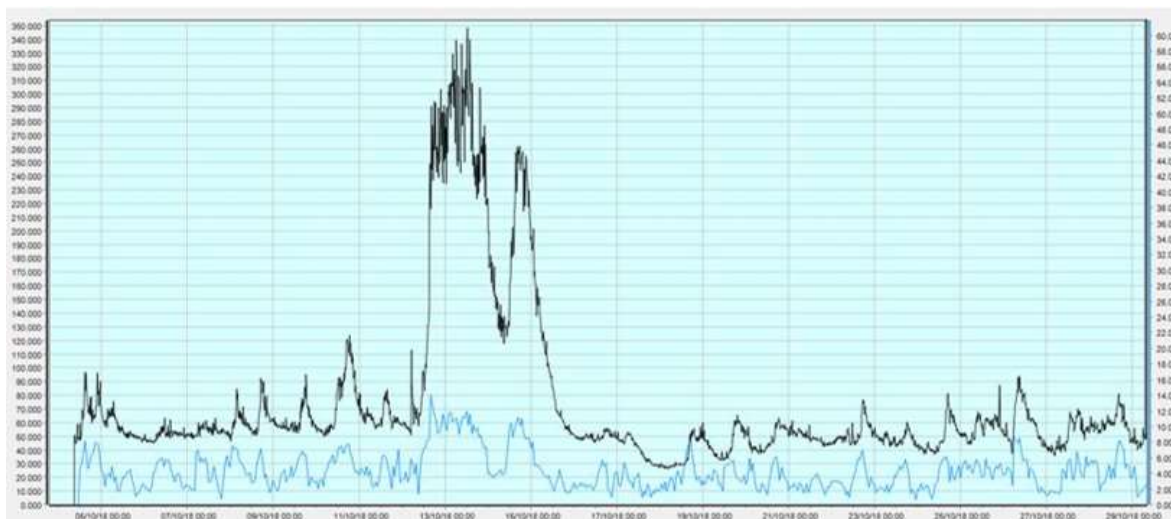
20. To restore Whakakī Lake, we need better data on lake levels and water quality to help us make informed decisions, understand patterns, and predict changes. Our Napier-based HBRC technicians would drive to Whakakī to collect water samples and check lake levels. Early October HBRC's technicians successfully installed a monitoring platform into Lake Whakakī. Real-time data on water level and water quality is now collected automatically and is sent back to our base in Napier over the cellular network.
21. This technology creates a valuable data record, and provides automatic alerts for high lake levels, or high levels of algae, which could endanger aquatic life and affect recreational use. Our intention is to provide this information to the public via our suitable dashboard on our website.



22. This graph below shows water level data collected from the monitoring platform. Each vertical line shows every second day, starting 6 October through to 29 October 2018. We can see how quickly the water level drops, and worryingly it is only October. We expect this drop to be much steeper during hotter months. This reiterates the need water levels to be high when approaching summer.



23. Furthermore, below is another example of how this monitoring platform proves valuable as a tool to support decision making for timing lake openings to maximise flushing benefits. This graph shows wind speed (bottom line) and turbidity (higher line).



Whakaki bar opening

24. The forced closure trial was as successful as we could have hoped, but it highlighted how difficult it is trying to shut the lake at a moderately high level. When the water is higher than 11.5 metres, the outflow through the opening is significant. The only chance to manually stop it is on a high tide, when the sea conditions are favourable. This means there is a narrow window each day to attempt to manually close the opening – and if the lake has already drained down lower than desired when the tide is right, this is undesirable but is not something we can manage. On this occasion, the lake was able to be manually closed at about 11.25 m. Fortunately, there was enough water in the catchment and further rain to mean the lake is still sitting above 11.6 m, and we are fortunate to still have a high lake level going into summer. The proposed weir will remove this uncertainty and make lake level management far more predictable and effective.



Whakaki 2N: Nga Whenua Rahui assistance

25. Several meetings have occurred between Whakaki 2N and Nga Whenua Rahui (NWR). NWR was offering to assist the transition of Whakaki 2N land use from pastoral farming operation towards a more environmentally friendly venture. At this time 2N have declined this offer. We will continue to work with them on their aspirations for their land. This does not impact the Hotspot/FIF project in anyway.

Manuka trial establishment

26. On 19 September 700 Manuka plants were planted in the newly fenced off area around Lake Te Paraoa (Whakaki 2N). This Manuka trial was sponsored by Manuka Farming NZ who donated 4 out of the 5 variety of trees established. The aim of this trial is to work out where it was technically feasible to establish young Manuka seedlings in an area of fluctuating lake water levels. The contours selected offer a wide range of moisture levels but overall the sites are in a flood prone area.
27. We know that Manuka can grow in wet soils but ultimately the challenge will be to see if they can flourish in wet environments. Close monitoring will be carried out to measure survival rates and evaluate the possible ranges in size growth for this trial. In addition, 450 flaxes and cabbage trees have been planted to complement the Manuka trial.
28. Harakeke have been sited in a way that will provide shelter to the Manuka plantation in the future. This trial will provide us with a lot of important information that will help influence the way we make decisions about our future planting programme. We acknowledge the support of the Whakaki 2N Committee, Manuka Farming for their tree donation and James Powrie for providing their expertise.

Hare control

29. Gary Bowcock, Rural Pest Services, has completed a two-night hunt around the Iwitea area. The aim of this work was to protect our Manuka trial site as hares love cutting young trees down. Gary achieved an amazing result thanks to his night shooting scope and his very good knowledge of the area. The numbers speak for themselves-in two nights Gary shot 57 hares. Gary stated this was one of the worst infestations he has ever seen in his career. He also said, "it is surprising to find such a large population of hares considering there is not a huge amount of food source in the area". Gary explained that the wet weather and associated wet ground drove the hares on drier grounds such as the sand dunes, which made the control work more confined to one area and therefore it was so successful. We will carry out a follow up control campaign in March 2019, before the planting season starts. This also reinforces our approach broadly across any revegetation project to ensure appropriate pest control activities occur prior to any planting.

Hill country work

30. On the 26 September 2018, interested Hill Country farmers from the Whakakī Catchment gathered at Nick Broad's woolshed to discuss what makes up a good Farm Plan. Lachie Grant from LandVision, one of NZ's leading Farm Plan providers, explained how Farm Plans not only covered environmental and erosion aspects of the farm, they also highlight the farm's resources and how to make the most of them.
31. Examples Farm Plans were shared, including Hereheretau Station's Farm Plan, which farmers could easily relate to. Despite this being a busy time on the farm this event was well supported, with those attending agreeing that Farm Plans would be a useful tool for future decisions on their farms. All farmers were eager to get a farm plan done on their property.

Bird monitoring

32. On 24 & 25 October, DoC, HBRC and volunteers carried out a comprehensive bird survey around the Whakakī Nui a Rua complex. This information will be a baseline to monitor the impact of future restoration initiatives. The data collected could be used for a Convention on Wetlands (Ramsar Convention) classification as well. We expect the data to be released in the next few weeks.

Community blog and newsletter

33. A community blog 'Freshwater Improvement Whakakī, created and maintained by Nicolas Caviale-Delzescaux, is generating a real momentum with an increasing number of visitors (695) mainly from NZ and Australia. Our viewing records are increasing to 3924. Several video clips have been uploaded and explain various activities happening on the ground.

34. To further our reach into the Whakakī community a newsletter was created and distributed amongst the community in September, to provide an update on local activities. These will be published every six months.

Hot Spot: Lake Whatuma

35. Lake Whatuma is an important habitat for wildlife, but has poor water quality at times because of sediment and bird life. It can have low water levels in dry periods, and plant and animal pests' impact on habitat health.
36. This year our focus is on collaborating with tangata whenua, and other key stakeholders, to establish options for Lake Whatuma. We want to help create a foundation that will provide a platform for establishing a shared vision and collaborative decision making, to pursue potential actions for enhancing Lake Whatuma.
37. This collaborative approach has been agreed, in principal, with iwi and key stakeholders. From this, HBRC have contracted Phil McKenzie, Change for Good Consulting, to facilitate further discussions.

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

38. Project vision: 'To work with Mana Ahuriri and associated hapu, Napier City Council, Hastings District Council, Department of Conservation, other landowners and businesses in this area - a national treasure - to clean up water entering the estuary, remove pests and restore the environment to good health.'

Project objectives

Objective one	To restore water flow between the upper and lower estuary by removing patches of <i>Ficopomatus</i> that have formed weirs bunding the estuary.
Objective two	Working with landowners to reduce sediment and nutrient input into the catchment waterways and ultimately, the estuary through subsidising fencing and planting.
Objective three	Undertake a significant 'whole of stream/estuary mouth' restoration to improve water and habitat quality and improve fish access.
Objective four	Water movement and contaminant transfer will be modelled; information to support understanding environmental flow requirements will be gathered.

39. The Project Manager is Te Kaha Hawaikirangi.

Project budget update

Budget	Deliverables
\$20k	<i>Ficopomatus</i> removal
\$80k	Potential Wharerangi Stream Ecological Restoration
\$60k	Catchment works
\$40k	Catchment Hydrology
\$200k	

Ficopomatus removal

40. A further 30 tonnes of *Ficopomatus enigmaticus* was removed from the upper estuary in August 2018. The area removed had created a restriction to water flow along the western edge of the estuary, the total bund has now been removed and water flow appears much improved.
41. Work is underway to estimate the volume of tubeworm in the estuary to improve assessment of the impact of removals.



Wharerangi Stream Ecological Restoration

42. To work with landowners to establish an ecological restoration plan, and undertake works to improve this system for better flood, water quality and ecological outcomes. Two of the priority sites include Rotowhenua and an original standing native forest identified through the ecosystem prioritisation work as a site of significance.

Catchment works

43. Continue to work with landowners to support areas identified in the Ahuriri Catchment Land Action Plan, focusing on mitigating landslide erosion (the major long-term source of sediment) and streambank erosion (the regular and short-term source), and to encourage riparian fencing and planting.

Catchment Hydrology

44. Work is ongoing with the Ahuriri SOURCE model development to identify water pathways and contaminant transfer mechanisms to support management of nutrients and bacteria.

Hot Spot: Marine

Project vision

45. To increase our understanding of our marine environments and how they operate to promote a healthier more resilient Hawke's Bay Marine environment.

Project objectives

Objective one	To identify the extent, structure and qualitative assessment of biological composition of the Wairoa Hard; Springs Box, Clive Hard and Southern HB subtidal reef system (to be defined).
Objective two	To characterise current and historic Hawke Bay sediments and sediment sources, and assess levels of variability.
Objective three	To work with landowners in identified as sources of sediment, nutrients and physical disturbance to encourage riparian fencing and planting.

46. The Project Managers are Anna Madarasz-Smith and Oliver Wade

Project budget update

Budget	Deliverables
\$65k	Subtidal Habitat Investigations
\$95k	Sediment Characteristics and Behaviour
\$40k	Porangahau Estuary Catchment works for Protection and Enhancement
\$200k	

Subtidal Habitat Investigations

47. The Wairoa Hard portfolios have been received from NIWA with interesting features that will continue to be investigated. Benthic habitat assessments will continue over the next 4 months for Wairoa Hard, while habitat mapping is currently being scoped for areas of the Clive Hard and Springs Box.

Sediment Characteristics and Behaviour

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

Catchment works

49. Work is underway with the Central Catchment Group on catchment works to reduce sediment and nutrient inputs into the Porangahau Estuary. A report has been received from NIWA on recommendations for monitoring and land management to protect the isolated area of estuarine seagrass identified earlier this year.

Decision Making Process

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

Recommendation

That the Environment and Services Committee receives and notes the ***“Hotspots Environmental & Freshwater Improvement Funded Projects November 2018 Update”*** staff report.

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Attachment/s There are no attachments for this report

**HAWKE'S BAY REGIONAL COUNCIL
ENVIRONMENT AND SERVICES COMMITTEE**

Wednesday 14 November 2018

Subject: DISCUSSION OF ITEMS NOT ON THE AGENDA

Item 15

Reason for Report

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

Topic	Raised by