HAWKE'S BAY
REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Meeting of the Environment and Integrated Catchments Committee

Date: 6 July 2022

Time: 11.30am

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

Agenda

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: Follow-ups from previous Environment and Integrated Catchments Committee meetings

Reason for Report

1. On the list attached are items raised at previous Environment and Integrated Catchments Committee meetings that staff have followed up on. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been 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 Integrated Catchments Committee receives and notes the *Follow-ups from previous Environment and Integrated Catchments Committee meetings*.

Authored by:

Annelie Roets
Governance Advisor

Approved by:

Chris Dolley
Group Manager Asset Management

Iain Maxwell
Group Manager Integrated Catchment Management

Attachment/s

1⇩ Follow-ups from previous Environment and Integrated Catchments Committee meetings

Follow-ups from Previous Environment & Integrated Catchments Committee Meetings

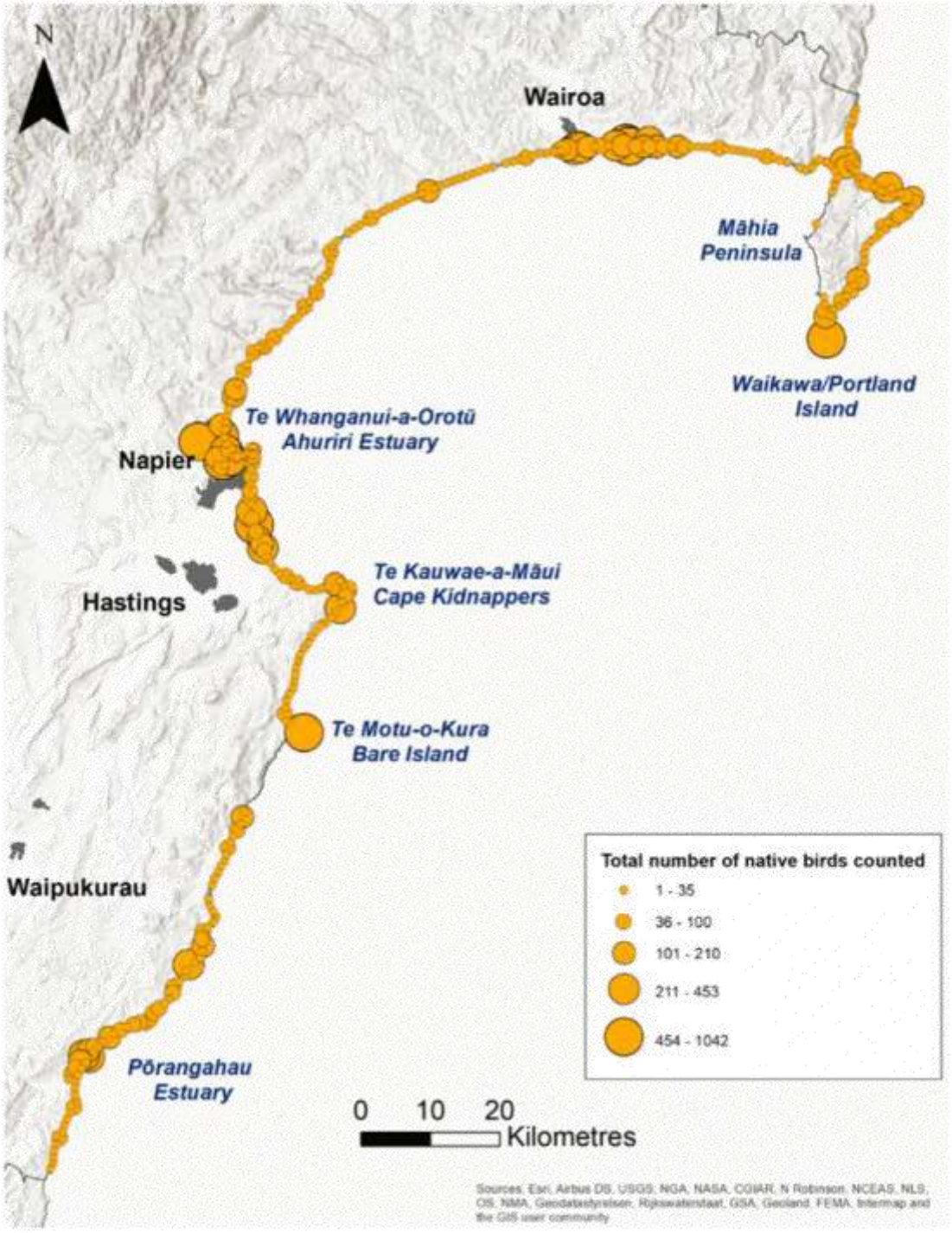
11 May 2022

	Agenda item	Follow-up item	Responsible	Status/Comment
1	Coastal Bird Survey Results	1. Provide the link to the Coastal Bird Survey Facebook live event	B Shanahan	1. https://fb.watch/cY2Qr7gt1M/
2	Coastal Bird Survey Results	2. Circulate full Bird Survey results report to Committee	B Shanahan	2. https://www.hbrc.govt.nz/assets/Uploads/5560-A-baseline-survey-of-the-indigenous-bird-values-of-the-Hawkes-Bay-coastline.pdf?fbclid=IwAR1TWqx0W_JXeKARn6CS1o4kAIVjWkROUtsFVSOASQt-1hKAjjl4NXsIzoM
3	Coastal Bird Survey Results	3. Circulate a map showing indigenous birds.	B Shanahan	3. Map following at Reference 3.

9 March 2022

	Agenda item	Follow-up item	Responsible	Status/Comment
4	Minor items not on the Agenda	Consider a future EICC meeting in CHB, including relevant fieldtrips to the Tukipo wetland and community initiatives	I Maxwell/ C Dolley / Governance	Will be scheduled in at a later stage or in the new triennium.

Reference 3


N
Wairoa
Māhia Peninsula
Waikawa/Portland Island
Te Whanganui-a-Orotū Ahuriri Estuary
Napier
Hastings
Te Kauwae-a-Māui Cape Kidnappers
Te Motu-o-Kura Bare Island
Waipukurau
Pōrangahau Estuary
Total number of native birds counted
1 - 35
36 - 100
101 - 210
211 - 453
454 - 1042
0 10 20
Kilometres
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: Call for minor items not on the Agenda

Reason for Report

1. This item provides the means for committee members to raise minor matters *relating to the general business of the meeting* they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
   2.1. "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision, or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendations

That the Environment and Integrated Catchments Committee accepts the following *Minor items not on the Agenda* for discussion as item 17.

Topic	Raised by

Leeanne Hooper
Governance Team Leader

James Palmer
Chief Executive

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: Ahuriri Regional Park development framework

Reason for Report

1. This item seeks the Committee's recommendations to the Regional Council for the establishment of a joint committee to provide governance guidance and oversight for the development of Ahuriri Regional Park.

Officers' Recommendations

2. Regional Council staff recommend that the Committee reviews and considers the information provided about the establishment of the Ahuriri Regional Park Joint Committee and provides feedback, including on the proposed Terms of Reference, to enable Council's agreement to establish the joint committee.

Background /Discussion

3. The Ahuriri Regional Park Working Group (ARPWG) was formed in June 2020 to develop a concept that was identified in Napier City Council's Ahuriri Estuary and Coastal Edge Masterplan (2018) into a project suitable for funding via the Long Term Plan (LTP). This Working Group consisted of members from Napier City Council (NCC) and Hawke's Bay Regional Council (HBRC), and worked closely with the yet to be formalised Te Komiti Muriwai o te Whanga (Te Komiti) to ensure the project was consistent with the vision set by Te Komiti to deliver enhancements to biodiversity, ecosystems, water quality, and cultural values for the estuary.

4. At the NCC Future Napier Committee meeting on 11 November 2021, the Committee considered a paper from the ARPWG and resolved, in relation to the Ahuriri Regional Park, to:

    4.1. Endorse that the future park to be located at Lagoon Farm be a platform for climate resilience and city sustainability, delivering flood mitigation, stormwater quality, biodiversity and estuarine restoration.

    4.2. Endorse that the boundary of the park currently known as the Ahuriri Regional Park be confined to the legal boundaries of Lagoon Farm (Lot 1 DP 388211).

    4.3. Endorse the preparation of a masterplan for the park currently known as the Ahuriri Regional Park and the appointment of an independent project manager.

    4.4. *Endorse officers exploring options for project governance structures for the purpose of endorsing a draft masterplan (including a multi-party Regional Committee), for consultation to be brought back for Council consideration next year.*

5. With funding being allocated in both NCC and HBRC's LTPs for this project, it is now desirable to establish an appropriate governance structure to support the next phase of the project.

Options

6. On 14 February 2022, representatives of HBRC and NCC met with Mana Ahuriri Trust with the intention of entering into a three-way partnership to progress this project. Options for a governance structure were considered, including:

    6.1. Joint Committee

    6.2. Working Group

    6.3. 50/50 ownership.

7. Although there are pros and cons for each option, the ARPWG considered a joint committee (JC) structure offers the following benefits:

   7.1. Provides a vehicle for true co-governance of the project.

   7.2. JC is able to make recommendations to each partner for decision-making.

   7.3. Provides greater formality for decision-making via established decision-making processes of each partner.

   7.4. Use of JC structure has a proven success record with, for example, the Clifton to Tangoio Coastal Hazards Strategy and Hawke's Bay Drinking Water Governance joint committees.

8. The options available to the Regional Council are to:

   8.1. Agree to establish the Ahuriri Regional Park Joint Committee in partnership with Napier City Council and Mana Ahuriri Trust, including:

      8.1.1. Adopting the proposed Terms of Reference (either as proposed or with immaterial amendments proposed for subsequent agreement by NCC and MAT)

      8.1.2. Appointing councillors Hinewai Ormsby and Neil Kirton as the HBRC-nominated Joint Committee members, and Councillor Martin Williams as the alternate (or appointing alternative JC members).

   8.2. Agree to establish the Ahuriri Regional Park Joint Committee subject to agreement by Napier City Council and Mana Ahuriri Trust to:

      8.2.1. Include additional parties as members of the joint committee

      8.2.2. Make material amendments to the Terms of Reference as agreed by EICC today.

   8.3. Not agree to establish a Joint Committee for the Ahuriri Regional Park project.

Development of the preferred option

9. The Ahuriri Regional Park Working Group (ARPWG) was established to progress the project to the point of receiving funding in the councils' Long Term Plans. Now that this milestone has been reached, options for the governance of the project through its next phase have been considered by the ARPWG, with a Joint Committee being determined as the most appropriate, and an invitation extended to Mana Ahuriri Trust to be equal partners.

10. The Terms of Reference (ToR) establish the 'rules of engagement' and expectations for each party. The ToR is based on the Clifton to Tangoio Coastal Hazards Strategy Joint Committee, and has been through a number of iterations with the Working Group and Mana Ahuriri Trust nominees. The proposed ToR has also received legal review by NCC, with the conclusion that the establishment of this Joint Committee is provided for in the Local Government Act 2002, and there is precedent for it.

11. Councillor Hinewai Ormsby has co-chaired the Ahuriri Regional Park Working Group alongside NCC Councillor Annette Brosnan. Councillors Neil Kirton and Martin Williams have also been involved as members of the Working Group. Nominating these HBRC representatives to form part of the Joint Committee is intended to ensure continuation of governance oversight from the inception phase through to the project's planning phase.

12. The purpose of the Terms of Reference) is to define the responsibilities of the JC as delegated by the partner councils (NCC and HBRC) under the Local Government Act, and to provide for the administrative arrangements of the JC. The ToR establishes:

   12.1. the number of JC members from each partner

   12.2. the purpose of the JC and its decision-making delegations

   12.3. how the JC will work alongside Te Komiti Muriwai o te Whanga

   12.4. matters relating to administrative support, including meetings, voting, remuneration, leadership, and reporting.

13. It is proposed that the JC is made up of two elected members each representing NCC and HBRC, and four members from Mana Ahuriri Trust. Each partner entity is also invited to nominate one alternate representative. This represents a true and equal partnership between the councils and Mana Whenua.

14. Mana Ahuriri Trust Board will be considering a similar paper to adopt the Terms of Reference on 30 June 2022, and has nominated their members, who are:

    14.1. Tania Eden

    14.2. Allana Hiha

    14.3. Chad Tareha

    14.4. Maree Brown

    14.5. an alternate yet to be decided.

15. The two elected members nominated by the NCC Future of Napier Committee on 16 June 2022 are councillors Annette Brosnan and Keith Price, and Councillor Hayley Browne as alternate.

16. The two elected members recommended to be nominated to represent HBRC are councillors Hinewai Ormsby and Neil Kirton, and Councillor Martin Williams as the alternate.

Issues

17. Currently Lagoon Farm is in freehold title and solely owned and managed by NCC. It has been earmarked for future stormwater detention for the City. Entering into a partnership of this nature will mean that future development of this site may be significantly influenced by Ahuriri Regional Park JC recommendations. The purpose of the JC is to make recommendations, with decisions still lying with each Partner where these have the delegated power to do so.

18. Parties to the JC may seek to make changes to the ToR as they move through the process of approving them. The resolution of the Future of Napier Committee was:

    18.1. Approve in principle the Terms of Reference for the Ahuriri Regional Park Joint Committee (Doc Id 1471630), allowing for minor inconsequential changes being made by each partner as required

19. If the Regional Council approves the proposed ToR in principle, allowing for minor, inconsequential changes to be made, then the ToR can proceed unhindered. However, if the Regional Council requests more substantial changes, the ToR will need to be referred back to both NCC and MAT for agreement prior to proceeding, and require further consideration and resolution at a future Regional Council meeting.

20. Legal advice sought by NCC on the ToR concluded that, on balance, the Local Government Act 2002 provides for the ability to form a JC with both Council partners and mana whenua entities, and that there is precedent in doing so. Clarity on the powers delegated to the JC (and those that aren't) is essential for ensuring clear expectations from all parties, and the ToR has been drafted accordingly.

Significance and Engagement Policy Assessment

21. All Partners acknowledge that there are a significant number of stakeholders in the establishment of an Ahuriri Regional Park, and that the project team, once established, will work closely with these stakeholders throughout the course of the project and beyond. As noted in the Joint Committee Terms of Reference, the Project Manager, once appointed, will report to Napier City Council and its Partners on a regular basis in relation to the project itself.

22. The NCC Significance and Engagement Policy provides clarity on how and when the community can expect to be engaged, depending on the degree of significance of the issue, proposal and decision. The formation of a Joint Committee and its accompanying ToR do not meet the criteria under this Policy for consultation.

23. The NCC Policy further states that while Lagoon Farm is not listed as a Strategic Asset, decisions made in relation to the future use and development of the property may have a high level of community interest. In addition, should part of the property be used as an integral part of the city's stormwater network (e.g. retention areas) in the future, then this would be classed as a strategic asset and may require public consultation.

24. It is worth noting that the concept of the Ahuriri Regional Park has already been through both of the NCC and HBRC LTP public consultation processes.

Financial and Resource Implications

25. NCC is the Council that will facilitate the Joint Committee under its policies and processes

26. The Terms of Reference specifies a 50/50 NCC HBRC split of costs associated with remunerating the Mana Whenua partners to the Joint Committee.

27. The HBRC Council Meetings Remuneration Policy is applicable to the remuneration of non-elected Council officials. NCC does not have an applicable policy, and so the ToR adopts the HBRC Policy. A copy of the HBRC Policy for Reimbursement for Project Meetings and Travel is **attached**.

Social & Policy

28. The Ahuriri Estuary and Coastal Edge Masterplan (NCC) identified the exploration of the regional park concept for Lagoon Farm, including stormwater management and enhancement of biodiversity and cultural values, as an initiative of priority. The concept gained significant support from stakeholders and the wider public. It was clear early on that partnership with Te Komiti Muriwai o te Whanga was essential as the project would be a significant contributor to delivering on the purpose of Te Komiti, and the masterplan would operate alongside Te Muriwai o te Whanga Plan for the wider estuary catchment. Co-governance with HBRC and Mana Ahuriri Trust is a commitment to working collaboratively from the very outset and at all levels.

Risks

29. As noted above, the primary risk is in relation to entering into an equal partnership with both NCC and MAT in a manner that the JC can make recommendations on the future use and development of a Napier City Council-owned asset. It is noted however, that the ToR afford the power for the JC to make recommendations only, and that the decision-making power still lies with each Council and the MAT Board in terms of their respective interests.

Opportunities

30. The risks of establishing a Joint Committee for the Ahuriri Regional Park project cannot be considered without also highlighting the opportunities. This project, and the governance structure established to guide and support it, is an opportunity to tangibly work in partnership toward common goals on a project that will benefit everyone. There will no doubt be challenges along the way that will test the resolve of the partnership, but each Partner has committed to working through these in good faith, and as a result there is significant opportunity to strengthen our ties and reach out to all corners of the community to deliver what will be a legacy project for the region.

Other Considerations

31. As with all committees, the Ahuriri Regional Park Joint Committee (ARPJC) will be discharged at the end of September 2022 ahead of the local elections and subsequently re-established by agreement between Napier City and Hawke's Bay Regional councils as part of their new 2022-2024 governance structures.

32. Alternatively, NCC and HBRC could each resolve that the ARPJC is not discharged under LGA Schedule 7 s30(7) and that replacement members for each of the councils will be appointed following the election. In this case, mana whenua members' membership would be unaffected.

Decision Making Process

33. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:

    33.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.

    33.2. The use of the special consultative procedure is not prescribed by legislation.

    33.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

    33.4. The establishment of a Joint Committee is provided for by LGA clause 30(1)(b).

    33.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

1. That the Environment and Integrated Catchments Committee receives and considers the *Ahuriri Regional Park development framework* staff report.

2. The Environment and Integrated Catchments Committee recommends that Hawke's Bay Regional Council:

    2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

    2.2. Agrees to the establishment of the Ahuriri Regional Park Joint Committee

    2.3. Adopts the Terms of Reference as proposed, allowing only for minor immaterial changes

    2.4. Appoints councillors Hinewai Ormsby and Neil Kirton as the Regional Council's Joint Committee representatives, and Councillor Martin Williams as the alternate.

Authored & Approved by:

Chris Dolley
Group Manager Asset Management

Attachment/s

1⇩ Ahuriri Regional Park Joint Committee Terms of Reference

2⇩ Policy for Reimbursement for Project Meetings and Travel

Ngā whakataunga mō ngā whakapuakitanga

Terms of Reference

Ahuriri Regional Park Joint Committee

Tā mātau manawanui

Our Commitment

The Napier City Council (NCC), Hawke's Bay Regional Council (HBRC), and Mana Ahuriri Trust (MAT) wish to partner on the Ahuriri Regional Park (ARP) project in a manner that works towards restoring the health and wellbeing of the Ahuriri Estuary through rangatiratanga/co-governance.

Both Partner Councils recognise kaitiakitanga of Ngā Hapū o Ahuriri, duly mandated through Te Komiti and at all times, will fully engage with Te Komiti both through its representative and as a group to seek guidance and to coordinate with the ARP Joint Committee on matters relating to Te Komiti's wider catchment plan (SO486367) as we work through the development of the ARP.

1. Kōrero Tuku Iho ♦ Historical Account

1.1 In the decade after the 1851 Ahuriri purchase, Ahuriri Hapū continued to occupy and use Te Whanganui-ā-Orotū in accordance with their tikanga. At this time Pākehā settlement had little impact on Te Whanganui-ā-Orotū.

1.2 In 1860 the Crown vested in the Hawke's Bay provincial government for the purposes of harbour development. The vesting empowered the Provincial Superintendent to develop harbour facilities to facilitate trade and commerce.

1.3 In 1874 Parliament passed legislation that set aside all of Te Whanganui-ā-Orotū as an endowment for a harbour board. Parliament established the Napier Harbour Board the following year. The Board's 12 members were prominent Hawke's Bay sheep farmers and businessmen, and none was a member of Ahuriri Hapū. Further legislation made Te Whanganui-ā-Orotū increasingly available for developments led by the Board.

1.4 Harbour development works had a negative effect on the ecology of Te Whanganui-ā-Orotū. In 1920 Māori witnesses told the Native Land Claims Commission that dredging had made Te Whanganui-ā-Orotū salty, and that freshwater fish species had been replaced by saltwater species. According to one witness Māori had been unable to catch eels and other freshwater fish from the early twentieth century, and pipi beds had been smothered by reclamation. In addition, Te Whanganui-ā-Orotū and the Ahuriri estuary were polluted by sewage and factory effluent.

1.5 On 3 February 1931 a major earthquake hit Napier. The earthquake raised parts of the bed of Te Whanganui-ā-Orotū. Much of its waters emptied into the sea, leaving about two-thirds of the bed exposed.

1.6 According to legal advice obtained by the Crown after the earthquake, title to the newly- raised portions of Te Whanganui-ā-Orotū belonged to the Napier Harbour Board under the endowment provided for in the Napier Harbour Board Act 1874.

1.7 On 3 May 1934 the Napier Harbour Board agreed to lease 7,595 acres of Te Whanganui-ā-Orotū to the Crown for a 21-year period and the Crown commenced drainage and reclamation work in June 1934. The Crown also commenced farming operations on reclaimed areas of Te Whanganui-ā-Orotū.

1.8 By June 1937 the Public Works Department reported that 2,000 acres of Te Whanganui-ā-Orotū had been completely drained and drainage of a further 2,000 acres was well advanced.

1.9 In 1945 Parliament passed legislation that provided for certain areas of Napier Harbour Board land to be sold and leased to the Napier Borough Council for the expansion of urban Napier.

1.10 Throughout the third quarter of the twentieth century reclamation and subsequent alienations by the Harbour Board provided land for residential, industrial and recreational developments in Napier. The Napier Borough Council developed the Hawke's Bay Airport on reclaimed land that included islands taken under public works legislation in 1939. The Crown also developed the Ahuriri Farm Settlement on reclaimed land.

1.11 Nine islands were explicitly excluded from the endowment of Te Whanganui-ā-Orotu set aside for harbour development in 1874. After the earthquake the islands became surrounded by dry land. The Napier Harbour Board Empowering Act 1932-33 empowered the Native Land Court to vest in trustees six islands that were still Māori customary land.

1.12 In 1936, on the application of the Napier Harbour Board, the Native Land Court ordered the appointment of six trustees for the islands (approximately 20 acres in total). On 23 May 1939 the Board published a notice of intention to take the islands under the Public Works Act 1928.

1.13 Hori Tupaea lodged an objection but, for reasons that are unclear, it appears that no hearing occurred. On 6 October 1939 the Governor-General proclaimed the islands as taken and vested in the Napier Harbour Board. When the deadline for compensation claims expired on 16 November 1944 the Māori trustees had not filed a claim and so no compensation was paid.

1.14 In 1916 Hiha Ngarangione (of Ngāti Hinepare) and Oriwia Porou applied to the Native Land Court for an investigation of title to Te Whanganui-ā-Orotū, and based their claim on descent from the tipuna Tāwhao. The Court dismissed the case on the basis that Te Whanganui-ā-Orotū was not Māori customary land and therefore not within its jurisdiction.

1.15 In 1916 the Department of Lands and Survey asked the Solicitor-General for his advice on whether the Crown held title to Te Whanganui-ā-Orotū. The Solicitor- General concluded that the wording of the 1851 Ahuriri deed did not include Te Whanganui-ā-Orotū within the boundaries of the purchase and that the boundary shown on the plan attached to the deed had been drawn in error. However, the Solicitor- General found that this was of no material importance because Te Whanganui-ā-Orotū was tidal and the Court of Appeal had determined that Māori customary title did not apply below the high water mark.

1.16 In 1920 the Crown established a Native Land Claims Commission to inquire into a number of petitions relating to Māori land, including a 1919 petition regarding Te Whanganui-ā-Orotū. The Commission found that the boundaries described in the 1851 Ahuriri deed "skirt along the interior line of the harbour, but do not include it." However the Commission found that the Crown had made it clear to Māori that it was purchasing Te Whanganui-ā-Orotū in 1851 through references to "moana" in the deed, though it expressed doubt that Māori appreciated the full effect of the dealing when they signed.

1.17 In 1924 Te Wahapango of Ngāi Te Ruruku and eighteen others petitioned Parliament again. The petitioners reiterated their argument that Te Whanganui-ā-Orotū was not included within the boundaries of the Ahuriri purchase, and appealed to the Treaty of Waitangi as a guarantee of their fishing rights in Te Whanganui-ā-Orotū. The Native Affairs Committee reported that the petition should be referred to the Government for consideration but no Crown action resulted.

1.18 In 1932 Hori Tupaea of Ngāti Paarau and Ngāti Hinepare and four others petitioned Parliament seeking a share in the benefits accruing from the land upraised from the bed of Te Whanganui-ā-Orotū by the 1931 earthquake. The petition stated that Ahuriri Māori never intended to include Te Whanganui-ā-Orotū in the 1851 transaction. The petition went on to say that as a result of the earthquake Ahuriri Māori had "lost all that remained to them, and have nothing to represent the rights which they formerly had and which they were always so anxious to preserve."

1.19 The Native Land Court inquired into the petition in 1934. Counsel for the petitioners argued that Te Whanganui-ā-Orotū belonged to Māori when the Treaty of Waitangi was signed. Accordingly, article 2 of the Treaty applied to it. Counsel for the petitioners also reiterated the argument that Ahuriri Hapū had not sold Te Whanganui-ā-Orotū to the Crown in 1851.

1.20 The Crown argued that Te Whanganui-ā-Orotū had been included in the Ahuriri purchase, as it was included within the boundary apparently illustrated on the plan exhibited when the Ahuriri deed was signed. The Crown also argued that even if Te Whanganui-ā-Orotū had not been included in the purchase, ownership had transferred to the Crown automatically by virtue of the common law because Te Whanganui-ā-Orotū was an arm of the sea. Hapū argued that this was a fresh water lagoon and was never an arm of the sea.

1.21 The Māori Land Court did not issue its report until 1948, after further petitions from Ahuriri Māori. The report focused on two questions: whether Te Whanganui-ā-Orotū was included in the 1851 Ahuriri purchase, and whether Te Whanganui-ā-Orotū was an arm of the sea as at 1840. The Judge who wrote the report found that the Crown had only purchased the small, tidal harbour adjacent to the Ahuriri opening. He concluded that the Court had insufficient evidence to decide the arm of the sea question, though there was "some fairly strong evidence" that Te Whanganui-ā-Orotū was originally a fresh or brackish water lagoon.

1.22 In 1949 the Prime Minister visited Napier. Ahuriri Hapū later testified that they declined his offer to return 4,500 acres in the northern half of Te Whanganui-ā-Orotū because they wanted the entire area returned to them. According to Ahuriri Hapū, one kaumātua said to the Government at the time, "If you're ready to give us the northern end, then surely we must also own the southern end." In 1951 Ahuriri Māori made further inquiries about the Crown's response to the Māori Land Court's report. The Crown responded that it would not take action until the claimants proved that Te Whanganui-ā-Orotū had not been an arm of the sea.

1.23 In 1955 counsel for Ahuriri Māori asked the Māori Land Court whether it was still willing to receive evidence in support of the 1932 petitioners' argument that Te Whanganui-ā-Orotū was not an arm of the sea as at 1840. The Chief Judge declined, stating that the case must be regarded as closed due to the amount of time that had elapsed since the hearings in 1934 and the release of the Court's report in 1948. A further petition in 1965 and a letter to the Crown in 1972 produced no action by the Crown. The Crown considered the 1948 Māori Land Court report an insufficient basis for Crown action.

1.24 In 1988 the Crown disestablished the Hawke's Bay Harbour Board (previously Napier Harbour Board) and the remaining endowment lands began to be redistributed to other local authorities. That year the seven Ahuriri Hapū lodged the Te Whanganui-ā-Orotū (Wai 55) claim with the Waitangi Tribunal. Following this claim the Ahuriri Hapū Settlement claim commenced. The Mana Ahuriri deed of settlement first began in 2013 and recognises all historical claims of the seven hapū prior to 1992. It settled on 3 March 2022 and includes the legislation for Te Komiti Muriwai o Te Whanga.

2. Whakatakinga ♦ Introduction

2.1 Te Whanganui-a-Orotū is a place of great significance to Ngā Hapū o Ahuriri and is central to the existence and identity of Ahuriri Hapū. It is named after the ancestor Te Orotū who was a descendent of the great explorer ancestor Mahutapoanui who is the very beginning of the Ahuriri Hapū people.

2.2 Since the arrival of European settlers, Ngā Hapū o Ahuriri have been alienated from Te Whanganui-ā-Orotū. This was the result of successive governments' actions including the vesting of land and waters, legislation, and the governance and management of these lands without representation from mana whenua. Throughout this time, Māori leaders have shown great conviction in their efforts to see their kaitiaki status recognised in relation to Te Whanganui-ā-Orotū, though with limited success. It is only comparatively recently that this status has been acknowledged, and we now transition towards rangatiratanga/co-governance supported through legislative reform.

2.3 The Ahuriri Hapū Claims Settlement Act 2021 establishes Te Komiti Muriwai O Te Whanga (Te Komiti) for the purpose of promoting the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of Te Whanganui-ā-Orotū. Its role is to provide guidance and coordination in the management of Te Whanganui-ā-Orotū (Ahuriri Estuary), to local authorities and Crown agencies. Its functions include preparing and approving the Te Muriwai o Te Whanga Plan and identifying the values, vision, objectives, and desired outcomes relevant to Te Muriwai o Te Whanga.

2.4 Te Komiti wants to collaborate with all groups that are focused on the health and wellbeing of Te Whanganui-ā-Orotū to achieve its objectives and its management plan for the Ahuriri Estuary including the surrounding catchment area.

2.5 NCC, HBRC and MAT seek to collaborate with Te Komiti to work towards restoring the mauri of the Ahuriri Estuary that has been critically affected by activities over many decades, within the constraints of the project. The respective Partner Councils and MAT wish to establish a Joint Committee to coordinate the respective projects, initiatives and plans of all Partners to restore the life force of the estuary.

2.6 This ARP Joint Committee is not intended to look at all issues within the broader Estuary catchment. Its focus is on projects and initiatives that NCC and HBRC can directly influence through their own land holdings on and adjacent to 'Lagoon Farm' and service delivery operations. That is, primarily through HBRC and NCC's Infrastructure Directorate and Asset Management Group, and Integrated Catchment Management. The HBRC and NCC regulatory functions provide context for this Joint Committee. Additionally, MAT have influence through the Ahuriri Hapū Claims Settlement Act 2021, the Deed of Settlement, and Te Komiti Muriwai o te Whanga.

2.7 NCC and HBRC are committed to strengthening collaboration of each council's planning and delivery processes, alongside the priorities and projects of MAT and Te Komiti, in order to bring about a step change in the protection, mauri, and enhancement of the estuary. In that context the purpose of the ARP Joint Committee is to make recommendations in relation to the establishment of an ARP serving both that objective and providing significant water quality and biodiversity enhancement and cultural benefits for the community, as well as recreational benefits, while providing for climate resilience and stormwater management.

2.8 NCC and HBRC are both well placed to do this as both provide drainage and stormwater services to Napier through an extensive joint network of open waterways, along with regulatory, reserve and recreation assets and functions. Through MAT the Crown recognises the role of Ahuriri hapū as Kaitiaki of the Ahuriri Estuary and catchment areas. The settlement legislation establishes a permanent statutory committee to promote the protection and enhancement of the estuary and catchment areas for future generations.

2.9 The location of the ARP is currently known as Lagoon Farm, and has a legal description of Lot 1 DP 388211.

3. Ngā whakamāramatanga ♦ Definitions

For the purpose of this Terms of Reference:

3.1 **"Act"** means the Local Government Act 2002.

3.2 **"Administering Authority"** means Napier City Council

3.3 **"Council member"** means an elected representative appointed by a Partner Council

3.4 **"Member"** in relation to the ARP Joint Committee means each Council Member and each Mana Whenua Member

3.5 **"Partner Council"** means one of the following local authorities: Napier City Council and Hawke's Bay Regional Council.

3.6 **"Technical Advisory Group or (TAG)"** means the non-elected technical advisors to the project, who may move in or out of TAG as required.

3.7 **"Te Komiti Muriwai o te Whanga"** means the entity established by section 83 of the Ahuriri Hapū Claims Settlement Act 2021

3.8 **"Te Muriwai o te Whanga"** means the Ahuriri Estuary and catchment areas shown on SO 486367

4. Te ingoa me te mana o te Komiti Hono ♦ Name and status of Joint Committee

4.1 The Joint Committee shall be known as the Ahuriri Regional Park (ARP) Joint Committee.

4.2 The ARP Joint Committee is a Joint Committee under clause 30(1)(b) of Schedule 7 of the Act.

5. Ngā Mema Kaunihera Hoa Haere Kōtui ♦ Partner Council Members

5.1 The two Councils represented within this Joint Committee are NCC and HBRC.

5.2 Each Partner Council shall appoint two Council members and one alternate each to sit on the ARP Joint Committee.

5.3 Each Partner Council shall notify the other Partner Council and the Mana Whenua members in writing of the appointments made.

5.4 Under clause 30A(6) Schedule 7 of the Act, the power to discharge any Council Member on the ARP Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.

5.5 The ARP Joint Committee shall invite lead officers to the meeting of the ARP Joint Committee from each Council in advisory roles as required.

6. Ngā Mema Mana Whenua ♦ Mana Whenua Partner Members

6.1 The representative partner from mana whenua in this ARP Joint Committee is MAT.

6.2 MAT may appoint four members and one alternate to sit on the ARP Joint Committee.

6.3 MAT must notify all Partner Councils in writing of the appointments made.

6.4 Under clause 30A(6) Schedule 7 of the Act, the power to discharge any mana whenua Member on the ARP Joint Committee and appoint his or her replacement shall be exercisable only by MAT.

7. Te Kaupapa o ngā whakataunga mō ngā whakapuakitanga ♦ Purpose of Terms of Reference

7.1 The purpose of the Terms of Reference is to:

7.1.1 Define the responsibilities of the ARP Joint Committee as delegated by the Partner Councils under the Act.

7.1.2 Provide for the administrative arrangements of the ARP Joint Committee as detailed in Clause 14.0.

8. Te Mana kua tukuna me te Kaupapa ♦ Delegated Authority and Purpose/Fields of Activity

8.1 The ARP Joint Committee has responsibilities delegated by the Partner Councils to fulfil its purpose being:

8.1.1 To make recommendations to the respective councils on decisions pertaining to the development of the ARP that are within the jurisdiction of each Partner Council, as it relates to the site legally described as Lot 1 DP 388211. The ARP Joint Committee shall have discretion to determine the matters presented to the MAT Board for decision.

8.1.2 To commission reports and advice; and oversee the design and delivery of projects associated with the ARP:

8.1.2.1 Provide advice on and approve project briefs

8.1.2.2 Commission a project manager and consultant team for the preparation of a masterplan

8.1.2.3 Provide recommendations on Annual Plan budgeting and inclusion of funding in the Long Term Plan (LTP) by each Council to achieve agreed water storage and quality, ecology, cultural and recreation outcomes for the estuary, its streams drains and tributaries, and on adjacent land

8.1.2.4 Provide recommendations on the completion of a proposal to be submitted by each Council in the LTP reflecting the current situation for the ARP

8.1.2.5 Make recommendations on regulatory changes and other planning documents that support the delivery of the ARP

8.1.2.6 Seek advice on the best models for future governance and/or management of the site

8.1.2.7 Collaborate in the preparation of applications for necessary consents to ensure timing is coordinated and activities applied for are consistent with the ARP Masterplan

8.1.2.8 Establish and agree outcomes, deliverables and ensure milestone alignment and updates on a proposal towards the LTP for each Council.

8.1.3 The delivery of an ARP that promotes climate resilience, ecological and water quality improvements, biodiversity improvements, promotes a more natural estuary margin, and provides storm water management, low impact compatible recreational opportunities, cultural storytelling and educational opportunities.

8.1.4 To strengthen collaborative relationships at all levels between NCC, HBRC and MAT, and in particular the rangatiratanga/co-governance, planning, operations, and monitoring functions, as they work through a rangatiratanga/co-governance relationship to develop the ARP. Council Partners that are consenting authorities reserve the right to be independent for any element that requires consent.

8.1.5 To promote alignment of all Partners projects with the ARP projects, initiatives and planning documents, so that resources committed to protecting and enhancing the estuary through the development of the ARP are adequate; that they prudent and

efficient; and are likely to produce the outcomes expected by the whole community. Partners will seek to identify and tap into external sources of funding as required.

8.1.6 To facilitate collaboration in planning and design for all waterways, drainage and stormwater networks where they discharge into the ARP.

8.1.7 To work with Te Komiti to establish processes and collaborate together on actions to restore the mauri of the Ahuriri Estuary through the development of the ARP on Lagoon Farm.

8.1.8 To keep each Partner Council, MAT and Te Komiti regularly updated on the ARP Joint Committees progress.

9. Ngā mana kāore e tukuna ♦ Powers not delegated

The following powers are not delegated to the ARP Joint Committee:

9.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.

9.2 Decisions relating to the allocation of funding, the use and development of land and watercourses, and matters relating to consenting lies with each Partner Council that has jurisdiction over these decisions. Recommendations only are made by the ARP Joint Committee.

9.3 Unless expressly specified in 8.1 of this ToR, the ARP Joint Committee only has the power to make recommendations to Partner Councils and to MAT.

10. Te utunga ♦ Remuneration

10.1 Each Partner Council shall be responsible for remunerating its representatives on the ARP Joint Committee and for the cost of those persons' participation in the ARP Joint Committee. Participation in the ARP Joint Committee from Partner Councils is considered inclusive of the many activities Councillors are expected to fulfil within their role.

10.2 The costs associated with remunerating the Mana Whenua members shall be shared equally (50/50) between each Partner Council, and in accordance with the Hawke's Bay Regional Council Policy for Reimbursement for Project Meetings and Travel (Attachment 1), at the rate specified for Working Groups.

11. Ngā hui ♦ Meetings

11.1 The NCC standing orders will be used to conduct ARP Joint Committee meetings as if the ARP Joint Committee were a local authority.

11.2 The ARP Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.

11.3 The quorum shall be one member per organisation and a minimum of 4 members in total.

12. Te pōti ♦ Voting

12.1 The ARP Joint Committee has no decision making authority outside of operational spending. It is tasked with bringing recommendations to each Council Partner and Mana Whenua Partner for consideration.

12.2 Where voting is required, all Members of the ARP Joint Committee have full speaking rights.

12.3 Each Member has one vote.

12.4 When making recommendations, Members of the ARP Joint Committee must strive to achieve

consensus, but if, in the opinion of the Chair/co-Chair, consensus is not practicable after a reasonable discussion, a recommendation of the ARP Joint Committee may be made by a minimum of 75% of those members present and voting at the meeting or voting.

12.5 The Chair/co-Chairperson may vote on any matter but does not have a casting vote.

13. Te hautūtanga o te Komiti Hono ♦ Leadership of the Joint Committee

13.1 The Chair/Co-Chairs are appointed by the ARP Joint Committee.

13.2 The Deputy Chair, if required, is appointed by the ARP Joint Committee.

14. Te Tautoko ā-Whakahaere ♦ Administrative Support

14.1 Administrative support for the ARP Joint Committee (convening meetings, keeping minutes etc) will be provided by the staff of the Napier City Council's Governance team, unless otherwise agreed.

15. Te Whakahaere Motuhake ♦ Independent Facilitation

15.1 Any matter or matters being considered by the ARP Joint Committee may be referred by the Co-Chairs for independent facilitation.

15.2 Where a matter is referred for independent facilitation:

15.2.1 A sub-committee of the ARP Joint Committee may be established as required, with at least one Mana Whenua Member and at least one member from each Partner Council.

15.2.2 The subcommittee shall identify and assess candidates to undertake the facilitation, and develop recommendations to the Joint Committee to appoint a preferred candidate.

15.2.3 The ARP Joint Committee shall receive and consider the subcommittee's recommendation and confirm an appointment.

15.2.4 The appointment may be made for a set duration (e.g. for 12 months) or on a task specific basis.

15.3 The role of independent facilitator is to assist the ARP Joint Committee to consider, debate and reach resolution on specified matters.

15.4 The independent facilitator shall act in every respect as an independent and neutral third party and shall have no voting or decision-making functions.

16. Te whakatakoto pūrongo ♦ Reporting

16.1 All reports to the ARP Joint Committee shall be presented via the nominated Technical Advisory Group representative or from the ARP Joint Committee Co-Chairs.

16.2 Following each meeting of the ARP Joint Committee, the project manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to ARP Joint Committee representatives. It is the role of the Joint Committee Members to champion these reports within their respective Partner organisations.

16.3 The Technical Advisory Group shall ensure that the summary report required by 16.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting, and to Mana Whenua representatives for inclusion for the next available MAT Board meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions and will also be available to attend the MAT Board meeting at their request.

16.4 The Technical Advisory Group must include a cultural advisor appointed by Mana Ahuriri Trust and must be an integral member of the Technical Advisory Group.

17. Ngākau Pono ♦ Good Faith

17.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, MAT, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and MAT and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and MAT collectively.

18. Ngā panonitanga o ngā whakataunga mō ngā whakapuakitanga ♦ Variations to the Terms of Reference

18.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the ARP Joint Committee.

18.2 Amendments to the Terms of Reference may only be made with the approval of all Council and Mana Whenua Partners at the recommendation of the ARP Joint Committee. Changes recommended by the ARP Joint Committee would be determined through the voting procedure outlined in Clause 12 of this ToR.

19. Whakapānga ā-Pāpāho ♦ Media Contact

19.1 To be agreed by ARP Joint Committee, generally to be the Chair/Co-Chairs and Deputy Chair.

19.2 The first point of contact from media in relation to this project is Napier City Council. Napier City Council will consult with its Partner members as appropriate.

Policy for Reimbursement for Project Meetings and Travel

HBRC will reimburse eligible people for their participation in working groups (including similar project-based meetings) and/or associated travel costs, as specified following.

Eligibility

To be eligible for reimbursement at half-day or full-day workshops/meetings, the following circumstances must apply, as relevant:

1. The person is providing necessary input to, and feedback on, proposals to address the issue at hand (which may include development or implementation of solutions), including knowledge about the local opportunities and impacts of any proposal
2. The person (or their representative organisation) must have been pre-approved for reimbursement for their participation in the project by the HBRC Chief Executive or relevant Group Manager
3. The person is presenting information at a public meeting or workshop, at the invitation of HBRC
4. The person is not otherwise receiving remuneration from HBRC with respect to the project (for example, as an HBRC regional councillor (whose remuneration is set through the Remuneration Authority) or as a contracted consultant to HBRC for the project)
5. Attendance time (including virtual attendance) at the workshop/meeting is reimbursed at either a half day or full day rate
6. The person must attend for the full duration of the workshop/meeting, unless an agreement is reached in advance with the relevant HBRC project manager
7. An IRD-compliant travel logbook must be maintained to validate any travel [use of vehicle] expense claim
8. Travel time for an eligible person to attend the workshop/meeting is reimbursed for any return trip that takes longer than one hour duration.

Not eligible

The following circumstances are not eligible for reimbursement:

1. The person is receiving remuneration from a participating organisation
2. It is a public meeting or workshop and the person is participating as any other member of the public
3. For travel time, where the return trip for the person to attend the workshop/meeting takes less than one hour
4. For the travel/use of vehicle allowance, the person is a passenger using shared transport to attend the workshop/meeting and the person providing that transport is already being reimbursed for travel costs.

Reimbursement

1. *RPC PSGE Representative or Māori Committee Representative*
   For attendance, preparation time and travel, reimbursement is in accordance with the respective rate as resolved by the HB Regional Council on 26 February 2020 (RPC) or 29 July 2020 (Māori Committee).

2. *Working Group Fee*
   For attendance and preparation time, a gross fee (i.e pre-tax fee), is available for each eligible person as:
   - $175 per half day (no more than 4 hours working group time)
   - $300 per day (between 4 and 7 hours working group time)

   For travel time, an eligible person making a return trip (for the purpose of participating in the working group) that takes more than one hour:
   - A payment of $37.50 per hour (after the first hour of eligible travel) to be paid upon submission of an approved Travel Claim Form.

   Claims for the Working Group Fee for meetings attended may be made monthly using the Meeting and Travel Claim Form. Claims will be processed once a month and must be received by the second Monday of the month for payment on the Friday of that week.

   HBRC staff will assess withholding tax on a case by case basis, taking advice from the Chief Financial Officer as necessary.

   Situations where withholding tax could apply are:
   - If the advisor was part of the committee i.e attended regular meetings, similar to board members or elected representatives
   - If the advisor gives a 'speech, lecture or talk of any purpose'. Generally, we would expect a 'speech, lecture or talk' to be accompanied with a presentation.

   Where either of the above situations apply, withholding tax would:
   - ***Not be deducted*** if the payment is made to a company as companies are generally exempt from withholding tax
   - ***Be deducted*** for an individual acting in their personal capacity.

3. *Travel Allowance*
   Eligible persons will be reimbursed for their travel expenses based on the current kilometre rate for business use set by the Inland Revenue Department.

   Claims for the Travel Allowance for meetings attended may be made monthly using the Meeting and Travel Claim Form. Claims will be processed once a month and must be received on by the second Monday of the month for payment on the Friday of the same week.

Implementation

1. Eligibility is authorised by the relevant group manager or Chief Executive
2. Eligibility for reimbursement must be pre-agreed between HBRC and the person concerned
3. The Māori Partnerships Team will facilitate the establishment of agreements with iwi/tangata whenua on behalf of the relevant project manager
4. The eligible person will provide HBRC with the required information to process any working group claim

   add link to required information to set up payment

5. The eligible person will sign an attendance sheet at the relevant working group meeting which will be countersigned by the relevant project manager

   add link to template for record of meeting attendance

6. Claims using the Meeting and Travel Claim Form may be made monthly using the Meeting and Travel Claim Form, and must be received by HBRC by the second Monday of the month for payment on the Friday of that week

   add link to Meeting and Travel Claim Form template

7. The staff person assigned to administer project claims will
   - 7.1 Verify attendance at the meeting
   - 7.2 Verify any Travel Allowance claim
   - 7.3 Recommend approval to the project manager/budget manager, as appropriate
8. The project manager/budget manager will review and approve claims, as appropriate
9. The Finance Team will process for payment as follows:
   - 9.1 When withholding tax is deducted, in the middle of the month alongside payments to contractors
   - 9.2 On the Friday of the second full week of the month otherwise.
10. Reimbursement will be funded from within the relevant project budget.

Review of Reimbursement for Project Meetings & Travel Policy
Annual review – Allowance rate, setting reimbursement for forthcoming financial year.

Three-yearly – Review of policy implementation and effectiveness.

Table 1: Assessment for Eligibility re Reimbursement Policy and Funding Source

Type of person	Type of Meeting			
	HBRC Committee	HB representative at a regional or national level meeting	HB Working Group	Reimbursement Rate
HBRC Councillor	Governance covers costs	Governance covers costs	? Governance covers costs	As set by the Remuneration Authority
RPC PSGE Representative	Māori Partnerships covers costs	Seek reimbursement from meeting owner, otherwise Māori Partnerships	Reimbursement Policy applies from project budget	As set for RPC PSGE representative
Māori Committee Representative	Māori Partnerships covers costs	Seek reimbursement from meeting owner, otherwise Māori Partnerships	Reimbursement Policy applies from project budget	As set for Māori Committee representative
Representative nominated by MC or RPC PSGE	NA	No Seek reimbursement from meeting owner	Reimbursement Policy applies from project budget	As set for Working Group member
Representative nominated by another entity	NA	No Seek reimbursement from meeting owner	Reimbursement Policy applies from project budget	As set for Working Group member
Representative nominated by Chief Executive or Group Manager	NA	No Seek reimbursement from meeting owner	Reimbursement Policy applies from project budget	As set for Working Group member
Contract/consultant/ Expert	By CE/Group Manager invitation, through contract	By CE/Group Manager invitation, through contract	As set in contract	As set in contract
Self-nominated	NA	No	No - The person must be endorsed by a relevant group, the CE or relevant Group Manager	No
Public	NA	No	No	No

Table 2: Application of Reimbursement Policy on the scale of public participation

Inform	Consult	Involve	Collaborate	Empower
HBRC informs people of the solution Opportunity to answer questions Eg letter, website, public meeting	HBRC informs people of the proposed solution and there is opportunity to provide feedback Eg submission	HBRC works with people to ensure their concerns and aspirations are directly reflected in the alternative solutions that are developed, feedback is sought Eg public workshop	HBRC and others work together on each aspect of the proposed solution, incorporating advice & recommendations of collaborators as far as possible Eg Working group	HBRC resources others to provide the solution
Not applicable	Not applicable	Not applicable	Reimbursement Policy may apply	Contract formalises the nature of empowerment

Meeting and Travel Claim Form

Project: <Name>

Name: _____ **Month:** _____

Meeting	Date	Round Trip Distance (in Kms)	Travel Time
<Project> meeting			
Others – please list:			
Total			

Residential Address: _____

Signature: _____ Date:_____

Project Cost Code: _____

Approved by:
<PROJECT> Leader Name _____

Signature: _____ Date:_____

Meeting and Travel Budget Calculation Form

Project: <Name>

Estimate	HBRC	RPC PSGE	Maori Committee	Working Group
Number of people				
Number of Half Day Meetings				
Number of Full Day Meetings				
Travel time				
Travel distance				
Allocation to Governance $				
Allocation to Maori Partnerships $				
Allocation to Project $				
Total Allocation $				

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: State of Our Environment 3-yearly Synthesis Report

Reason for Report

1. This item presents the *Hawke's Bay State of our Environment 2018-2021* Report. This report gives an overview of the state of the Hawke's Bay environment, including biodiversity and ecosystem health, climate, our coast, and air and water quality.
2. Staff will deliver a presentation of the key highlights of this report for:
    2.1. Climate and Air
    2.2. The Wairoa/Northern Coast Catchments
    2.3. The Mohaka Catchment
    2.4. The Esk and Central Coast Catchments
    2.5. The Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments
    2.6. The Tukituki Catchment
    2.7. The Pōrangahau and Southern Coast Catchments

Officers' Recommendation

3. Staff recommend that the report is adopted for publication.

Executive Summary

4. Delivery of the State of the Environment report is required by the Resource Management Act at no less than 5 yearly intervals.
5. This report describes the state of our natural resources and provides an evidence basis to support decision making for the wider organisation and Council.

Background /Discussion

6. State of the Environment (SoE) reporting provides an environmental scorecard and assessment for Hawke's Bay Regional Council, communities and stakeholders to identify and evaluate environmental conditions and pressures throughout the Hawke's Bay region.
7. In the time since the publication of the previous SoE report for Hawke's Bay (2013-2018), central government has raised the bar for assessment and reporting. In particular, the Essential Freshwater package was adopted in 2020 and includes amendments to the National Policy Statement for Freshwater Management (NPS-FM). The NPS-FM requires regional councils to report on the extent to which long-term visions for the environment have been achieved, along with whether the NPS-FM requirements have been met.
8. The NPS-FM also requires information on environmental pressures, causes of issues, actions to address issues, and an ecosystem health scorecard. Scorecard reports must also be written in a way that "members of the public are likely to understand easily."
9. This SoE report takes a different direction to previous reports for the Hawke's Bay region by aiming to be less technical than previous SoE reports, reporting at both regional and catchment scales, providing greater context on environmental pressures and restoration actions throughout the Hawke's Bay region, and adopting a more integrated ki uta, ki tai approach by considering interactions among land, water, ecosystems, and receiving environments.

10. This report will be particularly relevant for informing Kotahi dialogue alongside changes to the Regional Resource Management Plan (RRMP) and Regional Coastal Environment Plan (RCEP), which promotes the sustainable and integrated management of Hawke's Bay land, water and coastal resources.

11. The report is designed as independent chapters based by topics or place. Topics include:

    11.1. Regional biodiversity (chapter 2)

    11.2. Regional air quality (chapter 3)

    11.3. Regional climate (chapter 4)

    11.4. Braided rivers (chapter 5)

    11.5. Regional groundwater quantity (chapter 6)

    11.6. Regional groundwater quality (chapter 7)

    11.7. Regional river flows (chapter 8)

    11.8. Regional ecosystem health (chapter 9)

    11.9. Regional sediment story (chapter 10)

    11.10. Regional nitrogen story (chapter 11)

    11.11. Regional phosphorus story (chapter 12)

    11.12. Human health and recreational (chapter 13)

    11.13. Regional marine and coast (chapter 14).

12. Place-based land and water sections include:

    12.1. The Wairoa/Northern Coast Catchments (chapter 15)

    12.2. The Mohaka Catchment (chapter 16)

    12.3. The Esk and Central Coast Catchments (chapter 17)

    12.4. The Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments (chapter 18)

    12.5. The Tukituki Catchment (chapter 19)

    12.6. The Pōrangahau and Southern Coast Catchments (chapter 20).

13. Authoring staff will present a summary of the report to Council that explains the key messages. The report will then be released as an online-only publication.

Strategic Fit

14. The SOE report provides an evidential basis for measuring success of HBRC's strategic goals.

15. It aligns with HBRC's priority areas of:

    15.1. Water quality, safety and climate-resilient security

    15.2. Climate-smart and sustainable land use

    15.3. Healthy functioning and climate-resilient biodiversity

    15.4. Sustainable and climate-resilient services and infrastructure.

Significance and Engagement Policy Assessment

16. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

17. The SOE report will be shared with the public once adopted by Council.

Other Considerations

18. Due to the extent of material covered in the SOE report and the limited time to present it in a committee meeting, staff will be available to attend an All Governors hui to workshop the material at a later date.

Decision Making Process

19. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:

    19.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.

    19.2. The use of the special consultative procedure is not prescribed by legislation.

    19.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

    19.4. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources under the RMA

    19.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

1. That the Environment and Integrated Catchments Committee receives and considers the *Hawke's Bay State of Our Environment Report 2018-2021*.

2. The Environment and Integrated Catchments Committee recommends that Hawke's Bay Regional Council:

    2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

    2.2. Adopts the *Hawke's Bay State of Our Environment Report 2018-2021* for publication.

Authored by:

Anna Madarasz-Smith
Manager Science

Approved by:

Iain Maxwell
Group Manager Integrated Catchment Management

Attachment/s

1 2018-2021 State of the Environment Report Under Separate Cover

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: Reshaping of the Protection and Enhancement Programme

Reason for Report

1. This item seeks the Environment and Integrated Catchments Committee's recommendation to Council to change the delivery model for the Protection and Enhancement Programme (PEP) to include a contestable community Environmental Enhancement Fund along with an expansion of our Targeted Catchment Work Programme.

Executive Summary

2. A review was undertaken of the delivery of the $1M PEP projects, assessing the spend of internal staff time relative to the money spent on physical on-ground project delivery while also evaluating how other Regional Councils' are implementing similar environmental funds.
3. The key recommendation from the review was that HBRC should no longer seek to lead projects in the Protection and Enhancement space but instead, look to support and facilitate organised landowners and/or community groups to deliver environmental projects throughout the region that meet our strategic objectives.
4. This will allow HBRC greater flexibility to increase the delivery of significant environmental projects that are not currently eligible for funding through our existing programs. This addresses a community need and will also improve synergy between ICM funding programmes.
5. Therefore, it is proposed that the $1M allocated to the PEP be split into two fund categories: Environmental Enhancement Fund (EEF) and Targeted Catchment Work (TCW) - with the implementation of these set to begin in the 2022-2023 financial year.

Background /Discussion

6. In 2017 as part of the Annual Plan development, the PEP (formerly Environmental Hot Spots) was established to accelerate on-ground action on six identified high-priority environmental 'hot spots' throughout the region – Ahuriri Estuary, Karamu River, Lake Tūtira, Lake Whakakī, Tukituki River, Lake Whatumā and our Marine environment.
7. These initiatives were proposed with a focus on leveraging the Ministry for the Environment's Freshwater Improvement Fund (FIF). HBRC was successful in gaining funding for Tūtira (Te Waiū o Tūtira, a 4-year project 2018 - 2022) and Whakakī (sunshine, wetlands and bees will revitalise the taonga of Whakakī, a 5-year project 2019 - 2024).
8. Over the past 5 years, the PEP has enabled HBRC to build important relationships and work with stakeholders and Treaty partners to deliver a significant volume of on-ground work. This has been implemented at the catchment/sub-catchment scale to initiate the long-term restoration of these key ecosystems through enhancing biodiversity and water quality.
9. However, numerous issues have been experienced throughout the duration of the Tūtira and Whakakī FIF projects that have impacted the ability to successfully deliver the projects' full sets of objectives. These issues have primarily revolved around relationship management with key stakeholders and the inability to obtain unanimous approval to complete some of the more ambitious project objectives.
10. Ultimately, this resulted in HBRC having to hold/carry forward significant funding that was attached to these projects over several years without the flexibility to redirect funding to other

opportunities as they arose. HBRC also invested considerable staff resources to obtain resolutions for the issues affecting these projects.

11. During the same timefame, the ICM Group implemented the Erosion Control Scheme and funded Priority Ecosystem site restoration work throughout the region. The successful delivery of these programmes has highlighted additional areas of work not being addressed through our existing funding programmes that could be targeted through the PEP.

12. There has been sustained growth in the interest and awareness of the environmental issues we are facing across the region. This has come from a diverse cross-section of the community many of whom are wanting to take ownership and lead the delivery of projects to contribute to the restoration of the regions environment.

13. This has driven an increased demand for funding from a wide range of people/groups/agencies who are motivated to achieve outcomes in line with HBRC's strategic focus.

14. A review was undertaken to consider how money has flowed across the PEP projects and the amount of internal staff time spent relative to the money spent on physical project delivery, while also evaluating how other Regional Councils' are implementing similar environmental funds.

15. This highlighted that many other Regional Councils across the motu were operating an annual contestable fund to support community and catchment groups to deliver environmental enhancement and biodiversity projects.

Options Assessment

16. As a result of the review, the following core principles were developed as a recommendation to provide clear guidance for the future of the PEP.

17. HBRC will no longer seek to lead projects in the protection and enhancement space but, instead, look to support and facilitate organised landowners and/or community groups to deliver environmental projects throughout the region that meet our strategic objectives.

18. This allows HBRC more flexibility to target the delivery of significant environmental projects that are not currently eligible for funding through our existing programmes. This not only addresses a community need and will also improve synergy between ICM funding programmes and increase region-wide delivery of environmental outcomes.

19. Community and catchment-led groups have an increasingly crucial role to play in the future improvement and management of the region's environment. A key aspect of the PEP will be to build/strengthen key relationships with external groups and support them to build capacity and capability in the delivery of environmental projects.

20. Moving forward it is proposed that the PEP has two fund categories: Environmental Enhancement Fund and Targeted Catchment Work. Both are outlined below with the implementation of these set to begin in the 2022-2023 financial year:

Environmental Enhancement Fund

Fund Category	Detail	Budget
Environmental Enhancement Fund	This is a contestable fund available to established Catchment and Community Groups. Providing these groups, with a model for successful project delivery. Allowing them to build capacity to seek funding from other external sources. Assessment criteria are based on our strategic objectives and level of service statements and measures. Projects can be up to two years and applicants can apply for further funding once the previous project has been delivered. Annual funding round with the applications evaluated by a dedicated HBRC staff panel.	**$100k p.a.** Pilot for the first 3 years Min. **$5k** per project Max. **$25k** per project

21. The following groups/organisations would be eligible to apply for funding through the EEF:
    21.1. Community groups
    21.2. Iwi/hapu
    21.3. Kaitiaki groups
    21.4. Incorporated societies
    21.5. Community trusts
    21.6. Resident and ratepayer groups
    21.7. Landowner groups (e.g. Landcare or Streamcare groups)
    21.8. Tertiary education institutions
    21.9. Businesses and industries.
22. Projects for the EEF would be assessed by the following criteria.
    22.1. Applications of up to a maximum of $25,000 ex GST.
    22.2. Projects that encourage appropriate public access to the project site.
    22.3. Projects/activities within Hawke's Bay Regional Council's legal boundaries and areas of responsibility.
    22.4. Fit with Hawke's Bay Regional Council's strategic outcomes and policies – how the project contributes to Council's LTP outcomes.
    22.5. Environmental protection and enhancement – is there a clear need for the project, and how the project will directly promote, enhance or protect the region's environment.
    22.6. Community participation & awareness – how the project involves iwi Māori, the wider community and increases public awareness of environmental issues.
    22.7. Value to Mana Whenua – how the project involves iwi Māori including their cultural values, interests and associations, the effect on Māori historic heritage or the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga including fauna and flora.
    22.8. Viability – the likelihood of the project's success and the applicant's capability to deliver the outcomes of the project. Desirable attributes include a robust project plan, a project budget providing visibility of all funding sources for the project and a clear method for monitoring the success of the project.
    22.9. Budget - does the project represent value for money and is the project suitably allocated to achieve the desired outcomes.
23. In the majority of cases, HBRC expects funding to be released via advanced partial payment (up to 80% of the total project value) rather than upon project completion. This is due to the fact the majority of the community/catchment groups are in their infancy and not expected to be holding significant finances to operate via payment in arrears.
24. Advanced partial payment has shown to be the most common approach taken by other Regional Councils in the implementation of community funds. However, there is a level of financial risk associated with releasing funding via advanced partial payment. To mitigate this the maximum project value has been capped at $25,000.

Targeted Catchment Work fund

Fund Category	Detail	Budget
Targeted Catchment Work	**Targeted Catchment Projects** The purpose of this fund is to deliver high-value environmental outcomes on a catchment/sub-catchment scale such as improved water quality, riparian protection, biodiversity enhancement, wetland development. The place-based constraints that were established with the original Hotspot fund will be removed to allow greater regional flexibility in the delivery of this programme. Target areas where we have established good relationships with landowners to provide further subsidies for work that falls outside the eligibility of the ECS/EP funds but substantially contribute to the delivery of our strategic outcomes and in turn provide a good return on investment. Can be multi-year projects, with a 60% subsidy with landowners. **Internal Targeted Projects** A portion of this fund (up to 100k p.a.) will be available for cross-council investment to partner for specialised projects that have strong environmental outcomes, innovation and build key external relationships such as the proposed Inanga Enhancement Programme, eDNA Monitoring Programme etc.	**$500k p.a.** HBRC Min. **$2K** per project HBRC Max. **$30K** per project
	Marine Protection and Enhancement Project This is a continuation of the existing Marine Protection and Enhancement Project. Funding is dedicated to investment in our scientific understanding of our marine environment and systems. Supporting the delivery of work including multibeam echo-sounding surveys of the seabed; sediment surveys of Hawke's Bay to provide modelling, and fencing and planting to protect the remnant seagrass beds.	**$200k p.a.**
Staff cost and overheads	The annual cost of the Programme Manager Protection and Enhancement Fund is covered by the fund.	**$200k p.a.**

25. The primary aim of the TCW is to assist on-ground works and actions by providing advice and assistance in programme development and implementation.

26. Project plans will be developed in partnership with HBRC Catchment Delivery staff and on-ground works delivered through a subsidy scheme (60% HBRC 40% Landowner/Catchment Group) to projects that protect and enhance our freshwater and land resources.

27. The fund has been designed to complement the Erosion Control Scheme and the Priority Ecosystem Programme by covering works and activities that do not meet their funding criteria but will contribute to significant environmental improvements and meet our existing strategic outcomes.

28. A comprehensive approach will be taken to target on-ground environmental enhancement activities with projects being able to cover multiple properties at the sub-catchment or catchment scale.

29. Project eligibility for the TCW would be determined by the following criteria:

    29.1. Projects must address one or more of the following: erosion prevention, biodiversity enhancement, ecosystem restoration, improvement in water quality, stream, or wetland habitat creation or improvement, plant/animal pest management.

29.2. Projects must contribute to high-value environmental outcomes at a catchment or sub-catchment scale.

29.3. Applicants must provide a 40% funding match in the form of cash, labour, and/or donated materials.

29.4. Projects must be within the Hawke's Bay regional boundary. If the project is applied for by a 'group', landowners whose land the project covers must provide written approval.

29.5. Project length and size are not limited but will be subject to annual funding availability.

29.6. Project goals can overlap with ECS and PEP projects.

30. Examples of projects that would be delivered through the TCW would include but not be limited to the following:

30.1. Riparian and streambank stabilization, retirement and enhancement (planting, pest control) – where not required by legislation.

30.2. Wetland restoration or development.

30.3. Plantation to permanent forest cover conversion.

30.4. Phosphorus/sediment detainment bund establishment.

30.5. Retirement and native forest reversion.

Strategic Fit

31. Due to this being a new approach for delivering the PEP, there is currently no Level of Service Statements (LOSS) or Levels of Service Measures (LOSM) attached to the programme. However, specific LOSM will be developed at the next point of review.

32. Notwithstanding this, the proposed changes to the PEP outlined in this report align with Council's strategic plan, priority areas and associated objectives for sustainable land use, biodiversity and water quality. This report seeks to streamline the delivery of the fund allowing for increased delivery in those priority areas.

Significance and Engagement Policy Assessment

33. This matter is not significant, as defined in Council's significance and engagement policy. The PEP and associated funding is already included in Council's 2021-2031 Long Term Plan.

Considerations of Tangata Whenua

34. There are no specific considerations required in relation to the request made in this report as this merely seeks to alter the method of delivery for the existing fund.

Financial and Resource Implications

35. The $1M funding for the PEP is already included in Council's 2021-2031 LTP. This report seeks to gain approval to reallocate this funding to implement the changed approach to delivery outlined above.

36. The implementation of both the EEF and TCW will provide a detailed understanding of the resources required to deliver these funds at a larger scale. Staff will then be in a position to engage Council on potentially expanding the value of the funds and staff resources through the next LTP process.

Decision Making Process

37. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:

37.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.

37.2. The use of the special consultative procedure is not prescribed by legislation.

37.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

37.4. The persons affected by this decision all those persons with an interest in the region's management of natural and physical resources.

37.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Environment and Integrated Catchments Committe:

1. Receives and considers the *Reshaping of the Protection and Enhancement Programme* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Approves the request to implement the new delivery model for the Protection and Enhancement Programme.

Authored by:

Thomas Petrie
Programme Manager Protection & Enhancement Projects

Jolene Townshend
Acting Manager Catchment Delivery

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 Integrated Catchments Committee

6 July 2022

Subject: Organisational Ecology by Dr Edgar Burns

Reason for Report

1. This item introduces Dr Edgar Burns' report titled *Organisational Ecology,* which uses the concept of organisational ecology to reflect on HBRC's environmental work in our region so we can increase our effectiveness in supporting improved environmental practices and climate change readiness. This is the third social science report for the Environment and Integrated Catchments Committee (EICC) in the technical paper series.

Executive Summary

2. Selected examples and issues of organisational ecology are discussed that can be used to enhance HBRC delivery of its regional mandate for water soil and the growing climate pressures faced both locally and globally.

3. This report brings a social science lens to the HBRC role using the idea of organisational ecology to show the complexity and opportunities of regional council work. Among many organisational, community and sector groupings there are competing understandings and interests. Within this ecology, only a small part of needed changes are able to be influenced by HBRC.

Strategic Fit

4. This work delivers against 2020-25 Strategic Plan, namely that *Climate change is at the heart of everything we do.*

Discussion

5. The HBRC is increasingly faced with people pressures that interact with what science evidence is reporting. While climate change denialism is receding, there is little appreciation yet of the speed or severity of local consequences of climate heating on this region and its inhabitants.

6. This is presented in the main body of Dr Edgar Burns' *Organisational Ecology* report, from the contents page onwards.

7. Dr Burns will present the findings of his research to Council and will be available for questions and discussion.

Next Steps

8. Selected next steps are proposed in the final section of Dr Burns' report (attached).

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 Integrated Catchments Committee receives and notes the *Organisational Ecology* report *by Dr Edgar Burns*.

Authored & Approved by:

Iain Maxwell
Group Manager Integrated Catchment Management

Attachment/s

1 HBRC's Organisational Ecology Under Separate Cover

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: Regenerative agriculture research project

Reason for Report

1. This item presents a collaborative Regenerative Agriculture research project involving AgFirst, the Regional Council, Ministry for Primary Industries and On-Farm Research.

Executive Summary

2. Lochie McGillivray (AgFirst) and Dr Paul Muir (On-Farm Research) will present an oral summary of a study to investigate the impacts of regenerative agriculture within a dryland farming operation.
3. This project aims to improve the resilience of sheep and beef farmers in a drought prone region. This will be achieved by testing forage types and grazing management strategies that meet the principles and practices of a Regenerative Agriculture system.
4. However, resilience is not just about forages and forage management, it is also about stock policy and timely decision making. To this end the project will set up a demonstration unit where farmers can view and then mimic the systems deployed.
5. A wrap-around extension programme will include system economic analysis, workshops and be focused on the demonstration farm practices with regular farm walks.

Strategic

6. This topic considers matters that align with Councils interests in:
   - 6.1. Smart sustainable land use
   - 6.2. Water quality safety and security
   - 6.3. Healthy functioning biodiversity
   - 6.4. Climate adaptation and mitigation.

Background

7. Council is investing $100K per year for four years to support a farmlet scale study of regenerative agriculture through the Innovations and Strategic Relationships (ISR) grant fund that is associated with the Erosion Control Scheme. The total budget for the project is $2.5M. This represents significant leverage into a greater understanding of a type of farm management that has significant potential to help Council with its ambitions in land, water, biodiversity and climate resilience management.
8. A greater understanding of the potential benefits of regenerative agriculture will also assist in understanding how best to integrate this into a farming system as part of the Right Tree Right Place collaboration with The Nature Conservancy.
9. The ISR fund has been created to provide financial support for initiatives and partnerships/relationships that progress the aims of the scheme within the Hawke's Bay region. The key objectives that the aims to achieve are:
   - 9.1. Reducing soil erosion
   - 9.2. Improving water quality through the reduction of sedimentation into the waterways

9.3. Improving terrestrial and aquatic biodiversity through habitat protection and creation; and

9.4. Providing community and cultural benefits through forest ecosystem services.

10. Staff are involved in both the technical working groups and project governance.

11. Co-investors in the project include MPI, Barenbrug NZ Seeds, Beef and Lamb NZ and Ravensdown.

12. The research will be undertaken at the Poukawa Research farm which is well established, with over 35 years of data and research on Hawkes Bay dryland agriculture, and with the facilities to undertake the component research and farmlet studies required for this project. The site is in the heart of Hawkes Bay dryland and its highly variable rainfall (range 460 – 990 mm) means it is an ideal demonstration site for this project.

Discussion

13. Lochie and Paul will present to Council details on the research and some initial findings.

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 Integrated Catchments Committee receives and notes the *Regenerative Agriculture research project* report and presentation.

Authored & 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 Integrated Catchments Committee

6 July 2022

Subject: Right Tree Right Place: Year 1 Report and Year 2 Programme

Reason for Report

1. This item provides the Committee with a summary of the progress from the last year of the Right Tree Right Place (RTRP) project and outlines the current status and high-level pathway for year two of the project.

Executive Summary

2. Work with initial pilot farms was aimed at developing momentum for the project and to provide learning for subsequent phases of the project. The first seedlings will be planted on the first pilot farm this July and farm/forestry planning has started on the second pilot farm. Legal and tax advice is supporting the development of commercial arrangements for HBRC finance.
3. A recent farm survey about perceptions of the RTRP model has shown high interest from respondents (58% very likely to use RTRP). Survey results are supporting the prioritisation of potential pilot farms, development of farm planning collateral and forward work programme.
4. Developing the pipeline of target RTRP farms has taken a structured approach with support from the Catchment Delivery Team (CDT). The pipeline of potential farms will be used in the business case for impact investment in the scale-up initiative.
5. A farm-planning framework has been developed with support from lead consultants. Standardised templates will allow information collected from farms to be used with business case development.
6. There has been a solid uptake of early communications about the project. Initial seedling planting and survey results will be the subject of current comms. Landowner engagement has now focused on priority farms in northern Hawke's Bay catchment areas.
7. The forward work programme will see the remaining farm/forestry plans and pilot farm selection take place over the remainder of 2022. Impact investment business case development and investor sounding will continue into the first half of 2023.

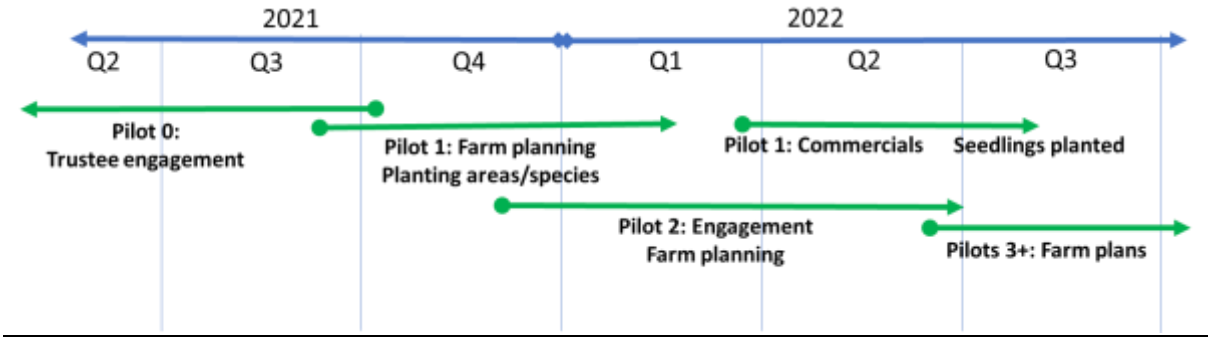
Project objectives

8. During the 2021-31 LTP process, Council agreed to fund the RTRP project to address the significant erosion problem in Hawke's Bay through demonstrating a successful RTRP model by refining a planting model with several objectives:
    - 8.1. To recover its own costs
    - 8.2. Encourage planting of trees on erodible land
    - 8.3. Stimulate the market to invest in trees on farms that strengthens financial and environmental outcomes
    - 8.4. Reducing the need for whole farm afforestation
    - 8.5. Plant enough trees to prepare for climate change
    - 8.6. Significant environmental benefits.

RTRP Pilot Farms

9. The early focus with pilot farms has been to gather momentum quickly with the project in order to incorporate the learning from the initial pilot farms into the forward work programme. This approach will see planting on an initial pilot farm in this planting season. It also allows a more considered approach with the remaining pilot farms that aligns with due diligent efforts needed to underpin the business case to scale up the RTRP concept.

10. An illustration of timing relating to the pilot farms is shown below.



Pilot farm 0: Ruakituri

11. A farm and forestry plan were developed for a 1200 ha farm in the Ruakituri district in northern Hawke's Bay as part of the RTRP business case development. This farm was to be the first pilot farm. The farm/forestry plan identified circa 140ha of production Pinus Radiata, 23 ha of production redwoods and 54 ha of infill native planting.

12. Presentations were made to trustees of the farm, comprising the farm owners, their adult children and farm advisors. The children preferred to proceed with implementing the RTRP initiative as outlined in the farm/forestry planning exercise, in part, to leverage additional revenues from forestry to facilitate succession of ownership.

13. The older generation farm owners were not comfortable with the risks associated with production forestry and opted to proceed with a slower implementation of redwood and native plantings.

14. This exercise did not result in a HBRC funded RTRP initiative. However, it did result in trees being planted on marginal and erodible land, the primary objective of RTRP.

15. Learning from this exercise include:

    15.1. It's a big decision for landowners to embark on forestry options at scale, and considerable time and energy can be expended working with complex ownership structures that may not result in a council-financed RTRP project.

    15.2. Good quality farm/forestry plans are needed to allow evidence-based decision making but it still takes time to build confidence to embark on a forestry journey.

    15.3. Ultimately, the vision that the landowner has for their land needs to be the primary direction of travel.

    15.4. Once evidence-based material has been developed, landowners may develop the confidence to secure alternative (non-HBRC) sources of capital to progress with forestry options or fund planting out of cashflow over a longer timeframe.

    15.5. There are challenges in seedling supply, especially for natives, with lead times currently in the order of two to three years.

Pilot farm 1: Waipapa

16. Waipapa is a 724ha farm located approximately 45km south of Hastings in Elsthorpe district.

17. The project worked with landowners at Waipapa to develop a farm/forestry plan through the second half of 2021. A memorandum of understanding was developed in early 2022 with ongoing activity to confirm tree species options and a five-year planting plan.

18. The resulting work recommends a mix of tree species including native trees and shrubs, *Cedrus deodara* (Coastal Redwood), and *Pinus radiata*. Initial seedlings are to be planted in July 2022. The total planting area amounts to just over 90ha with half planted in *P.radiata* and costs to establish of approximately $470,000.

19. Legal and tax advice is being procured to develop HBRC funding options modeled on a loan with repayment of principle and interest from carbon revenues over about 10 years. The loan options are secured by a Forestry Right or mortgage over land for the period of the loan. The HBRC finance team is supporting this work.

20. Lessons and leverage from this pilot project:

    20.1. A reasonable proportion of pines (and faster growing species) are needed to subsidise native planting.

    20.2. Detailed farm/forestry plans involving on-farm walk-overs are needed to carefully refine planting and fencing areas, species selection, pest control and a multi-year planting programme.

    20.3. Incorporating forestry and additional revenue streams into a pasture-based farming system provides considerable optionality for farm management: for example, selling forestry blocks to a neighbour or shared infrastructure, and farm management options.

    20.4. Low productivity land can also be high maintenance land: transitioning this to forestry can reduce farm workload and free up resources to focus on productive parts of the farm or other non-farming pursuits.

    20.5. A forestry initiative on one farm can facilitate discussions with neighbouring farms about catchment orientated initiatives to improve environmental outcomes at catchment scale.

    20.6. Forestry supports ecological outcomes, and this dimension should be considered when selecting tree species: in the case of Waipapa, planting kōwhai will support migration of tūī.

Pilot farm 2: Coastal Central Hawke's Bay

21. Development of a farm/forestry plan has begun for a 1,300ha coastal property southeast of Elsthorpe. Farm trustees have an interest in extension work and ,accordingly, the property offers good potential for case-study development and educational-collateral development.

22. The farm offers a clean canvas on which to develop a forestry plan and potential to pre-plan infrastructure like roading, fencing and other facilities.

23. There are significant areas of highly erodible land, both coastal and adjacent to waterways that will require lateral thinking around species selection and mixed species planting regimes. The Trust has a vision for increasing the current 60 ha of production forestry to further plantings of production forestry and to invigorate native regeneration.

Farmer survey

24. A farmer survey was conducted in late 2021 to understand farmer sentiment of the RTRP concept, interest and knowledge about planting trees and financing preferences, knowledge and use of regenerative agricultural practises, and interest in further discussions with the RTRP team.

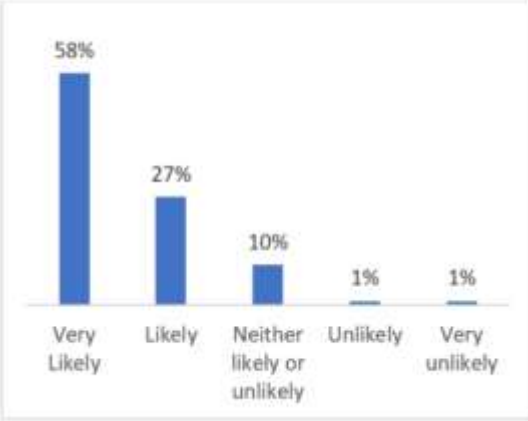
25. This information is being used to shape the future work programme, particularly in the area of landowner engagement, farm planning processes, pilot farm selection and collateral needed to support the programme.

26. The survey was launched in February/March 2022 and fronted by CDT members who personally circulated the survey and followed up directly with landowners.

27. The results were collated and analysed in April/May and have recently been used to support development of the project farm planning framework. Sub-regional variation to survey responses and landowner perceptions have also been considered.

28. Of the circa 80 responses, 58% would be *very likely* to consider using Right Tree Right Place for their farm.

    28.1. How likely would you be to considering using Right Tree Right Place for your farm?



Of this *very likely* audience;

- 75% are very interested in further conversations about the scheme
- 78% strongly agree that they "would plant more trees or plant at a faster rate if I had greater access to resources (capital, labour, expertise etc)."
- 64% would be interested in starting as soon as possible
- 47% identify more than 10% as manageable/desirable when thinking about the tree planting opportunity on their farm
- A large proportion of landowners overall (87%) have identified key areas of their property that will benefit from tree planting in the next 1-5 years
- Erosion control (96%) and shade a shelter (95%) are the top reasons trees are planted. Waterway protection (88%) is also a key driver.
- 62% plant for an an additional/diversified revenue stream

29. The survey has highlighted two areas that will require further investigation as part of the forward work programme:

    29.1. While access to capital was identified as a constraint to planting more trees, only 13% of survey responses indicated they would consider access to private investor capital and associated sharing of risk and returns.

    29.2. Only 28% of survey responses strongly agreed that they are interested in applying regenerative farming practises. However, 47% of landowners strongly agreed that they would do more to improve soil health and protect water ways and biodiversity if they had greater access to resources.

30. Next steps in relation to the findings of the survey:

    30.1. Project farm planning framework is being developed

    30.2. Communications about the survey results are being developed

    30.3. Validation of survey responses and ranking of priority farms

    30.4. Education and engagement efforts will target catchment orientated initiatives

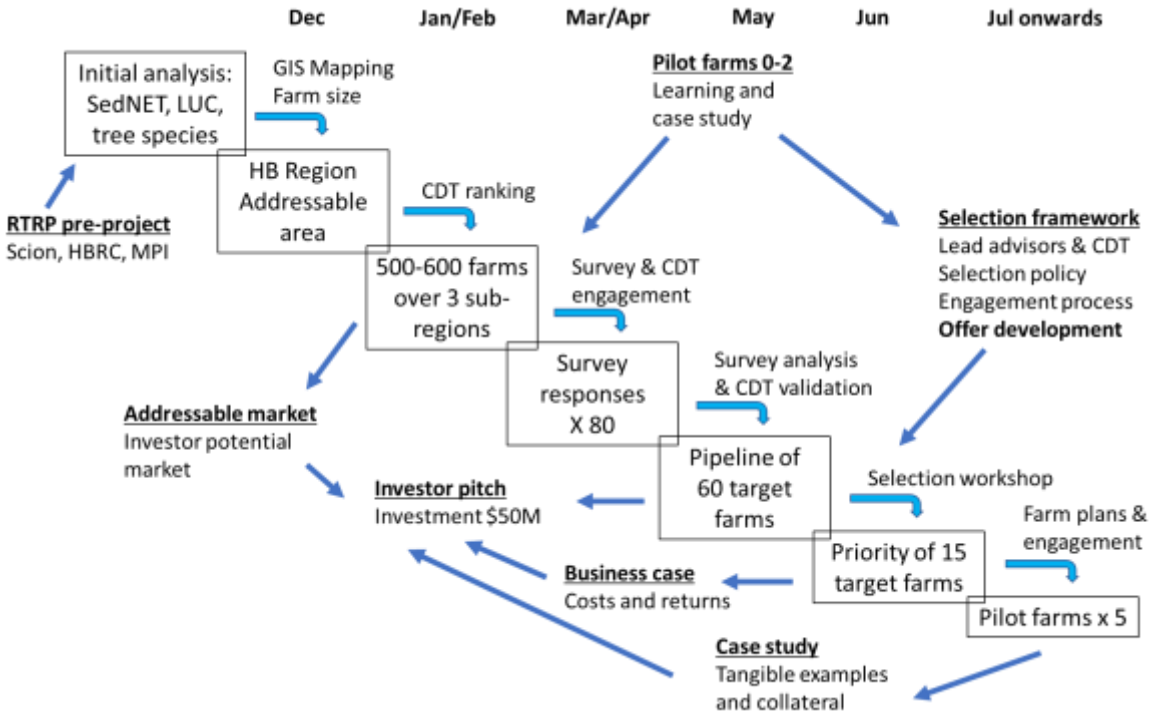
    30.5. One-on-one engagement will be tailored to account for landowner concerns and interests expressed in the survey

    30.6. Project branding, positioning, messaging, are being reshaped

    30.7. The RTRP product offering is being defined – what are we selling?

Farm selection and CDT

31. A structured process has been taken to develop a prioritised RTRP target farm database (pipeline of farms) as illustrated below and described in the following narrative.



32. The CDT has been involved in an iterative approach of learning to support the project. Initial workshops were held in Q3/4 2021, with more detailed discussion sessions in Q1/2 2022 that focused on northern, central and southern zones. CDT members support RTRP staff discussions with landowners, both on and off-farm; as relationship managers.

33. In Q4 2021, the total addressable market of potential RTRP farms was developed. This was based on the early RTRP work authored by SCION, PF Olsen and RedAxe Forestry with further refinements by the HBRC GIS team to identify circa 500 potential farms. These farms were validated and graded into priority bands by the CDT team. The addressable market will be used in the investment pitch for attracting impact investment to scale up the RTRP concept.

34. This database of potential farms was used for the farmer survey work. CDT members personally circulated the farm survey to their client landowners and followed up directly with emails and phone calls. This direct engagement with landowners was helpful to build relationships and offered a platform to discuss other erosion control service support.

35. Survey responses identified those farmers with an interest in further discussions about the RTRP model. Forums were held with the CDT members to validate survey responses and refine farm rankings. This exercise has yielded a prioritised pipeline of about 60 farms with an interest in the programme. This list provides a tangible view of farms interested in afforestation support that will be used with the impact investment pitch.

36. A workshop with farm, forestry and regen ag consultancy leads in mid-June formalised the farm planning framework for the balance of farm plans needed to support the remaining pilot farm selection and due diligence work. The farm planning framework involves:

    36.1. Farm plan scope – what's in and what's out

    36.2. Farm plan template of information required for impact investment business case development

    36.3. Definition and integration of regen ag components to farm planning

    36.4. Skill set; criteria and process for the development of a consultancy panel

36.5. Peer review, quality assurance and support process for due diligence

36.6. The RTRP offer from the farm plan perspective – what is the pitch to landowners?

37. A subsequent workshop was held with lead consultants and CDT members to assess the target list of 60 farms based on pre-defined farm selection criteria to identify the priority 15 farms that will undergo a farm planning exercise. The information developed in the farm planning process will help select the remaining pilot farms for HBRC funding support. It will also provide data for the development of the business case needed to attract impact investment.

Scale up: project investment, resourcing and The Nature Conservancy partnership

38. Building on the MPI partnership for the early work on the RTRP concept, further discussions have led to an MPI staff member being appointed to the project team. An application has also been developed for funding support. MPI is supporting cross government engagement with a focus on forestry, environmental improvement initiatives and private/public funding models.

39. Use of the MyEnviro software is being explored to provide a monitoring and reporting platform for RTRP. It offers the potential for modelled and real time environmental monitoring at both farm scale and catchment scale, and possible integration with wider HBRC catchment initiatives

40. Supply chain constraints have been explored, particularly for seedling supply and planting. Interventions will be considered once the forward demand for seedling species and timing is better understood, which is an output of the farm/forestry planning activity.

41. Lead consultants have been procured for agri, forestry and regen ag. The work has been guided by support from the HBRC procurement team. The lead consultants have worked alongside CDT members to develop the farm planning framework and forward work programme, including the formation of a panel approach with other consultancies for farm planning and engagement activity.

42. Discussions are underway with processors who are progressing initiatives based on regenerative practise certification that are resulting in market access and premium benefits. This will support the regenerative agricultural practises that may be incorporated into the project.

43. Investor sounding has started alongside development of financing models for the scaled-up proposition.

Communications and engagement

44. The formation of the partnership with The Nature Conservancy (TNC) had widespread pickup across media channels and support from key stakeholders to amplify the kaupapa. The National Business Review ran the story offering a channel into the investment community.

45. The project is broader in perspective than just trees. It also includes adjustments required to the pasture-based farming system as a result of planting sections of the farm. TNC's interest in regenerative agricultural orientated practises offer water and land quality related benefits on top of tree planting. Opportunities to integrate regenerative agricultural practises into the project are being progressed.

46. As part of the due diligence efforts for the scale up, the combined RTRP and regenerative agriculture is being orientated as a 'one-project approach' and Tracta (rural specialist marketing agency) has been engaged to explore a potential renaming/rebranding of the project and support for more defined messaging about the project proposition.

47. The planting of trees in the ground at Waipapa in July will offer comms opportunities.

48. Other key upcoming announcements will be the rebrand, survey results, and new team and structure.

49. As part of our MPI Hill Country Erosion funded work we are progressing a 3D projection table and Waipapa will be the feature farm. The table has the ability to project onto the 3D farm

representation the current and future farming systems and associated improvements to environmental and biological outcomes. It will be narrated by Evan and Linda Potter and tell the story of their farm and their vision for the next 50 years. The projection table will reside in the HBRC reception once it has been renovated but be portable to appropriate field days and forums.

50. Farmer engagement has centred on catchment centric forums interested in the RTRP model and one-on-one engagement with leads generated by the CDT. Engagement has shown there is a sub-regional variance in landowner perceptions to farm forestry.

51. Many landowners in the southern area are already moving in the direction of RTRP thinking. The geology of farms in this area is relatively less complex and planting areas are more easily understood. These landowners are interested in what the RTRP offer is and when is it available.

52. Northern areas with more complex and more extensive erosion-prone land will require more effort. Farm/forestry planning may be more complex. Some landowners have preconceived thinking related to total farm afforestation. This anecdotal feedback is supported by survey responses.

53. Good progress with engagement has been made in the Ruakituri catchment with corresponding interest in the RTRP model. It offers a solid base for further RTRP engagement alongside other primary sector organisation initiatives, including HBRC initiatives in the area.

54. The recalibrated project timeline described below underpins the coming engagement with farmers and wider sector. It will involve catchment-based forums and direct engagement with target farms with an emphasis on northern Hawke's Bay. This will be supported by comms to survey respondents and channelled through appropriate channels and stakeholders.

Forward plan

55. With lead consultants recruited and MPI now part of the project team, the expanded team has recalibrated the forward direction for the project. An updated project roadmap and milestone view was submitted to the project Steering Group in mid-June as illustrated in **Attachment 1**.

56. The main steps in the forward work programme are summarised as follows:

    56.1. July: Confirmation of farm planning framework and prioritised farms

    56.2. July: Comms survey results, initial planting, project offer and project renaming

    56.3. August: Farmer enrolment for priority farms

    56.4. September: Measuring benefits and outcomes, reporting framework

    56.5. September/October: Farmer engagement, baseline information, pilot farm identification, develop 2023 planting requirements

    56.6. November/December: Farmer engagement, farm visits and farm/forestry plans

    56.7. February: Finalise remaining farm/forestry plans, develop forward planting programme

    56.8. February: Integrated financial modelling and forecasting

    56.9. March: Investor sounding

    56.10. April: Business case developed.

Decision Making Process

57. 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 Integrated Catchments Committee receives and notes the *Right Tree Right Place: Year 1 report and Year 2 programme* staff report.

Authored by:

Michael Bassett-Foss
RTRP Project Manager

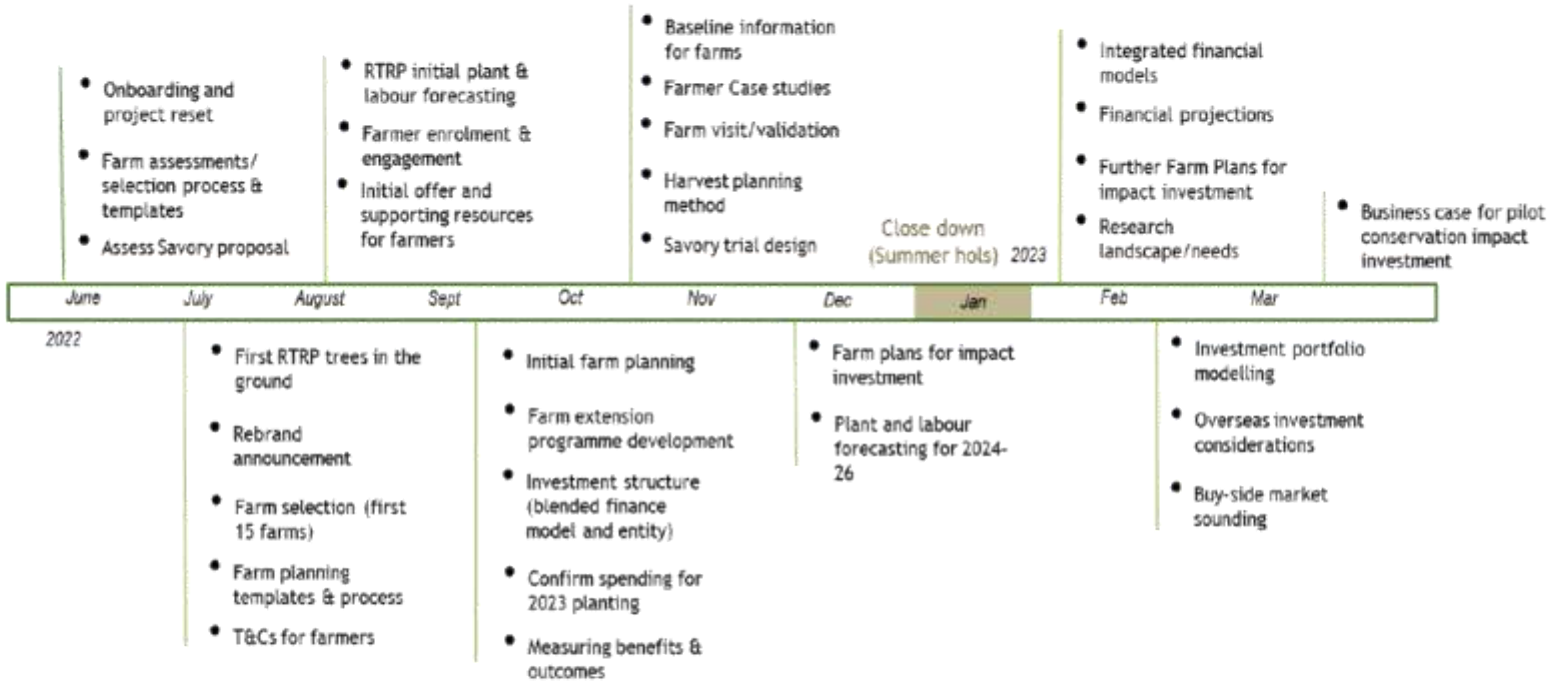
Approved by:

Iain Maxwell
Group Manager Integrated Catchment Management

Attachment/s

1⇩ Forward work plan

Forward work plan



Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: March/April 2022 double rain events – Flood scheme impacts, recovery and lessons learned

Reason for Report

1. This report outlines some brief details and the response to two closely spaced weather events on 21-31 March and 12-14 April (Ex-Cyclone Fili) 2022. These events required Regional Asset and Works Group weather event management resources to be activated for an emergency response. Learnings for future event management were generated from the event and a comprehensive technical flood report is being prepared and is expected to be completed by September 2022.

Executive Summary

2. The weather events included significant rainfall, high coastal swell conditions and river level rise in the Wairoa and CHB areas on 24-25 March 2022, with clear skies occurring in CHB by 26 March, but persistent rainfall occurring in Wairoa until 29 March. This rainfall was followed quickly by the tail end of Ex-Cyclone Fili, which was forecast to hit the east coast of New Zealand sometime just after 12 April 2022, but fortunately followed a path away from the east coast and only caused minor additional rainfall in Wairoa, and several small-scale intense rain bursts in CHB.

3. Metservice provided rainfall forecasts in the days preceding the initial rainfall, and the HBRC flood forecasting system was used to predict ongoing river levels and possible inundation areas. The long duration of the event and variable rainfall forecasts meant the Asset Management team maintained forecasting and reconnaissance throughout.

4. The forecasts enabled HBRC resource deployment ahead of the events, with the main focus being Wairoa and CHB, as well as some parts of the Heretaunga Plains. The events generated major Civil Defence Emergency Management (CDEM) responses from Wairoa and CHB District Councils concerning their roading and infrastructure networks but remained as a moderate event for HBRC flood control assets.

5. Post-event helicopter surveys were conducted to check CHB and Wairoa scheme areas, and ground follow-up teams assessed and organised remediation of HBRC and CHB stopbank damage. The Tarewa cycleway swing bridge over the Tukituki River below Waipukurau was destroyed and Works Group worked with engineers to safely remove the remains from the river. The recently completed HBRC IRG project on the Waipawa River at SH50 performed as intended in the flood event. The event did not generate sufficient damage to trigger a claim under the terms of HBRC insurance cover.

Strategic Fit

6. This activity supports the Water and Land Priorities in the Strategic Plan 2020-2050 in managing and maintaining safety and climate-resilient security, and sustainable land use. These event responses are a core part of the Regional Assets and Works Group functional service delivery across schemes administered by HBRC.

7. The report also seeks to outline the ongoing learning and development that these event responses allow to those involved and to the wider community of stakeholders.

Background

8. Regional Assets have weather event response as a core function and, when events are forecast by Metservice, a corresponding internal risk impact analysis is performed and maintained as the temporal forecasts are provided until the event occurs or diminishes to a non-watch risk level. Based on this process the Schemes and Engineering staff develop a response plan to deal with the emerging weather event and engage Works Group to begin appropriate preparation according to the likely weather impact.

9. This is internal to Regional Assets and HBRC CDEM but takes inputs from regional/national CDEM notifications in the initial phase until the probability and extent of direct weather impact are known closer to the current time. HBRC Incident response was partially activated with an Incident Controller engaged with CDEM but the event run internally. For the second (Ex-Cyclone Fili) event the PIM was also activated. HBRC provided intelligence into CDEM for both events

10. Typical activities are updating of hydraulic models to forecast indicated river or drainage scheme impact, and maintenance preparation (pump station screen clearance checks, positioning of mobile pumps and generators, notification of at-risk activities in flood impact areas, resource planning).

Tractor pump night operation during the event

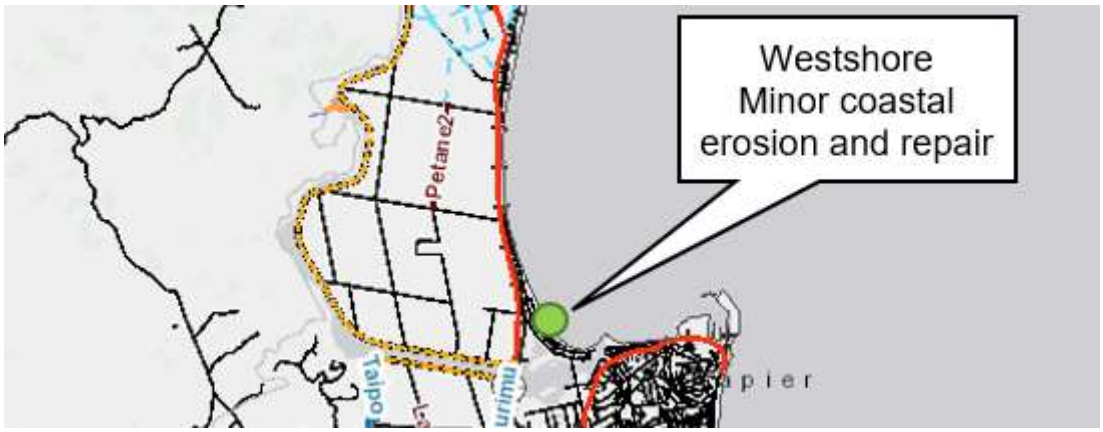
11. These events were typical of those experienced by HBRC catchments, with often locally-intense weather impacts within specific geographic areas based on the event rainfall distribution, and seasonal coastal high swell conditions. The events will be summarised in a formal flood report, but for the purposes of this update the interim summary report is included in the appendix.

12. Weather event damage to 17 sites on HBRC-managed Great Ride cycleway assets was assessed and a successful funding request was made for $50,000, developed under the Ministry of Business, Innovation and Employment's (MBIE) 'Maintaining the Quality of Great Rides Fund' (Enhancement & Extreme Event funding). An additional claim of $11,500 for Hastings DC managed cycleway sections was also successful. This funding is accessible from MBIE under the accredited 'Great Ride' status of the cycleways that are part of the NZ Cycle Trail, and by engaging the repair services through a recognised contractor with 'Master Track Builder' status. The application was approved based on a well-prepared document meeting all funding criteria, and repairs were completed to damaged Great Ride trail areas quickly.

21-31 March 2022 Event

13. The initial March event generated a series of rapid rise hydrographs in the early hours of Thursday 24 March in several catchments including the Wairoa River and its tributaries, the Upper Tukituki River and its tributaries, as well as several other minor catchments.

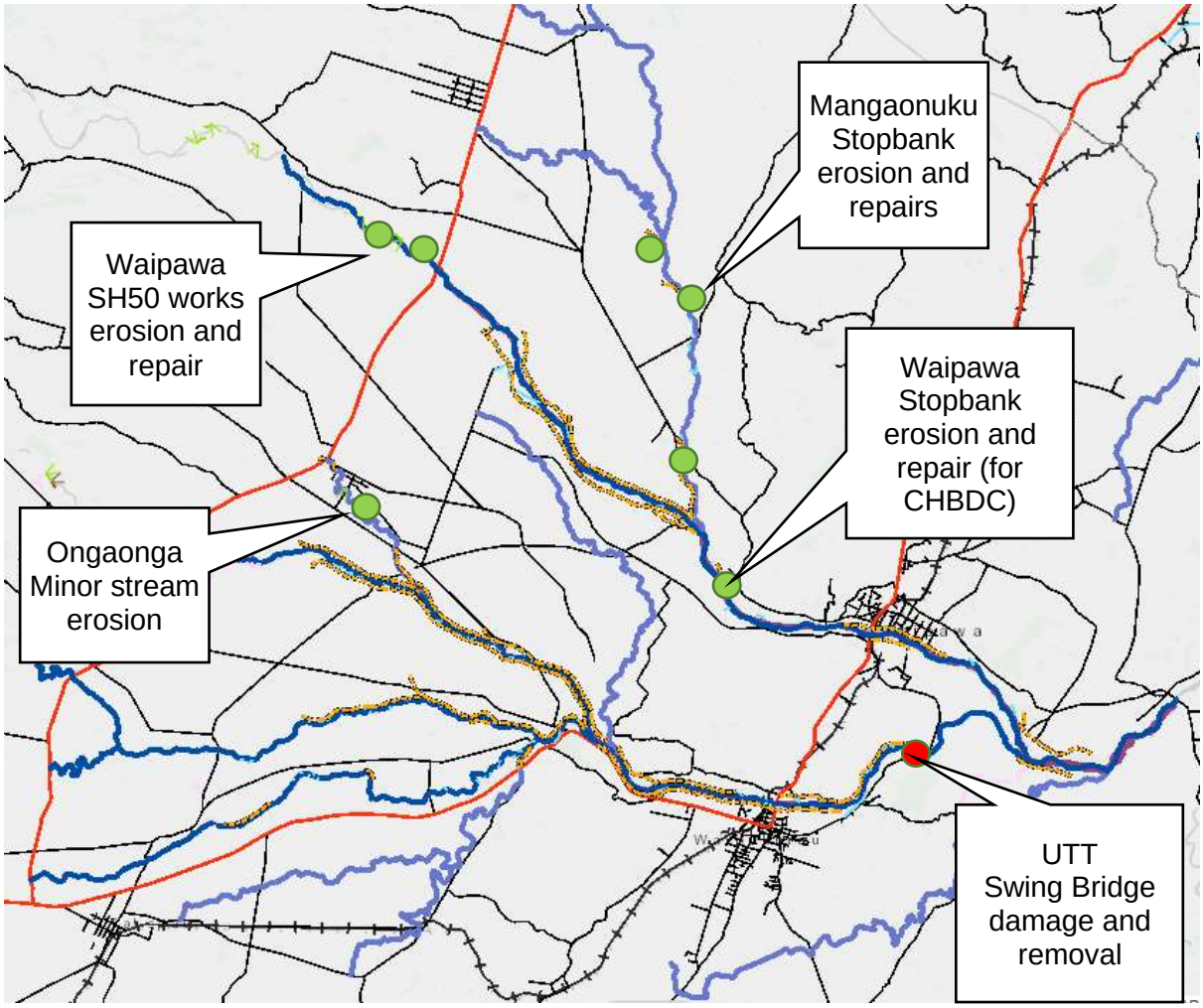
14. The Westshore gravel bank was significantly eroded by high swell conditions and minor inundation occurred into the reserve area. The gravel bank has been restored to nominal configuration.



15. Concurrent high sea swell conditions are an issue for rivers which struggled to maintain discharge against the sea swell building a shingle bar across the mouths and creating elevated water levels in the lower reaches of smaller rivers. Under the direction of HBRC Regional Assets, the Wairoa River mouth was mechanically opened by the local contractor prior to the event, which resulted in the prevention of flooding due to lower water levels in the lower reaches of the Wairoa River in both events. This is a wider 'fair weather' issue for most HB rivers.

Ngaruroro mouth at Waitangi Regional Park

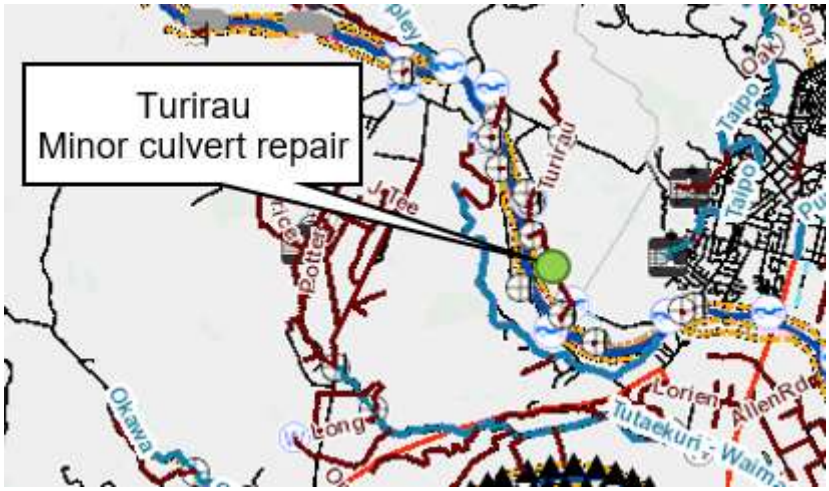
16. In the CHB area the Waipawa, Makaroro, Mangaonuku, Tupiko and Upper Tukituki rivers all rose rapidly early on 24 March which caused local erosion and inundation issues. Some drainage areas in the Crownthorpe/Redcliffe and Clive/Haumoana areas also suffered from localised intense rainfall resulting in short duration, high water levels and local flooding. Several field observation reports showed a rapid rise in water levels from 0400 Thursday with a peak around 0900 followed by a relatively rapid drop of the peak to a lower flood flow at sites in CHB and Crownthorpe/Taihape Road area.



Locations of repairs Central Hawkes Bay

17. Out of channel flows were generated in CHB rivers and drainage channels; damage to some stopbanks in the Mangaonuku true right bank, and the destruction of the Tarewa suspension bridge on the Upper Tukituki River downstream of Waipukurau. This bridge was subsequently demolished and the structure recovered safely by HBRC Works Group resources to the HBRC Waipukurau yard where local community groups are helping salvage materials for other cycleway initiatives.

18. A blocked culvert on the Turirau drain off Springfield Rd caused erosion of adjacent cycle trails, and there were widespread short-term issues often caused by debris washed into culverts (Clive /Haumoana/Elephant Hill Area).



19. Concurrent high swell conditions also caused river mouth blockage at several sites initially and was managed under normal operation processes. Once the increased river water volume travelled downstream to the sea most had sufficient flow to clear the bar at the river mouth and maintain drainage. The Wairoa River was the most significant as a new, more direct opening was prepared ahead of the two events and was successfully established with local contractor support.

20. Heretaunga Plain rivers and drainage were well-prepared and after the initial night response there were no major issues or long-term inundation so resources were progressively stood down as the event passed.

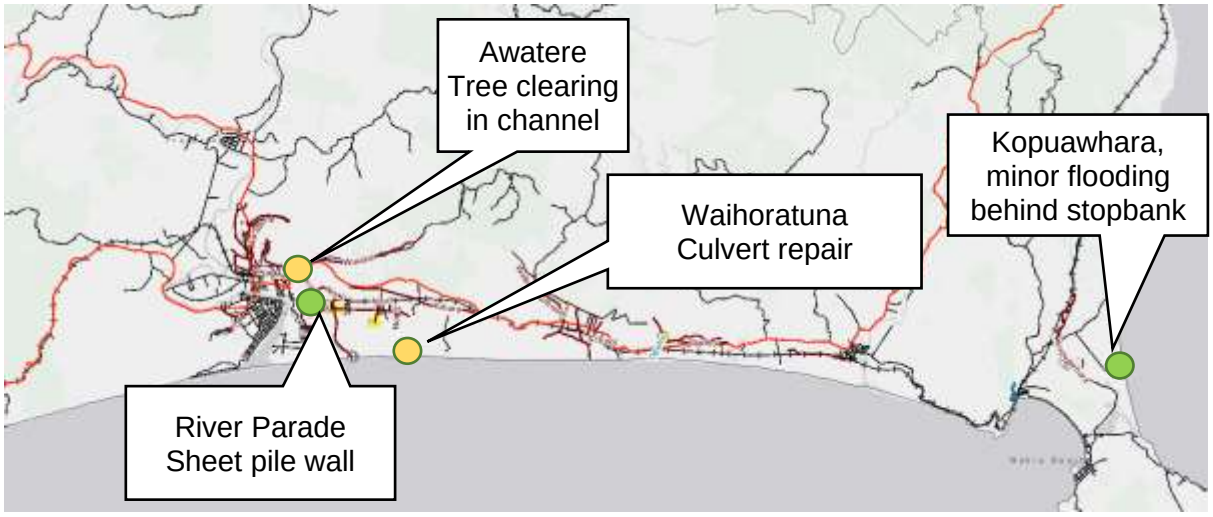
Damaged Upper Tukituki Cycleway Tarewa Swing Bridge

21. The flood event caused localised inundation and bank erosion at various CHB sites with a CHB water intake for Waipawa compromised by erosion of a non-HBRC scheme stopbank (Waipawa BM22L), and subsequently priority repaired by HBRC resources on CHBDC behalf as a priority restoration.

22. HBRC stopbanks overflowed on the Mangaonuku true right bank causing inundation of local farmland, and minor erosion of a CHB road embankment. Stopbanks have been repaired and good grass cover restored. Survey is being undertaken of river benchmarks to determine the gravel bed changes from the event in CHB. Boundary fencing repairs in CHB are scheduled but not yet complete.

12-14 April 2022 (Ex-Cyclone Fili)

23. Works Group (truck, excavator and two chainsaw operators) and Schemes staff were deployed to Wairoa ahead of the Cyclone Fili event to deal with the forecast potential of Cyclone Fili tracking on an easterly path and high winds. Northern Wairoa drainage schemes (Paeroa, Ohuia and Kopuawhara schemes area saw out of channel flooding and some inundation. Staff were able to work on identified issues ahead of weather arrival, and when no further work was possible were made available to the Wairoa DC CDEM activation as wider regional issues became more of a CDEM priority.



Location of repairs- Wairoa

24. A helicopter inspection was conducted over the Wairoa River for flood indicators and the schemes in the northern coastal strip from Wairoa to Mahia/Kopuawhara. With the more westerly track of Cyclone Fili the impact was still significant for Wairoa District infrastructure and landowners, but the scheme impact was within expected forecast parameters.

25. Issues were identified with blocked stream channels in the North Clyde area around the Wairoa stockyards, a pump tripping out at the Ohuia main pump station, and over-bank flow on the Kopuawhara. Ground checks were conducted in the following week. Concerns with drainage water from the Tuhara drain north of the Ohuia scheme were raised by Ohuia Station staff with schemes staff. Survey will be required to check the true right bank stopbank levels at Kopuawhara, and a walking ground check on the Paeroa drainage channels has been completed.

26. An insurance claim is unlikely to be pursued for damage from these events as the minimum threshold value has not been achieved. Though there was a swing bridge destroyed, Westshore gravel protection erosion, and several stopbanks eroded, the minimum insured value was not met. The swing bridge replacement will require a higher level of performance and 'betterment' (greater level of service) is not covered under insurance cover. Remediation of flood damaged HBRC assets will require funding from Scheme Disaster Damage Reserves. The Tarewa Swing bridge will need to be revised and funding sought for a higher flood clearance. Options for this work are currently being prepared and priced.

Discussion

Event Response

27. The two events were the first events in some time to get close to a wider CDEM activation for HBRC. HBRC incident response was partially activated with Incident Controller, Intelligence support to CDEM in the initial event and Incident Controller, Intelligence support and PIM in the Post-Cyclone Fili event.

28. The events required full field responses by Regional Assets and Works Group staff where staff were required to reprioritise away from business as usual tasks during the 2-3 day events, and for some priority recovery tasking in the weeks following.

29. New staff were buddied with more experienced staff but the need to maintain 'fair weather' access and operational familiarity for effective and safe event management was raised in the post-event review. Roles and responsibility awareness needs to be maintained, and mock event sessions run on a scheduled basis. This applies to HBRC response and potential CDEM roles as well.

30. The post-event review meeting has identified some improvement items from the events which should improve future event responses and provide areas for further process improvement.

Works Group

31. The event response provides good evidence of the critical role and value that Works Group staff and resources enable HBRC's event response capability. The staff worked closely with Regional Assets Schemes and Engineering staff in the pre-planning phase, during the events and in the response phase.

32. This was well illustrated in the Cyclone Fili response for Wairoa where our local contractors were committed to significant wider flood response tasking from Wairoa DC and NZTA and decisions were able to be made to resource an excavator and transporter with additional chainsaw operators for the forecast work.

33. Fortunately the wind impact was not as widespread as forecast and staff were able to be tasked under the Wairoa DC CDEM management having responded to immediate HBRC scheme issues.

34. Works Group also safely recovered the Tarewa Swing bridge debris from the Tukituki River and were able to prioritise the critical stopbank restoration in the CHB area to protect the CHBDC Waipawa water intake, and the Mangaonuku area.

35. The local knowledge, skills and resources were deployed quickly and safely based on excellent working relationships with HBRC Schemes and engineering staff.

Insurance

36. The damage from these events did not meet the minimum claim threshold for a claim in this instance (M$1.5 claim minimum).

37. Event-related damage and remediation activity costs are summarised in the table below. Note that any replacement of the Tarewa swing bridge will require a better flood clearance, so a replacement structure is likely to be more expensive than the insured book value and impacted by current industry cost pressures. Options are being developed at present, and discussions with CHB stakeholders continue around this for initial concept options.

March Flood Event	Status	Indicated Cost	Comment	Funding
Westshore Coastal Bank erosion	Completed	$ 5,000	Bank Restoration from displaced material in NCC Reserve. Machine time only	Westshore Reserves
Makaretu Area	In Progress	$ 5,000	Boundary fence shared cost repairs.	50% UTT Scheme
Tarewa SwingBridge (CHB Cycle Trails - NOT HB Trail Great Ride)	Concept Development with CHB stakeholders	$ 312,000	Bridge debris removal (circa $20k) completed, some salvage and final disposal to come. Swingbridge **Replacement will require betterment to higher flood level specification and higher cost than the book value cost of the demolished structure** ($312k). Explore Co-funding options when developed.	UTT Scheme
All CHB/HP X-Sections	In Progress	$ 15,000	Post event brenchmark survey	Gravels/UTT Scheme
Waihoratuna	In Progress	$ 30,000	Culvert damage (Estimate only)	Ohuia Scheme
Mangaonuku Stopbanks	Completed	$ 12,000	Reinstate eroded stopbanks	UTT Scheme
Waipawa SH50	Completed	$ 100,000	Restore event damage (Costs not final at report time)	UTT Scheme
Wairoa Bank slump repair	Completed	$ 23,000	Funded from original project	Original Project
HB Trails (Great Ride Sections)	Completed	$ 50,000	MBIE Claim coverage (ex GST)	MBIE Claim
Event Related Damage		**$ 552,000**		

38. The work in tracking the event costs lead HBRC to discuss claim process with peer organisations who have dealt with larger flood claims. The recommendation was to prepare ahead to ensure insurance claim management is well structured for future major events to ensure insurer information requirements and coverage criteria are well understood. This will add value to future claim management.

Next Steps

Response management

39. From these events there has been a raised awareness of staff maintaining 'fair weather' familiarity with schemes for situations when 'bad weather' presence is required. With staff turnover the working familiarity needs to be maintained, staff working relationships developed and effective health and safety provisions maintained. Staff resources for forward deployment ahead of events to be formalised operational processes.

40. Operational checks and provisioning for local documentation and supporting materials for tractor pump and generator operations at pump stations so spares are available if required.

41. Review radio options for all field operations. Fleet Link radio options coming in the current Project Tarsier (radio replacement) will improve situational awareness particularly for longer events in more remote areas. Continue to look at MS Teams options for operational and reporting improvements.

42. Routine quality assurance on processes, equipment provisioning, maintaining lists of contacts, contractors, training and post event reviews adds value to weather event response effectiveness.

43. Continue to maintain routine CDEM role familiarisation.

44. Post event review has been run and improvement areas identified in the items above.

Insurance

45. Prepare ahead to ensure insurance claim management is well structured for future major events to ensure insurer information requirements and coverage criteria are well understood.

Decision Making Process

46. 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 Integrated Catchments Committee receives and notes the *March/April 2022 double rain events – Flood scheme impacts, recovery and lessons learned* staff report.

Authored by:

Ken Mitchell
Asset Management Engineer

Craig Goodier
Principal Engineer

Harry Donnelly
Project Engineer

Martina Groves
Manager Regional Assets

Approved by:

Chris Dolley
Group Manager Asset Management

Attachment/s

1⇩ Interim Flood Event Summary Report: 21-31 March and 12-14 April 2022

June 18, 2022

Interim Event Summary – March 21 to March 31 and April 12 to April 14

Two significant rainfall events occurred in Hawke's Bay with most rain falling between March 21 and 31, then a smaller amount of rain from ex-cyclone Fili between April 12 and 14.

Within the first rain event, substantial rain fell in a 12 hour period on March 23/24 which caused surface flooding, erosion, slips, drop-outs, and resulted in most rivers rising rapidly. Substantial steady rain on the following days up to March 31 added to the erosion and slip issues, with increased damage to infrastructure. The additional smaller amount of rain on April 12 to 14 caused additional delays to recovery as well as further damage to already saturated catchments.

The 12 hour maximums are shown in Figure 1, and the 10 day rainfall totals from March 21-31 are shown in Figure 2. Location names are shown at the end of the report in Figure 17.

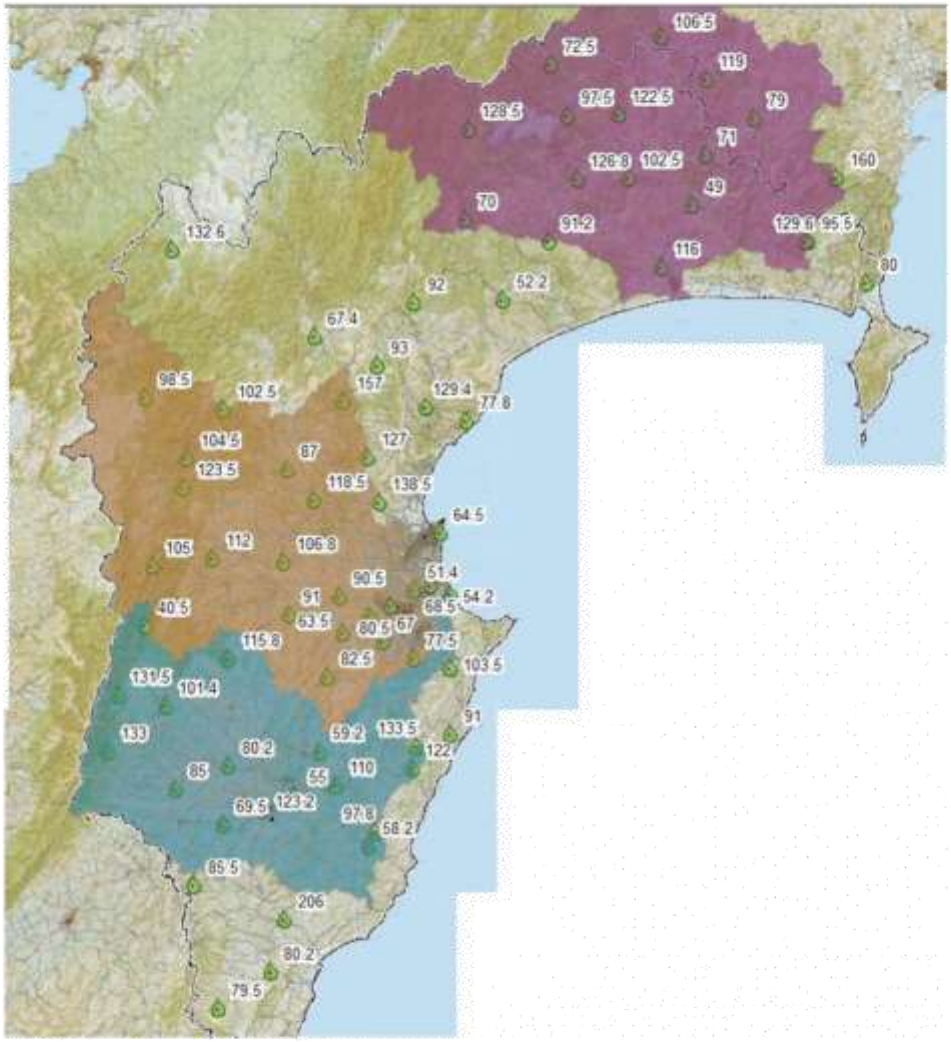


Figure 1: 12 Hour Maximum Rainfall between March 24 and 26, 2022

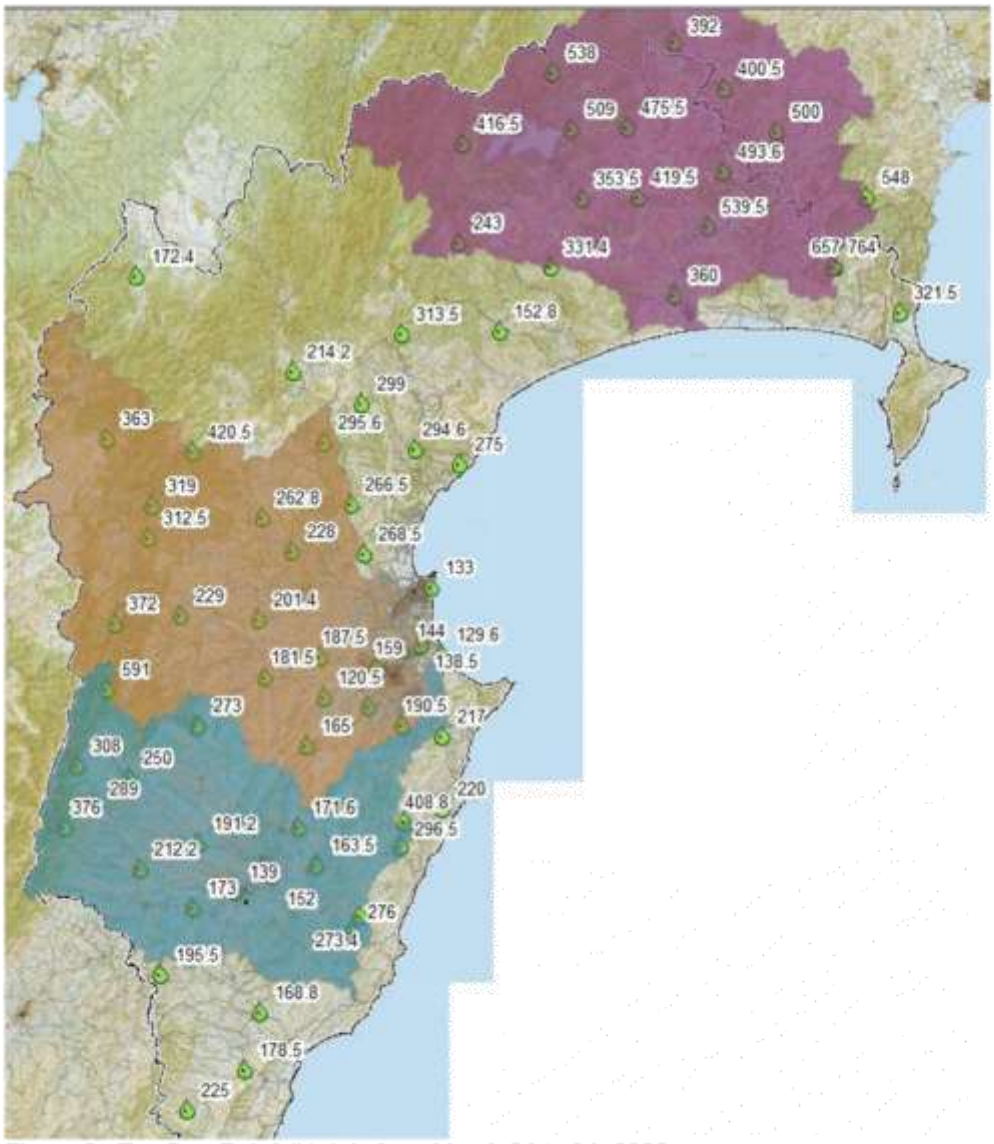


Figure 2: Ten Day Rainfall totals from March 21 to 31, 2022

2

A summary of rainfall and/or water level return periods is presented below.

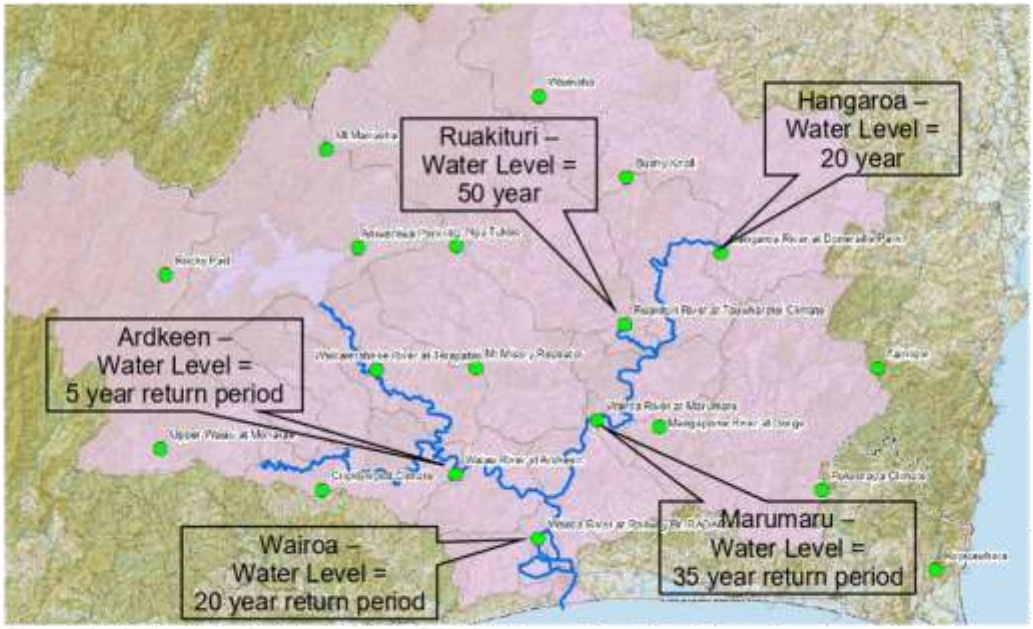


Figure 3: Summary of return periods for March event in Wairoa

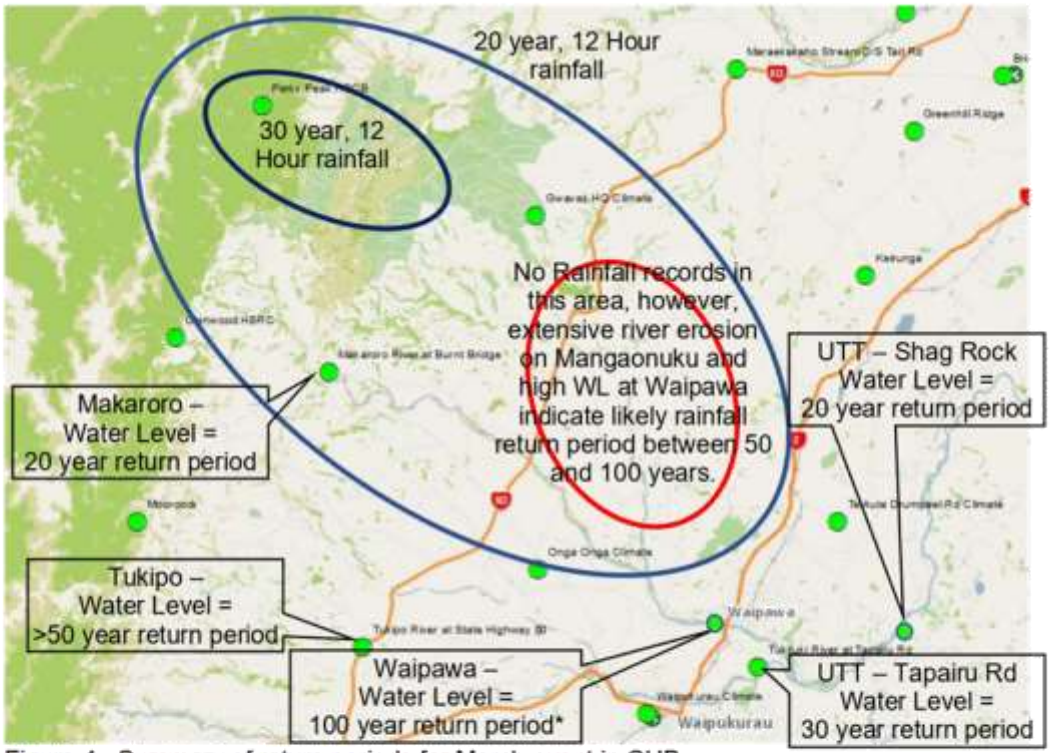


Figure 4: Summary of return periods for March event in CHB

3

The rainfall statistics are shown in the following tables:

Wairoa District rainfall maximums March 21 to 31

	Rainfall Maximums (mm) for the Specified Duration										
	Hours					1 Day	2 Day	3 Day	5 Day	10 Day	
March 20 to March 31	1	2	3	6	12	24	48	72	120	240	
Aniwaniwa Park HQ	15	22.5	30	48	89	113	203.5	281	324	509	
Bushy Knoll	16	31	41	73.5	119	134	192.5	246	317.5	400.5	
Cricklewood Climate	12	18.2	30	52.4	91.2	114.4	176.4	212	227.6	331.4	
Fairview	20	38	56	101	160	185	249	380	489	647	
Hangaroa River at Doneraille Park	23	23	23	23.5	23.5	23.5	23.5	23.5	24	27	
Kopuawhara Stream at Railway Bridge	15.5	29.5	42.5	68	80	95.5	144.5	188.5	272.5	320.5	
Mangapoike River at Gorge	20	27	38	70	111	173	224	294	436	627	30 year
Mt Manuoha	14	24.5	30	44.5	72.5	114.5	189	291.5	390	538	
Mt Misery Repeater	12	23	32	52.5	102.5	110.5	179	229	255.5	419.5	
Nga Tuhoe	16.5	28.5	41	70.5	122.5	141.5	224.5	305.5	352	475.5	
Pukeorapa Climate	19.8	30.6	44.6	81.2	129.6	145	228.6	332	433.4	655.6	5 year
Rocky Pad	26	30.5	33	46.5	71	123	191.5	269	308	416	
Ruakituri River at Tauwharetoi Climate	18.6	28.6	38	68.4	132.6	197.8	217.8	279.6	361.2	493.2	40 year
Upper Waiau at Monarae	22	36	47	65.5	87	114.5	150.5	186	207	242.5	
Waiau River at Ardkeen	21.5	26.5	33	60	101	126	173.5	217.5	236	573	
Waikaretaheke River at Terapatiki	17	33	43	69.5	106.5	130.5	190.5	236	259.5	353.5	
Waimaha	16.5	32.5	40.5	55.5	91	112	192.5	250.5	320.5	392	
Wairoa River at Marumaru	19.5	28.5	33	61.5	116	181	207	261	334	539.5	30 year
Wairoa River at Railway Br. RADAR	13	21.5	28.5	52.5	85.5	106.5	149	195.5	220	360	

Central Hawke's Bay rainfall maximums March 21 to 31

March 21 - March 31	Rainfall Maximums (mm) for the Specified Duration											
	Hours				Days	1	2	3	5	10		
	1	2	3	6	12	24	48	72	120	240	Total	Return Period
Ben Nevis	6	9.5	9.5	16.5	25.5	33	39	45.5	58.5	104.5	112	
Flemington	16.5	30.5	41.5	67	85.5	106.5	131.5	151	183	193.5	198.5	
Glenwood HBRC	21.5	35.5	44.5	69.5	131.5	181	215.5	248.5	295	308	326.5	
Gwavas HQ Climate	22.4	31.8	43	67.8	115.8	143	175.2	216.6	252.4	273	280.2	20 year
Keirunga	14.5	25	35	55.5	82.5	102	120.5	136.5	158.5	165	167	
Kopenga	15.5	27	37.5	57.5	77.5	111	128.5	151	178.5	190.5	191.5	
Maharakeke Stream at Limeworks Stn Rd	13.5	27	38	58	69.5	88.5	126	157.5	170	173	178.5	
Makara Stream at Dam No.1	30	52.5	68	101	122	134.5	171	201	249	296	288.5	
Makaroro River at Burnt Bridge	17.6	27.2	35.2	58.6	101.4	129.8	159	207.6	239.2	250	256.2	
Maraetotara River at Waimarama Road	25	49.5	66.5	93	103.5	125	149	168	198	217	218	
Moorcock	16.5	32.5	46.5	81.5	133	203	245	283	341	376	397	
Omakere Climate	23	39.8	54.2	83	97.8	113.6	167	191.2	234.2	273.2	279	
Onga Onga Climate	15.6	28.8	38.6	59	80.2	99.8	134.2	148.8	180	191.2	195.6	15 year
Parks Peak HBCB	27	50	69	115	208	272	382	432	546	591	616	30 year
Te Aute Drumpeel Rd Climate	17.6	23.4	32.4	48.4	67.4	88	120.2	133	153	171.6	173.2	
Te Kaihi	27.5	44	60	89.5	105	123.5	181	202	247.5	276	279.5	
Tukipo River at State Highway 50	15.4	29.6	40.6	67	92.4	118.6	150.6	167.2	202.8	212	218.8	
Tukituki River at Folgers	16	31	39	69	110	158	187	237	276	289	300	
Tukituki River at Shagrock	10	19	27	41.5	55	68	106.5	120.5	139.5	163.5	164.5	
Tukituki River at Tapairu Rd	10.8	19.2	27	40.6	51.4	67.4	106	117	141.4	152	156.6	
Waimarama Climate	21.2	35.6	48.8	67.4	77.8	99.2	133.6	152.6	176.6	220	225	
Waipoapoa	22.5	42	58.2	93.2	123.2	144.8	211.5	237	306.4	408.8	414.3	
Waipukurau Climate	12	21.6	28.2	40.6	49	62.6	91.6	105.2	132.8	139	142	

Several Rainfall and Discharge plots are shown below to show the periods of heavy rainfall, the accumulated rainfall, and the response in the rivers.

4

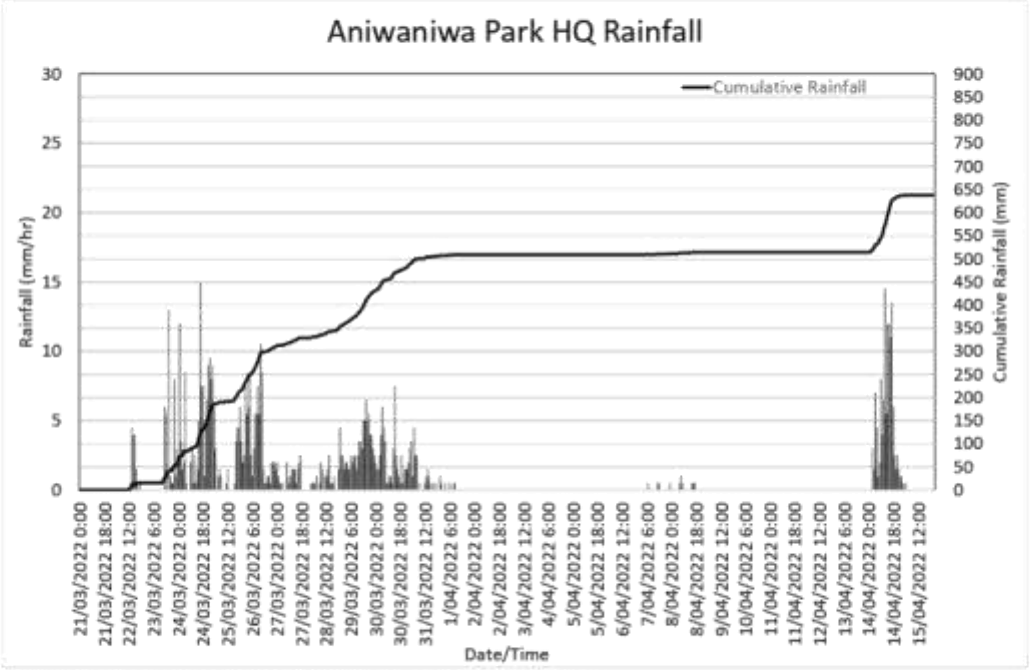


Figure 5: Aniwaniwa Rainfall (mm/hr and cumulative)

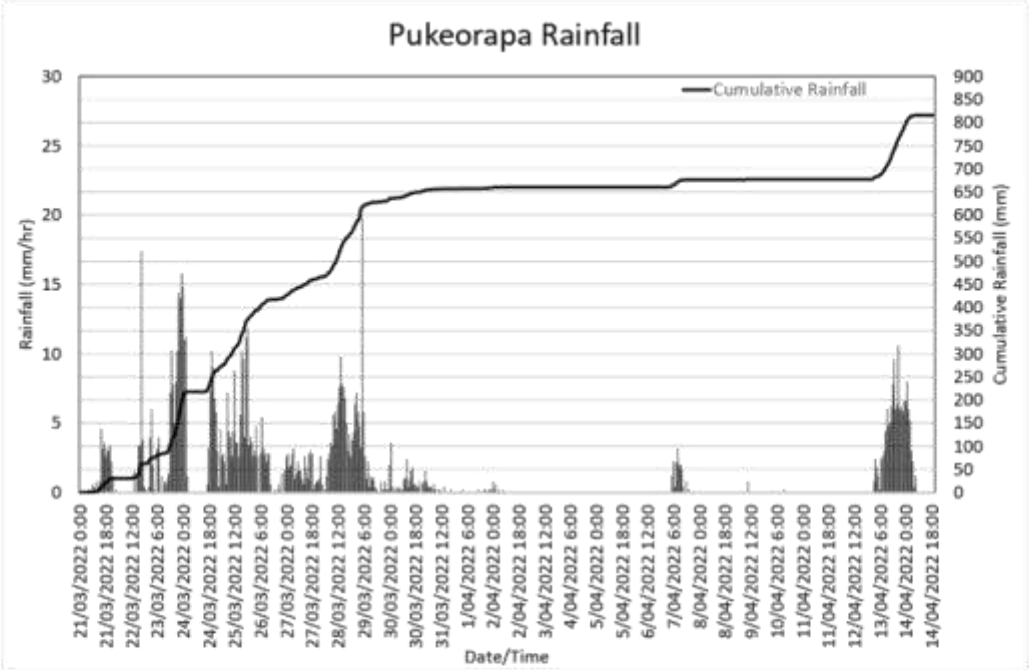


Figure 6: Pukeorapa Rainfall (mm/hr and cumulative)

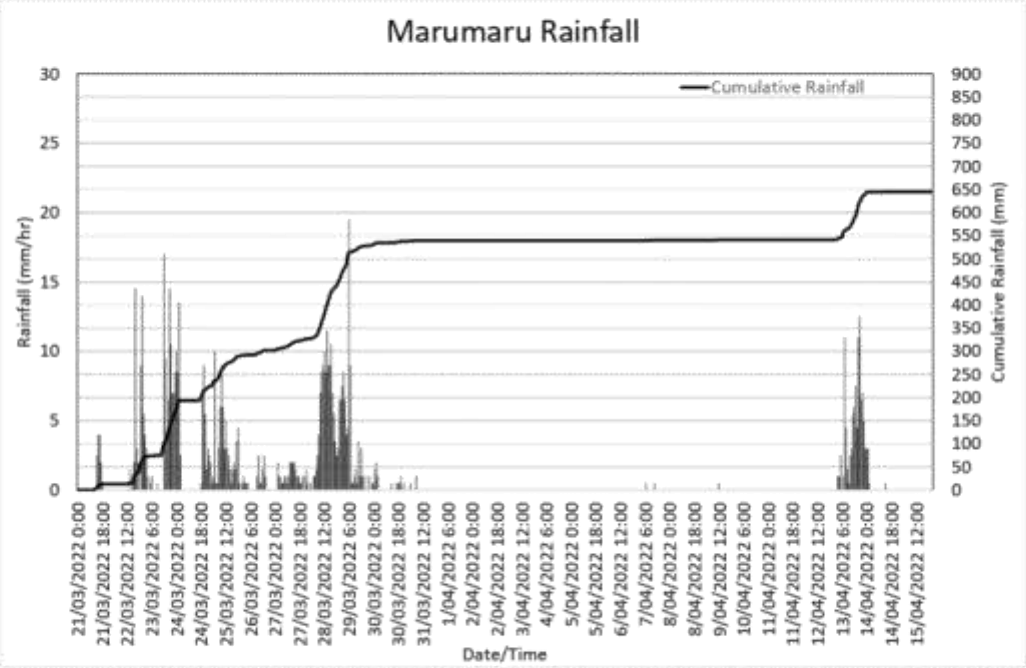


Figure 7: Marumaru Rainfall (mm/hr and cumulative)

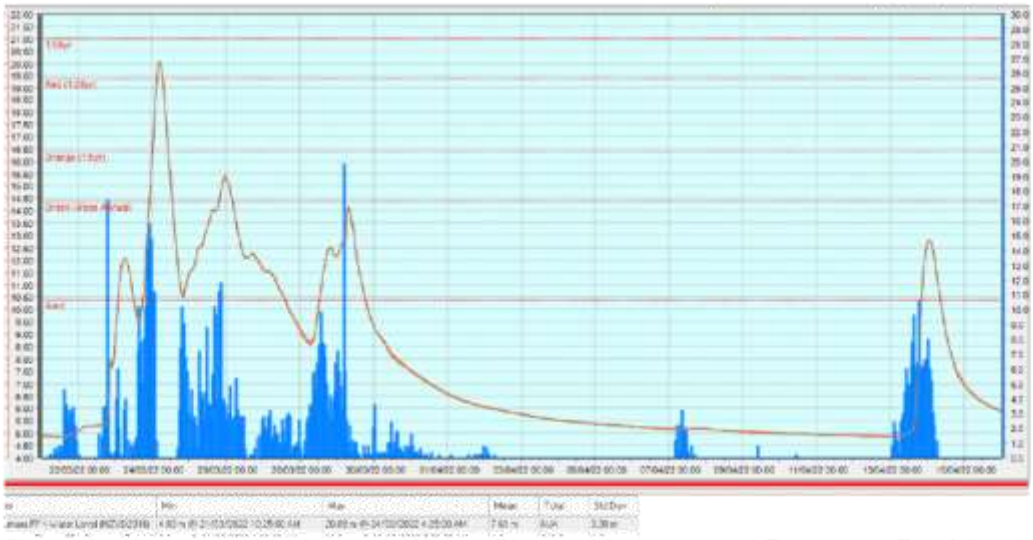


Figure 8: Water Level hydrograph Wairoa River at Marumaru and Pukeorapa Rainfall (left hand y axis water level NZVD16 datum)

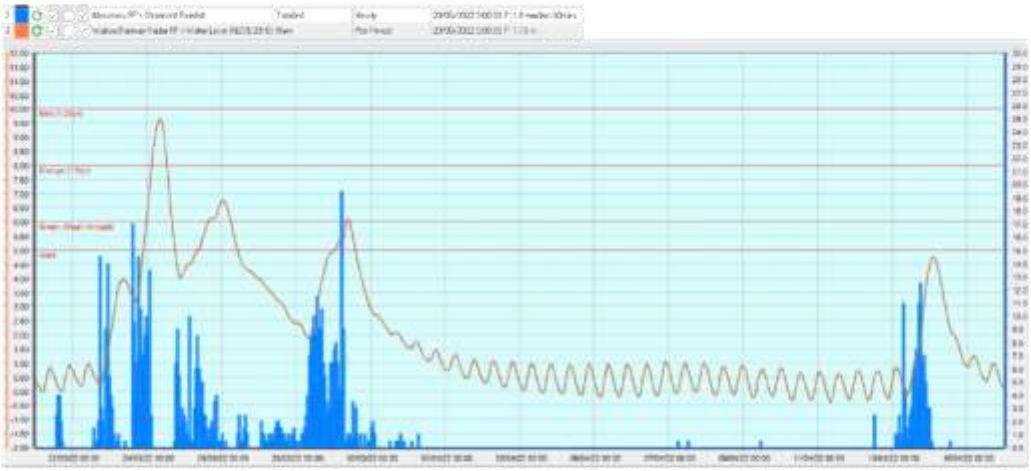


Figure 9: Water Level hydrograph Wairoa River at Railway Bridge and Marumaru Rainfall (left hand y axis water level NZVD16 datum)

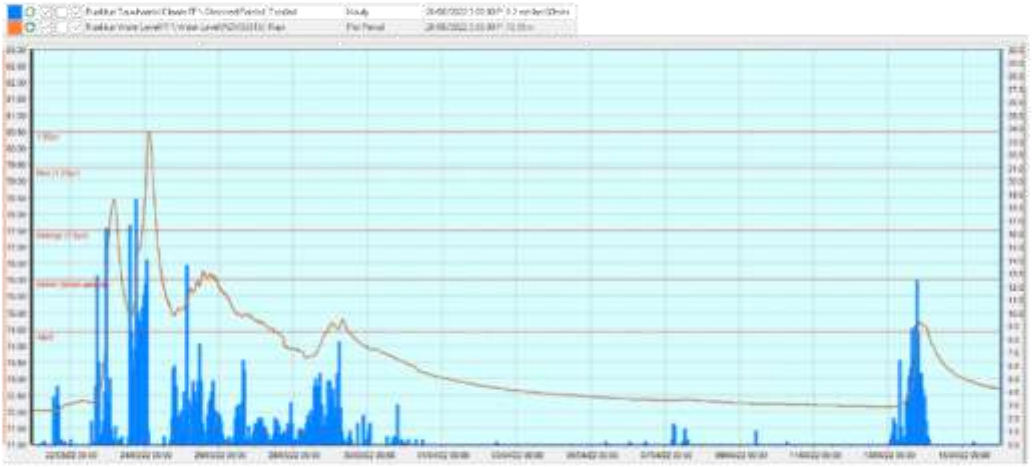


Figure 10: Water Level hydrograph and Rainfall at Ruakituri River at Tauwharetoi (left hand y axis water level NZVD16 datum)

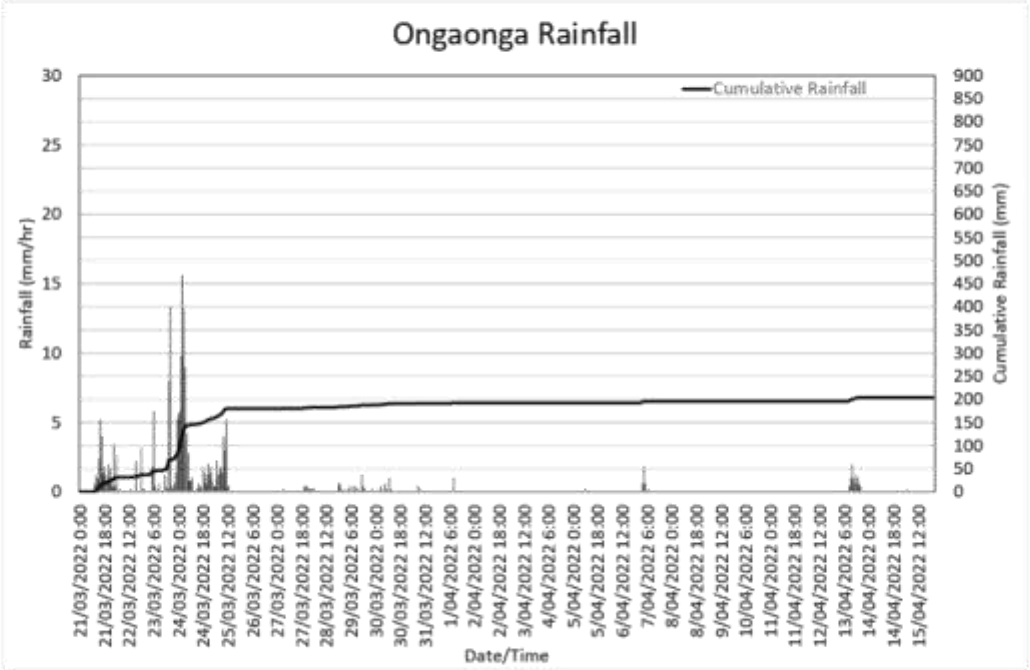


Figure 11: Ongaonga Rainfall (mm/hr and cumulative)

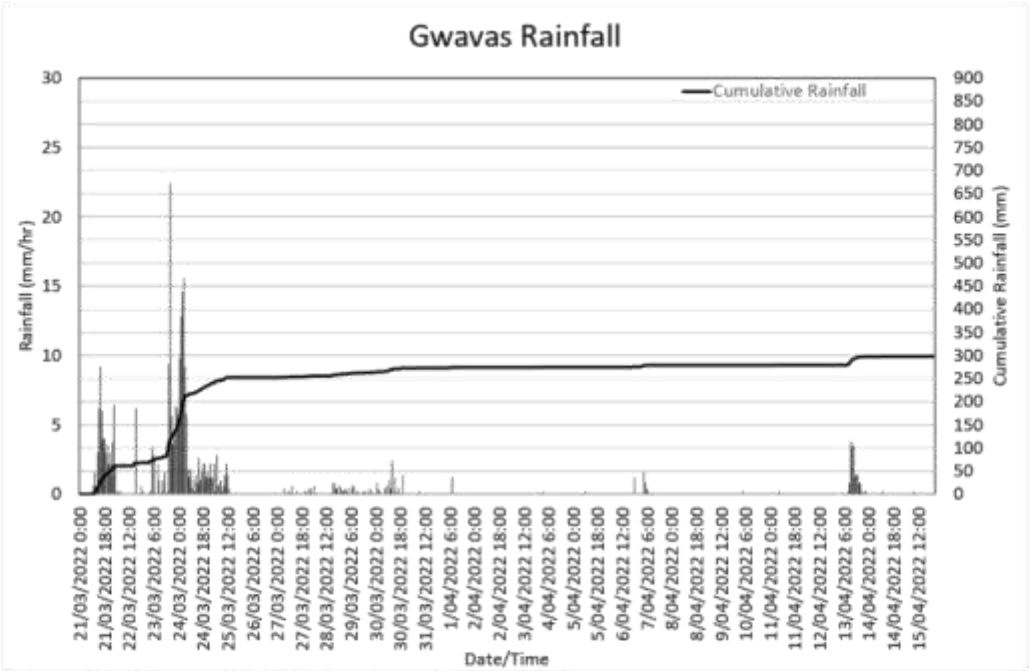


Figure 12: Gwavas Rainfall (mm/hr and cumulative)

8

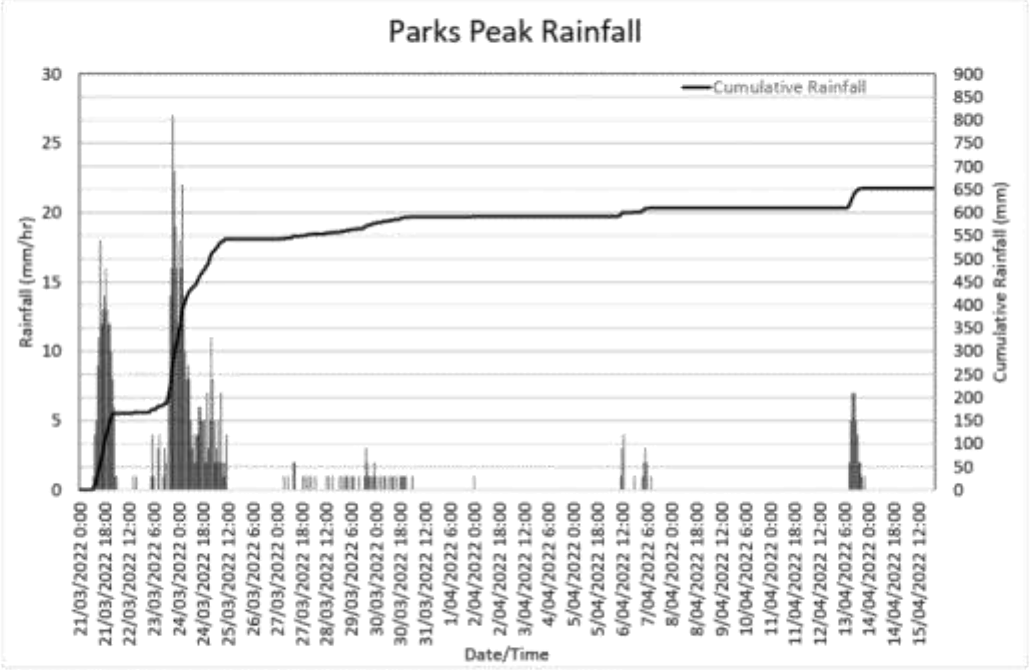


Figure 13: Parks Peak Rainfall (mm/hr and cumulative)

Figure 14: Water Level hydrograph Waipawa River at Waipawa* and Gwavas Rainfall (left hand y axis water level staff gauge local datum)

*An aspect of the gravel management in the Waipawa River needs to be considered prior to a final determination of return periods at this location. The water level observation of around 100 year return period in the Waipawa River at Waipawa may have a component of high levels resulting from excessive gravel buildup in the main river channel. For a fixed level in the bed, the 100 year level has been determined using discharge frequency analysis. Further analysis may indicate the discharge is less than 100 year return period if there was substantial gravel buildup which caused the high water levels. Investigation into this aspect is ongoing.

Figure 15: Water Level hydrograph and rainfall Makaroro River at Burnt Bridge (left hand y axis water level staff gauge local datum)

An aspect of the ex-Cyclone Fili event from April 12 to 14, was that rainfall in the Omakere area received a 50 year, 2 hour duration intense rain burst amounting to 63.2 mm from 9am – 11 am April 13. This caused localised damage to roading, farms and other infrastructure. Figure 16 shows the signficant rainfall near the end of the plotted period.

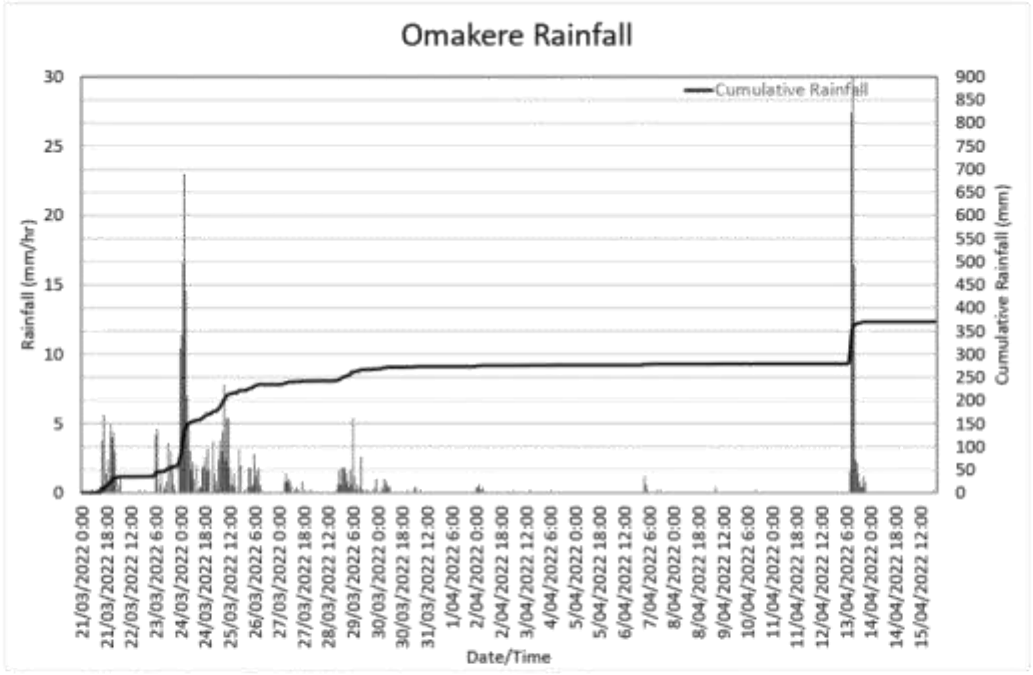


Figure 16: Omakere Rainfall (mm/hr and cumulative)

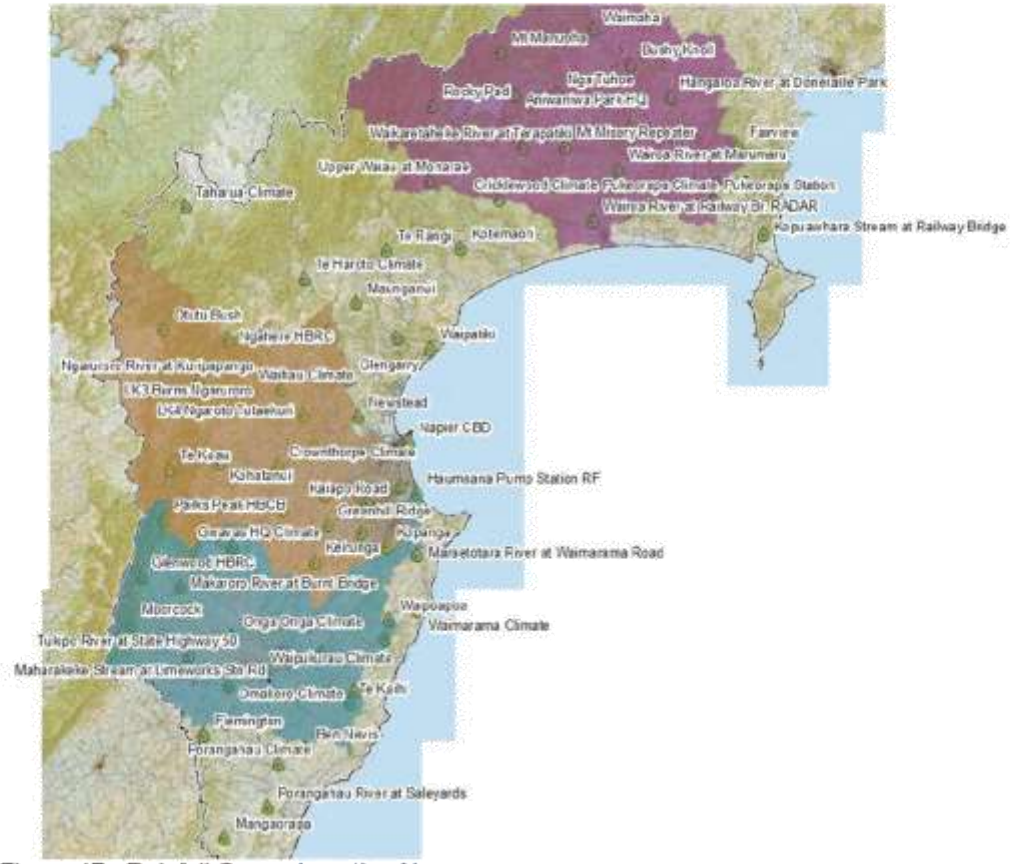


Figure 17: Rainfall Gauge Location Names

This report was prepared to provide interim results to Wairoa and Central Hawke's Bay District Councils.

A more comprehensive flood report will be prepared by Hawke's Bay Regional Council.

Prepared by:
Craig Goodier
Principal Engineer,
Hawke's Bay Regional Council

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: Gravel Extraction - current situation and new global consent

Reason for Report

1. This item updates the Committee on riverbed gravel extraction undertaken as part of Hawke's Bay Regional Council flood control functions, including discussing some challenges the region is facing with decreasing gravel availability in the rivers, and a brief update on the status of the new global resource consent process.

Background

2. Under the Soil Conservation and Rivers Control Act 1941, regional councils have a statutory responsibility for flood control. To achieve this in the context of sediment build-up, the Asset Management Group (AMG) encourages aggregate suppliers to excavate gravel from the dry parts of the river beds (sometimes referred to as beaches), with the objective of maintaining the bed at a design grade. The design grade is the calculated grade of the river bed (i.e. the bed level at any particular location) required to maintain the required floodway height and area.
3. This gravel extraction activity is authorized by very short-term consents, typically one year, using a Council-managed consent application template system. However, this system is not delivering the desired results for extractors (who seek longer-term certainty) or for HBRC in terms of achieving its flood management objectives.
4. In the last five years, the volume of gravel available for extraction has decreased in the lower reaches of the Ngaruroro, Tutaekuri and Lower Tukituki Rivers. This is due to not having high flows with sufficient velocity to move the gravel downstream. The last significant gravel movement we recorded was during Cyclone Bola.
5. The Ngaruroro River is the main river from where gravel has been extracted in the past. It has been over-extracted historically, at an average rate of 300,000m^3/y, nearly three times the net supply rate of 120,000m^3/y. The grade line, a mean bed level that determines the availability of gravel in the river, has been lowered in the past to 'create' more availability. The current grade line and the latest bed survey show availability of 386,000m^3 between Ormond Rd, Twyford, and 740,000m^3 between Marakekakaho and Matapiro Road. This means that, at current extraction rates and without a significant flood event to replenish gravel volumes, there will be no more gravel available in the Ngaruroro River within 1 to 2 years.
6. The gravel extraction industry is seeking higher volumes from the reaches where gravel is unavailable (based on gradeline assessments), and are challenging our decisions to move extraction activities where the gravel is available, for example, the Upper Tukituki scheme in Central Hawkes Bay.
7. Transport costs are a key factor for extractors to manage, and these have increased significantly in recent years. However, there is the opportunity to submit a tender for the IRG gravel extraction and gain subsidies from this funding.
8. The Tutaekuri River and Lower Tukituki are facing similar issues with restrictions to the extraction and allocation in all areas.
9. The Allocation in the Esk River has been restricted in the last three years with the minimal allocation of only 5000m^3 p/a.

Global Consent

10. As part of implementing the Hawke's Bay Rivered Gravel Management Plan 2017[1] (GMP), the Regional Assets Section of HBRC has applied for global resource consent to extract gravel from the Ngaruroro River, Tukituki Catchment Rivers and Tutaekuri River (the Applications).

11. The GMP was developed with the purpose "*to sustainably manage gravel extraction from rivers for flood protection purposes, and to ensure community safety while allowing for economic development without compromising cultural, social and environmental outcomes and values associated with the region's freshwater resources*."

12. The GMP established the concept of Authorisation Zones within which the Regional Assets Section of HBRC would hold resource consents for gravel extraction and would issue authorisations to commercial gravel extractors to operate within those zones.

13. The authorisation process is intended to provide improved management of gravel extraction for flood control purposes by establishing a single, accountable consent holder and comprehensive management regime, replacing the existing practice of issuing short duration (annual) resource consents directly to extractors (which is the practice that remains in place today).

14. The applications were lodged in October 2017, and following an extensive further information process were publicly notified in February 2019. 7 submissions were received, with none opposing. The submitters were First Gas Limited, Hawke's Bay Fishing and Game Council, Michael Barker, New Zealand Transport Agency, Ngāti Kahungunu iwi Inc, Te Taiwhenua O Heretaunga and Winestone Aggregates.

15. The Regional Assets Section of HBRC sought to resolve matters directly with submitters in an attempt to reach an agreed outcome, rather than take the matter to a hearing. This process was unsuccessful, with the matter heard before a Hearing Panel on 10 December 2021.

16. After hearing evidence from Regional Assets Section of HBRC, Ngāti Kahungunu iwi Inc and Te Taiwhenua O Heretaunga, the Hearing Panel adjourned the hearing, and directed that caucusing occur to refine the proposed conditions of consent. That process has now been completed and the outcome is with the Hearing Panel to issue a final decision on the Applications.

17. If the consent applications are granted by the panel, and no party appeals the decision, Regional Assets Section of HBRC intends to implement the new consent regime in the next gravel allocation process from July 2023.

Gravel Supply and Allocation processes

18. Historically, Hawke's Bay's rivers have transported large volumes of gravel and other sediments from Ruahine, Kaimanawa, and Kaweka Ranges, depositing in onto alluvial plains to the east of ranges. This sediment transport process resulted in the rivers meandering across the alluvial plains over time as braided and semi-braided river channels.

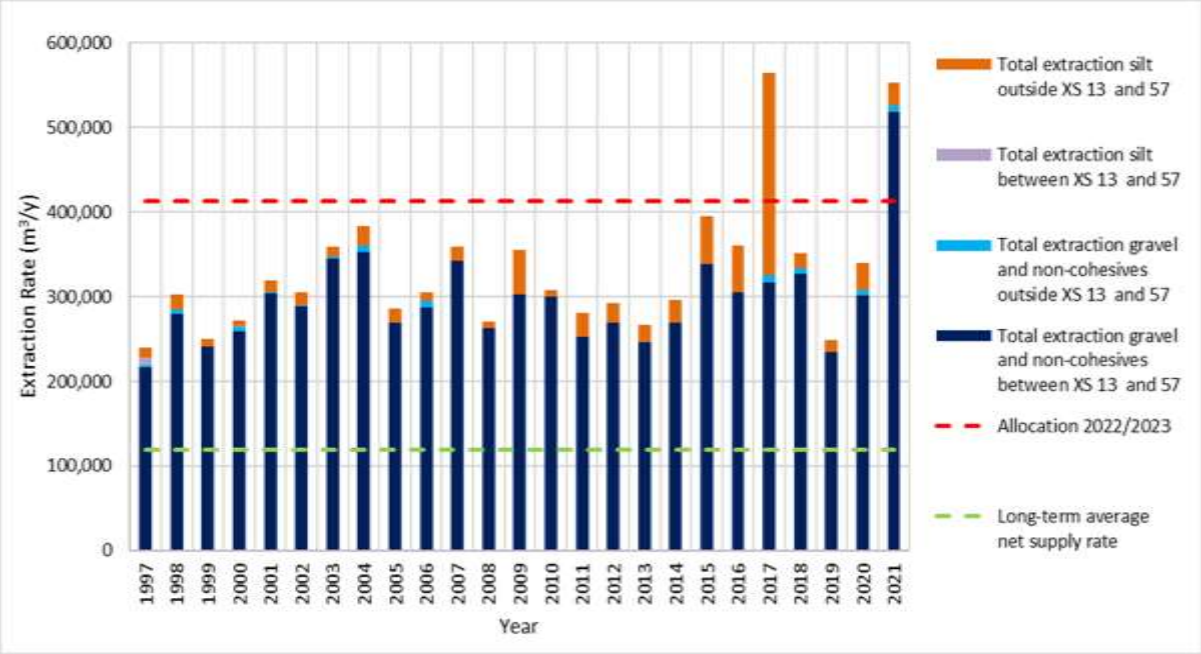
19. Riverbed gravel extraction is carried out as a critical maintenance activity to maintain flood water conveying capacity and address erosion issues in the Upper Tukituki Flood Control Scheme (UTTFCS) and the Heretaunga Plains Flood Control Scheme (HPFCS). Gravel extraction has previously occurred in low volumes in the Esk River but has not occurred in recent years. It is also undertaken in the Mohaka River, but not for flood control purposes.

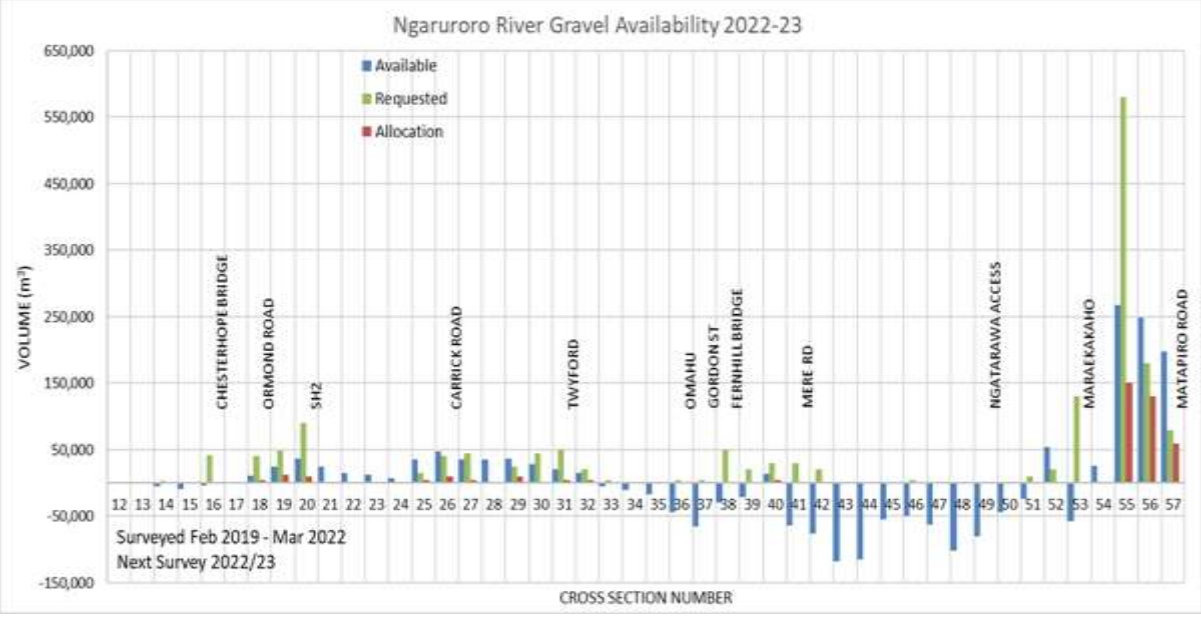
20. This activity is managed by HBRC under its regulatory (RMA) and flood control management functions, but with commercial operators undertaking the extraction. This provides benefits to the whole region, by cost-effectively maintaining flood control schemes and providing benefits to the regional economy and construction industry.

[1] HBRC Report No. AM 17-11. HBRC Publication No. 4949.

21. The current allocation process is by receiving contractors' requests annually in April. The AMG received approximately 90 requests from different contractors this year. The AMG then allocates gravel based on gradeline assessments of gravel availabilty and advises contractors on volumes and areas by a letter in May. Before receiving allocation requests, the AMG meets with the industry (gravel extractors) and explains the process, challenges with availability, areas of concern, and ecological and environmental monitoring matters. This meeting also provides an opportunity for contractors to raise and ask any questions.

22. Due to the growth in infrastructure in the region, gravel extractors are struggling to find suitable materials for roads and development. Contractors are asking for significantly more gravel than in previous years. Refer to the graph and chart below, which shows the availability and allocation for the Ngaruroro River.





23. The Engineers and Gravel Assurance Officer within the AMG annually review the availability from riverbed survey data and site visits; this is then allocated fairly to contactors. It is important to note that we can't distribute/allocate gravel below the established design grade line each year.

24. A modelling study about the long-term effects of gravel extraction and beach raking in the Tukituki and Ngaruroro has been carried out by NIWA. The Tukituki is in the process of being finalised. The Ngaruroro was completed 10 years ago. The main recommendations for gravel management from this study are:

    24.1. Ngaruroro - very little aggradation occurs naturally upstream of Ohiti, which means that once the available gravel has been extracted, minimal extraction will be sustainable in this reach.

    24.2. Ngaruroro - gravel extraction does not affect the overall natural supply rate. Still, it changes the distribution of gravel deposition area around Fernhill, where historical extraction rates have been the highest.

    24.3. Ngaruroro - beach raking significantly influences gravel transport at and downstream of the raked areas. For this reason, gravel raking should be encouraged upstream of Maraekakaho to facilitate deposition in the lower reaches currently in deficit.

    24.4. Cease extraction from the Lower Tukituki and the lower reaches of the Middle Tukituki in the short and long-term is due to long-term negative effects on coastal supply.

    24.5. Encourage the establishment of long-term gravel extraction plants in the depositional reaches of the Upper Tukituki, aiming at maintaining long-term extraction rates at approximately the sustainable extraction rates (100,000 m^3/year in total).

    24.6. Cease extraction from the degrading upstream reaches of the Upper Tukituki.

    24.7. Consider reducing the frequency or stopping beach raking in the Lower Tukituki and upper sections of the Upper Tukituki.

    24.8. Continue with the river raking programme in the rest of the Upper Tukituki.

25. The AMG plan to model the remaining main rivers (Tutaekuri, Esk, Waipawa), where extraction occurs by 2024.

Next steps

26. The AMG are looking at improving the process of allocation and management of riverbed gravel in the future; the new global consent, if granted, will reinforce the need for change.

27. In order to avoid a complete depletion of the gravel resources in the river, the criteria used to allocate gravel was:

    27.1. No allocation in areas with negative availability (except 5,000m^3 at XS 40)

    27.2. Requests between Maraekakaho and Matapiro Rd capped at a maximum of 50,000m^3 per individual contractor based on their requested volume and company size. The total amount allocated here is 340,000m^3, which is 46% of the current availability in the area.

    27.3. No more consents to be issued during the year on the Ngaruroro.

Decision Making Process

28. 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 Integrated Catchments Committee receives and notes the *Gravel Extraction - current situation and new global consent* staff report.

Authored by:

José Beya
Principal Engineer

Martina Groves
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 Integrated Catchments Committee

6 July 2022

Subject: Karamū Urban Catchment Advisor

Reason for Report

1. This item introduces the Karamū Urban Catchment Advisor, Andy McCall, along with an overview of his initial observations and high-level work programme.

Executive Summary

2. During development of the LTP an Urban Catchment Advisor for the Karamū Catchment has been created and now filled. Andy McCall has started in this role and has been getting up to speed with the key issues and meeting stakeholders. Some of the key issues identified in the catchment include excessive nitrogen, phosphorus and sediment, high water temperature, low dissolved oxygen, industrial run-off, and excessive aquatic weed growth. Shading is likely to be the most effective single tool for improving water quality in the immediate future with a longer-term focus on nutrient management in the upper and lower catchment, and stormwater management in the Hastings area. The position will work collaboratively with staff in the Integrated Catchment Management Group (ICMG) while not overlapping the work of the ICMG. A high-level awareness of activities undertaken by ICMG will be maintained by the Karamū Advisor and vice versa, with ICG catchment advisors focusing on the rural aspects of the catchment, and the Karamū Urban Advisor focusing on the urban aspects.

Background

3. The Karamū Catchment comprises 238 lineal kilometres of waterways and drains 514 square kilometres, with the upper and lower parts of the catchment (Heretaunga plains) heavily tile drained. In 1969 the Ngaruroro was diverted to its current channel, leaving the Karamū Stream to flow into the old channel. The Karamū Stream now feeds into the lower Karamū Stream (Clive River) and Ngaruroro Tawhito (Old Ngaruroro). The major types of land use in the catchment are 53% sheep & beef, 16% perennial cropping (including orcharding), and 12% short-rotation cropland. Settlements, exotic forest, and urban parkland/open spaces comprise 8% of land use (Hawke's Bay Regional Council, 2020).

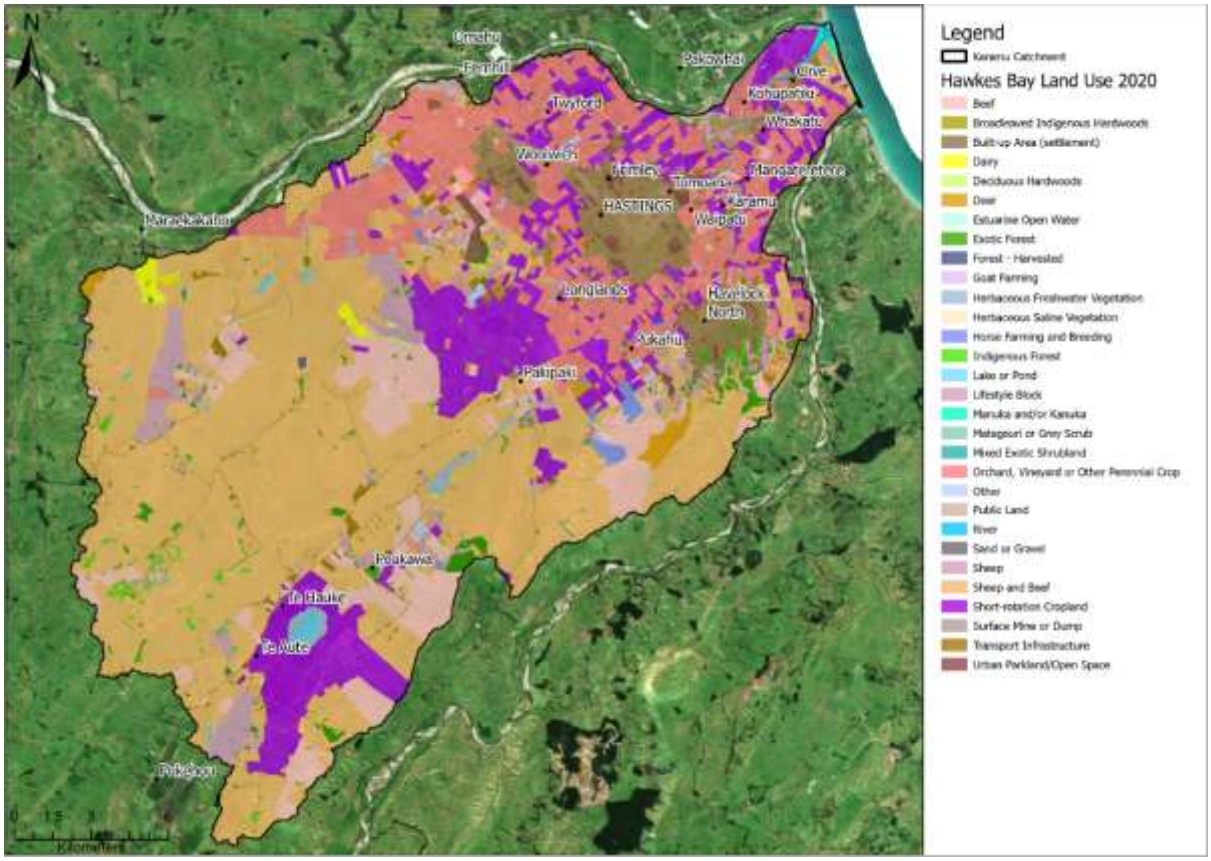


Figure 1. Hawke's Bay Land Use 2020

4. The streams in the Karamū Catchment are highly modified, with extensive channelling and straightening having occurred to aid in drainage and flood protection (National Institute of Water and Atmospheric Research, 2017). These streams are characterised by low gradients which lead to sediment deposition along the stream bottoms (up to 40mm), as well as presenting a challenge to flood mitigation.

5. The Karamū Catchment contains some of the most polluted waterways in the Hawke's Bay. The streams suffer from a mixture of sedimentation, nutrient run-off from horticultural and agricultural activities in the upper catchment, run-off from industrial sites including packing sheds, tanneries, food processors, and stormwater run-off from Hastings township.

Water Quality issues in the Karamū Catchment

Sedimentation

6. The waterways in the Karamū Catchment have low gradients which allow sediment to fall from the water column and collect. In some places sediment is up to 40mm thick. The sediment is nutrient rich, as is the water column. Many aquatic plants have the ability to preferentially select between the water column and the sediment for nutrient uptake (via foliage or roots). Additionally, flows in the Karamū are insufficient to flush out sediments.

Nutrients

7. Total nitrogen (TN) is consistently high across the Karamū Catchment and often exceeds the ANZECC guideline trigger value, while dissolved inorganic nitrogen (DIN) is more variable.

8. Total Phosphorus (TP) is consistently above the ANZECC lowland trigger value across all sites in the Karamū Catchment aside from the Raupare Stream. Much like TP, Dissolved Reactive Phosphorus (DRP) is consistently above the ANZECC lowland trigger value across all sites.

Bacteria

9. *E. coli* concentrations have resulted in all SOE sites in the Karamū Catchment being graded as not suitable for primary contact recreation. This is consistent during times of high rainfall as well as average flow.

Ecosystem health

10. Dissolved oxygen (DO) is at risk of being critically low in the Awanui and Poukawa Streams. Sampling has shown Poukawa Stream to be consistently below ANZECC guideline levels.

11. The biomass of macrophytes is high in the Awanui, Raupare and Karewarewa Streams and exceeds guidelines for protecting the ecology of the streams, as well as flow conveyance and recreation.

12. The Macroinvertebrate Community Index (MCI) score for all sites sampled in the Karamū Catchment were poor which indicates severely compromised ecosystem health. This is likely due to a lack of habitat, high water temperature and low oxygen (Matheson, 2017).

Discussion

13. The Karamū Catchment encompasses a wide variety of land use types of a large geographic area. It has heavily modified waterways that have largely been historically regarded as flood assets with a primary purpose of moving water during heavy rain/flood events. These waterways are characterised by low gradients, shallow depths, high nutrient inputs, lack of habitat, and extreme oxygen minima. To improve water quality will take a long term and wide-ranging approach.

14. There are with 2149 consents within the Karamū Catchment, with 1057 discharging to water directly. The average age of the latter consents is 6.7 years. The overwhelming majority of horticultural activities in the catchment will be operating under existing resource consents. Where non-compliances are identified, they can be pursued by regulatory means. However, a regulatory approach to limiting nutrient loss to waterways is not something that can be pursued until those consents come up for renewal (at which point consent conditions could be strengthened). Generally, discharge consents are issued for a period of 20 years. Under TANK, existing consents will be subject to review, which may lead to tighter conditions being applied to current discharges.

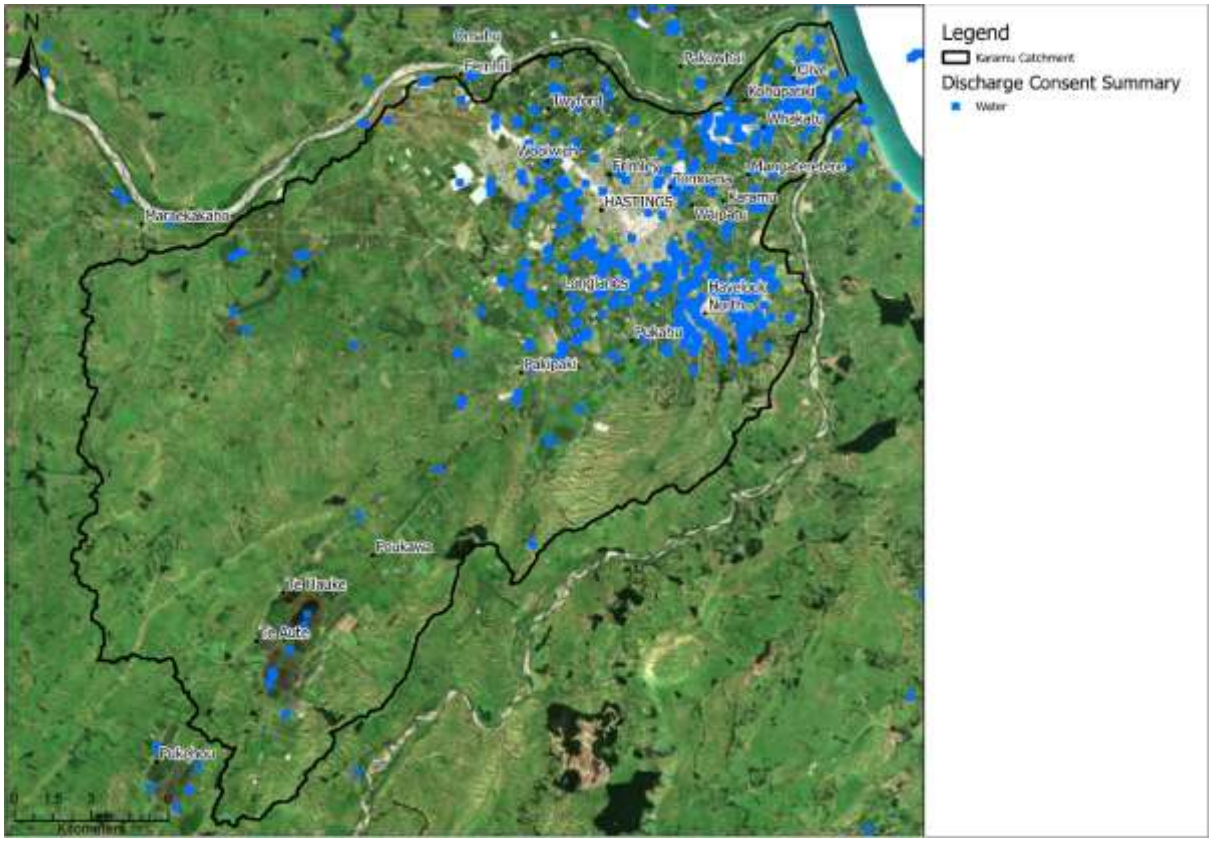


Figure 2. Consent discharging to water in the Karamū Catchment

15. The best approach may be to work with industry groups to promote best practice fertiliser and irrigation application on vineyards, orchards, and sheep/beef farms. Small changes to the timing of irrigation and fertiliser use may have a significant effect on the loss of nutrients to waterways from these operations. Given that much of the Heretaunga Plain is drained artificially via tile drains, the potential to intercept and treat high nutrient loads emanating from these drains holds great potential. Research into these drains and potential mitigation measures is in its early stages, although initial results are expected over the next year from the AgFirst trail being conducted at present. In support of best practice adoption in the catchment, a Karamū working group may be set up comprised of representatives from HBRC, HDC, industry and iwi. This may well be a requirement (based on requirements of NCC/HBRC Tidal Gate Discharge Consent) of HDC as part of their new global consent, in which case it would be idea for the Karamū Urban adviser to be a part of it.

16. The impact of stormwater discharge into the Karamū Catchment is likely to be mitigated under the new HDC global stormwater consent which has been lodged with HBRC. This will include more catch pit filters, first flush deflection systems and end of pipe treatment systems. These are aimed at preventing contaminants entering the receiving environment. This is in addition to the regulation of consents owned by HDC within the stormwater network.

17. Due to the low gradient of the waterways in the lower Karamū Catchment it is not possible to use flushing flows to remove sediment. Therefore, the waterways will not return to gravel/pebble bottomed streams. Supplementary flows, however, could assist with improving the oxygen levels in these waterways, particularly during periods of low flow (typically the warmer months of the year). This could potentially be achieved via groundwater abstraction.

18. The Resource Management (Stock Exclusion) Regulations 2020 will have a positive impact on the Karamū by reducing erosion from cattle on riverbanks and reducing direct inputs of bacteria and phosphorus from animal effluent entering the waterways. These regulations take effect for existing pastoral systems from June 2023 – and will effectively require cattle to be fenced out of waterways. HBRC has already committed to stock exclusion in the Karamū catchment on its own land holdings, however the exclusion of stock from private land is likely to have a large effect as well.

19. Riparian planting appears to be the most effective single tool available to mitigate a variety of water quality issues. Riparian planting will stabilise the stream banks, thereby reducing erosion and sedimentation. Planting will provide shading, which lowers the water temperature. This suppresses the growth of macrophytes and algae as well as improving the dissolved oxygen saturation. Ultimately, planting has the potential to improve the biodiversity (MCI) of the waterways while also reducing the need for spraying or weed boating to control aquatic weeds.

20. There is growing community pressure to improve the quality of many of these waterways, which are often on the doorsteps of communities and therefore highly accessible by the public. Riparian plantings must not restrict the primary flood mitigation role many of these waterways play in safeguarding our communities. In many locations, a digger may need to reach over the top of riparian plantings to extract logs and other debris that may impede water flow. For example, the use of small low plantings (such as carex/sedges) on the bank edge can be used to help stabilise the banks, filter over-surface flows, provide some shading, while still allowing a digger to reach over the top of them. A path can then be left for machine access behind which larger canopy trees can be planted to provide strong shading to the waterway.

21. The desire to improve water quality and biodiversity via riparian planting must be balanced with the need to maintain flood assets as primary flow paths for water conveyance. In particular, the level of service required of the scheme must be considered when planning plantings. Riparian planting can be planned in such a way as to provide good bank stability, effective shading and still allow machine access to the waterway. A goal of 70% shading has been suggested to significantly improve water quality. At present a review of the Karamū scheme is underway which should be able to model the extent of tile drains as well as the impact of plantings on scheme performance – providing an invaluable tool for selecting planting sites.

22. There are HBRC drainage schemes planting plans currently scheduled which will provide options on how long extensive planting is likely to take, and how much it might cost. Ultimately, this information can be fed into the LTP to ensure funding is available for plantings. Community groups and organisations can be advised and coordinated to tie in with the HBRC programme to provide the most effective planting.

23. Finally, although riparian planting can go a long way towards mitigating the effects of pollution in streams and rivers, it cannot do the same in the receiving environment of the catchment – The Waitangi Estuary. Thus, in the longer-term nutrient loss from agricultural/horticultural land use still must be reduced.

Next Steps

24. Establishment of a Karamū working group, if not established by HDC as part of new global stormwater consent.

25. Undertake a catchment stocktake looking to document who is doing what in the catchment to identify areas of overlap or omission.

26. Identification and selection of sites for riparian planting/funding via planned Asset Management Group scheme planting review and feeding of this information into LTP for funding.

27. Coordination with compliance team around known areas of non-compliance.

28. Coordination with HDC around stormwater capture and filtration, as proposed in consent application.

29. Development of a Karamū Catchment discharge investigation - similar to an investigation carried by NCC, this could be in partnership with HDC and would look at all the dry weather discharges to the system. The cost of such an investigation also needs to be ascertained.

30. Development of a Catchment Management Plan – based on how the overall catchment is managed, different actors, HBRC priorities for direct management or enforcement, and opportunities to influence stakeholders. This Catchment Management Plan will guide future activities of the Karamū Urban Catchment Advisor.

References

31. Hawke's Bay Regional Council. (2020). *Ngaruroro, Tūtaekurī, Karamū River and Ahuriri Estuary Catchments - State and Trends of River Water Quality and Ecology.* Napier: Hawke's Bay Regional Council.

32. Matheson, F. et al. (2017). Ecosystem health in highly modified lowland catchments: Karamū catchment, Hawke's Bay. Prepared for Ministry for Business, Innovation and Employment Envirolink Fund.

33. National Institute of Water and Atmospheric Research. (2017). *Ecosystem health in highly modified lowland catchments: Karamū catchment, Hawke's Bay. Prepared for Ministry for Business, Innovation and Employment.* Napier: National Institute of Water and Atmospheric Research.

Decision Making Process

34. 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 Integrated Catchments Committee receives and notes the *Karamū Urban Catchment Advisor* staff report.

Authored by:

Andy McCall
Urban Catchment Advisor - Karamu

Martina Groves
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 Integrated Catchments Committee

6 July 2022

Subject: Catchment Engagement framework for policy implementation

Reason for Report

1. This item provides an update on the work of Council's Catchments Policy Implementation team in leading and facilitating the establishment of, and support for, the operation of community catchment groups, with an example of how this is being implemented in the Tukituki Catchment. This framework has the potential to be used in other catchments in future as a way of coordinating HBRC activity, engaging with catchment groups and working with Iwi/Māori to involve the community in developing action plans following the Kotahi process.

Executive Summary

2. The Catchments Policy Implementation team (CI) has continued to develop work with catchment groups in the region over the last year. This work has a particular focus on the Tukituki and TANK catchments.
3. As catchment groups have developed, we have also worked to connect groups to each other.
4. A conceptual structure has been developed to link Council's work in catchments with developing catchment group structures, tāngata whenua and wider community engagement. Ultimately this structure will help us deliver the catchment action planning requirements that will follow Kotahi plan development and Tukituki plan requirements for a monitoring, evaluation, reporting and improvement process.

Strategic Fit

5. The HBRC Strategic Plan 2020-25 has the mission statement *Enhancing our Environment together*. *Together* requires a joined-up approach across teams within council, and an approach which draws catchment communities together to strengthen connections to their awa (river) and collectively work on issues that will improve the health of their catchments. This builds on the good work done by individual approaches and actions by individual landowners.
6. The work of the team is primarily in the Strategic Plan focus areas of land (climate smart and sustainable land use) and water (quality, safety, and climate-resilient security) and contributes to the following strategic goals and objectives from the Strategic plan:
    6.1. By 2050, there is an increasing trend in the life-supporting capacity of all of the region's degraded rivers and major streams
    6.2. By 2025, Land Use Suitability information is available to all landowners to inform smarter land use
    6.3. By 2025, all farms, orchards and vineyards operate under a Farm Environment Management Plan or an independently audited industry best-practice framework
    6.4. By 2030, all land-users in critical source areas have phosphorus management plans being implemented, with at least 50% of highly erodible land treated with soil conservation plantings
    6.5. By 2025, catchment management plans are established to target improvements on land that lead to water quality improvements
    6.6. By 2050, there are 50% less contaminants from urban and rural environments into receiving waterbodies.

Strategic Objectives

7. That Hawke's Bay farmers and growers understand their environmental impacts and what they can do to reduce these, and are implementing good management practice on-farm.
8. That land use is managed to ensure pathogens and contaminants are being reduced, and water is being allocated sustainably to highest value use.
9. That farmers and growers are developing and maintaining sustainable business models that reflect improving health of land, air, water, their businesses, and their communities.

Other legislated drivers for the work

Tukituki Plan Change 6

10. In 2015, the Change 6 to the Regional Resource Management Plan (RRMP) for the Tukituki catchment became operative.
11. In addition to a property specific regulatory approach to set bottom line rules and expectations Policy TT5 1.f also requires HBRC to provide land advisory services and incentives and prioritise non-regulatory efforts on sub-catchments with high phosphorus (P) levels, to work with the community and collaborate with the primary sector. Part of this requires us to encourage industry good practice and identification of critical source areas to reduce P loss.
12. Work in priority sub-catchments (places), with catchment communities (people) to identify critical source areas and encourage industry good practice and practices that go beyond regulatory bottom lines will deliver on this policy.
13. Rules and incentives alone will not be enough to reach the instream DRP targets in exceeding sub-catchments. Collective catchment engagement and action on the issues is needed.

National Policy Statement for Freshwater Management (NPSFM 2020)

14. This policy statement requires councils to consult with communities and tāngata whenua before preparing a catchment action plan. This may be prepared at the same time as a regional plan and appended to it or may be prepared later. They must be reviewed within 5 years.

Background

15. Last year we presented to this committee background to the development of our work in this area, an overview of the state of catchment groups at the time, and the work of the CI team to support further development of catchment groups[2].
16. Since then, work with these groups has undergone further evolution as linkages between groups have been formed and have created potential to form larger collectives that can share administrative and organisational burdens and may attract external funding.
17. A key principle of our work with catchment groups is that they must be farmer driven rather than council driven. Our role is to provide support for development to self-sufficiency so that they can endure. We support groups to run themselves. Groups are different from each other; they have unique identities, and members decide on the size, membership, and make-up of their own groups.
18. We work with other agencies to coordinate support for these groups. Central government is interested in the growth of catchment groups, and we have worked to raise awareness with them that regional councils are active in this work and are a key agency for supporting their success.

[2] An Introduction to the Catchments Policy Implementation Work Programme EICC Sept 8 2021 http://hawkesbay.infocouncil.biz/Open/2021/09/EICC_08092021_AGN_AT.PDF

19. In November 2021, staff presented a concept to central government to encourage a targeted investment and collaborative approach to accelerate development and establishment of community catchment groups. A paper, *Catchment Partnerships delivering better environmental outcomes,* highlights the unique role Regional Councils have as enablers in supporting community catchment groups. The salient points from the paper are as follows:

    19.1. It noted that councils are best experienced, resourced, and skilled to lead and facilitate the establishment of and support the operation of community catchment groups. Councils understand the issues at place and can provide the right context (catchment context) that links the best actions to achieve the desired outcomes

    19.2. Councils are skilled and experienced in engaging with and supporting community groups. Councils also have the skill and experience to turn plans into action, particularly catchment action plans that include strategies to protect and improve our most precious environmental resources

    19.3. The role of community led catchment groups in accelerating change through coordinating and aligning community support, leading to practice change, is well documented. This is a key enabler to achieving the Government ambition for a low emission economy, where land use and farming practices must change to deliver the environmental impact needed

    19.4. Council is working with iwi/Māori in identifying their freshwater values, identifying measures of freshwater health, and understanding desired environmental outcomes – supporting mahinga kai. Working with iwi/Māori to understand areas of historical significance and helping farmers/landowners learn why improvements to the health of waterways/streams is important to iwi/Māori

    19.5. Councillors and staff live, work, and play at place in catchments. They are actively engaging with communities, with teams specialising in environmental monitoring/reporting, environmental science, science translation, policy implementation, consenting and catchment engagement

    19.6. The paper proposed that with adequate financial support, councils can provide strategic leadership and support to catchment communities to accelerate and grow the number and effectiveness of catchment groups – *Halt the decline and deliver a measurable improvement in a lifetime*

    19.7. It also noted councils' depth of historical data and information on the biophysical (water quality/quantity) issues within catchments, with experience in understanding the causal factors impacting on catchments within the region (the catchment context)

    19.8. Other providers in *farmer/landowner engagement* have skills and experience in relationship management although most (outside of council) lack the sufficient environmental science, policy and iwi engagement resource that is required to deliver on an effective catchment engagement strategy

    19.9. Councils, as regional government, deliver on the ambitions of Government through regional plans, monitoring, compliance and supporting improvement in land use practices. In doing this work, councils understand that unique regional attributes may be best served by collaborative delivery between Council and industry providers to enhance the potential outcome for catchments.

The Community Action Cycle

20. A recent catchment group survey (HBRC survey of 26 catchment groups in Hawke's Bay) identified the three highest priorities for catchment groups (i.e., already formed, beyond the establishment phase) were – ***engaging with Iwi***, **understanding water quality monitoring** (understanding how and where to invest money in testing to avoid being *over-sold* on commercial options), and ***access to funding to support the establishment and operation of catchment groups***.

21. Catchment partnerships delivering better environmental outcomes is a model of aligning regional council skill and capability with communities, and potentially collaborating with industry to develop robust catchment action plans to deliver better environmental outcomes.

22. The Community Action Cycle (CAC – see figure 1. below) accelerates establishment, growth and maintenance of community led catchment groups. The model supports a regulatory umbrella of the *Resource Management Act* to *National Environmental Standards for Fresh Water*, *Regional Resource Management Plan* and *Regional Plans,* connected to pragmatic good/best management practices with land, animals, and people.

23. The model is based on groups working together to solve difficult problems better than even the best individual farmer/landowner working alone. Catchment issues can be solved when there is enough collective action in a catchment. An even better solution is when people collectively focus actions on solving the issues.

24. The model suggests changing the emphasis from action designed by policy to an emphasis on promotion and adoption of good management practices and increased measurement and monitoring, that then drives a regulatory framework and policy development (practices inform policy). The three elements (Policy, GMP and measuring/monitoring) have an interdependent relationship to lead to improvements in environmental conditions.

25. There are examples of catchment groups working together to solve complex environmental challenges (Pomahaka[3], Waikato River Care, Rangitikei Rivers Catchment Collective) that helped inform more robust and relevant policy. An operating CAC model will grow and expand these examples across New Zealand and, the most "at risk" areas.

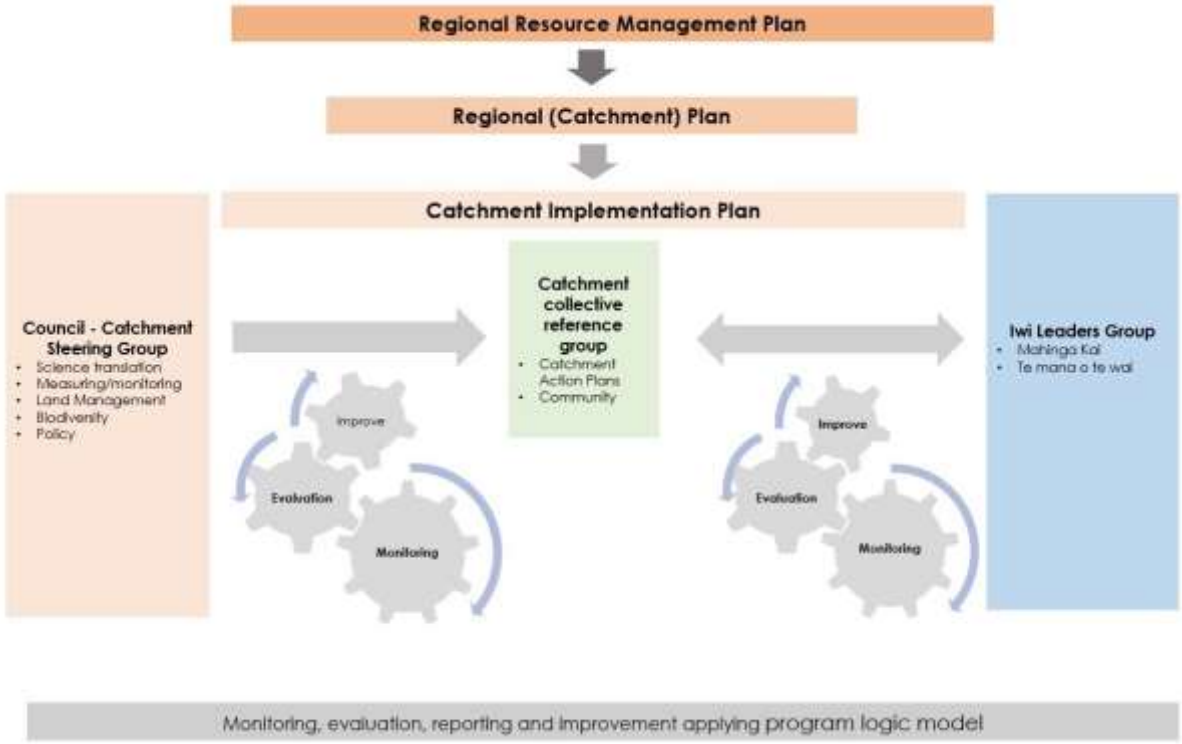


Figure 1: A Catchment Action Cycle Framework to Coordinate Work in Catchments with Catchment Community Engagement

26. This is a model in development in the Tukituki catchment.

27. In this model a HBRC Catchment Steering Group will represent Catchment Delivery, Policy & Regulation, Biodiversity, Asset Management, Policy Implementation, and other areas delivering services into a catchment. A fundamental principle of a steering group is to align service

[3] Pomahaka - | Otago Daily Times Online News (odt.co.nz)

delivery, consistent policy development/delivery informed by catchment priorities, planned actions, and measured impacts/outcomes.

28. The Catchment Collective reference group is made up of a representative from various groups operating at the sub-catchment level. The model evolving in Tukituki is an agreement to form an overarching representative group (Tukituki Land Care – TLC), representing nine sub-catchment groups. The role of the collective group is to identify and help secure funding for a collective approach, develop and represent a long-term vision and provide an entity for shared governance, resourcing, and funding for individual catchment groups.

29. The Iwi leaders' group is a concept, with the title/name, structure and kaupapa of the group to be determined by Māori. There is no "model" as to what this representation looks like, and the development of this group will take time to understand how a Māori group will form and interact with catchments.

30. Catchment groups formed/forming have prioritised engaging with Māori and understand the importance of success in their communities of achieving better outcomes for their land, water and air being reliant on strong engagement with Māori.

31. Most catchment groups lack skill, knowledge, and networks to form these relationships, and the vision is for a collaborative relationship at a leadership level is to help develop knowledge and connections to build a close working relationship with a shared kaupapa of what success in a catchment could look like.

32. The model uses program logic[4] to define long-term goals, agreed outcomes and impact target. Medium-term goals are identified to determine the steps to get to the long-term outcome, and then the short-term goals are identified to get to the medium-term goal. The model starts with clearly identifying an end goal and working back from this.

33. The monitoring, evaluation, reporting and improvement (MERI) report is an output document, which will record activities of the model. It is the summary of actions and outcomes of the interdependent groups.

Discussion

34. Rural community catchment groups are not unique or new, having taken many different shapes and forms. They have always had a role in translating key messages of primary sector and creating a sense of community support and collective action to improve sites of local importance.

35. Their role in environmental policy and practice change is a developing concept, and of which is evolving quite quickly as different groups form, different regional priorities are identified, and national policies are produced.

36. Alongside the community orientation is competition amongst industry and sector groups for originators or *who started/initiated* a particular group, idea, or concept. Regardless of the establishment initiative, groups of farmers/landowners and community who work together to achieve better outcomes for the air, land, water and people who live and work in their community is successful.

37. With organic growth comes an evolution of how these groups are referenced, with a range of nomenclature from Community Catchment Groups, Catchment Groups, Care Groups, River Care, and the interchanging of *groups* with *collectives*.

38. For the purposes of this discussion a catchment group either represents a recognised water catchment (e.g., Tukipo Community Catchment Group), or a full Catchment (e.g., Porangahau Community Catchment Care Group). Whereas a *Collective* is a group representing several individual water catchments that may have their own individual group identity and form an

[4] https://aifs.gov.au/cfca/expert-panel-project/program-planning-evaluation-guide/plan-your-program-or-service/how-develop-program-logic-planning-and-evaluation

overarching group (collective) for governance, administration, funding, and resourcing. A well-known collective operating in the Rangitikei area - Rangitikei Rivers Catchment Collective - https://www.facebook.com/rangitikeiriverscatchmentcollective/

Growth in Catchment Groups

39. In the Tukituki Catchment there has been significant growth in the formation of groups over the last twelve months. In early 2021 Tukipo Catchment Care Group (https://www.facebook.com/TukipoCatchment/) was the most recognised catchment group operating, with Porangahau (Tukituki sub-catchment) and Maharakeke sub-catchments in early establishment phase (as a joined-up catchment group). The Papanui Catchment Group had been in recess for 3-4 years.

40. The Tukipo Catchment Care Group was successful in attaining 3-year Ministry for the Environment Funding for improving catchment water quality, biodiversity and reducing their greenhouse gas footprint.

41. The Porangahau and Maharakeke catchment group ("Watch our Water – Maharakeke and Porangahau" – (WOW MAP)) has joined two other catchment groups from outside Hawke's Bay (Manawatu River Collective and Taranaki Rural Catchment Collective) in a Massey University led project (funded by Ministry for Environment) titled 'Catchment Solutions – Enhancing Rural Capability to Achieve Essential Freshwater Outcomes'. This is a $3m project over 3 years.

42. The Porangahau Coastal Group (https://www.facebook.com/groups/PorangahauCatchmentGroup/) had formed in 2020 and was also successful in securing 3-year funding from the Ministry for the Environment for Freshwater Improvement and wider community benefits.

43. In the last 12 months new groups have formed in Mangaonuku, Upper Tukituki, Mangamahaki, Makara. The Papanui group has reestablished with a new committee and support team, and interest/establishment phase has commenced for Upper Tukituki Corridor. This has resulted in 9 Tukituki sub-catchments having a community catchment group.

44. In April 2022 representatives from these 9 sub-catchments met in Waipawa to explore interest and commitment to form a collective entity to provide governance, administration, coordination and facilitate funding for individual and collective activity.

45. With strong support, the group met a second time (including representation from Porangahau Coastal Catchment) to confirm and plan the formation of a collective entity – Tukituki Land Care (TLC).

46. TLC has received funding from MPI (Tukipo Catchment Care Group as the contracting entity) to support establishment, develop action plans for individual contributing catchments and TLC. Initial MPI funding covers the establishment phase through until November 2022, where a phase 2 contract for 3 years funding from MPI will commence.

47. In reference to the model (figure 1.), the formation of Tukituki Land Care has created a representative catchment reference group.

Iwi / Māori Engagement in Catchment Community Work

48. Initial discussions have started on an iwi/hapu group being established to cover all of Tukituki, Southern Coast and Porangahau Catchments, and socialised with councils Māori Partnerships group. With support and guidance from the Māori partnerships group a paper is planned to be presented to the Māori Committee in September 2022.

49. As noted in line 36, a Catchment Group survey identified 'engaging with iwi' as being the most important of 3 challenges for Catchment Groups. The challenge does not relate to desire/commitment, but mostly 'who and how'. Groups are committed to understanding a Māori world view in environmental and land stewardship issues.

50. The model assumes a cautious iwi/hapu engagement approach, respecting the range of capacity issues Māori have with increased requests for engagement. The principle of an interdependent and aligned process recognise differing styles of consultation and agreement between individual landowners and hapu representatives.

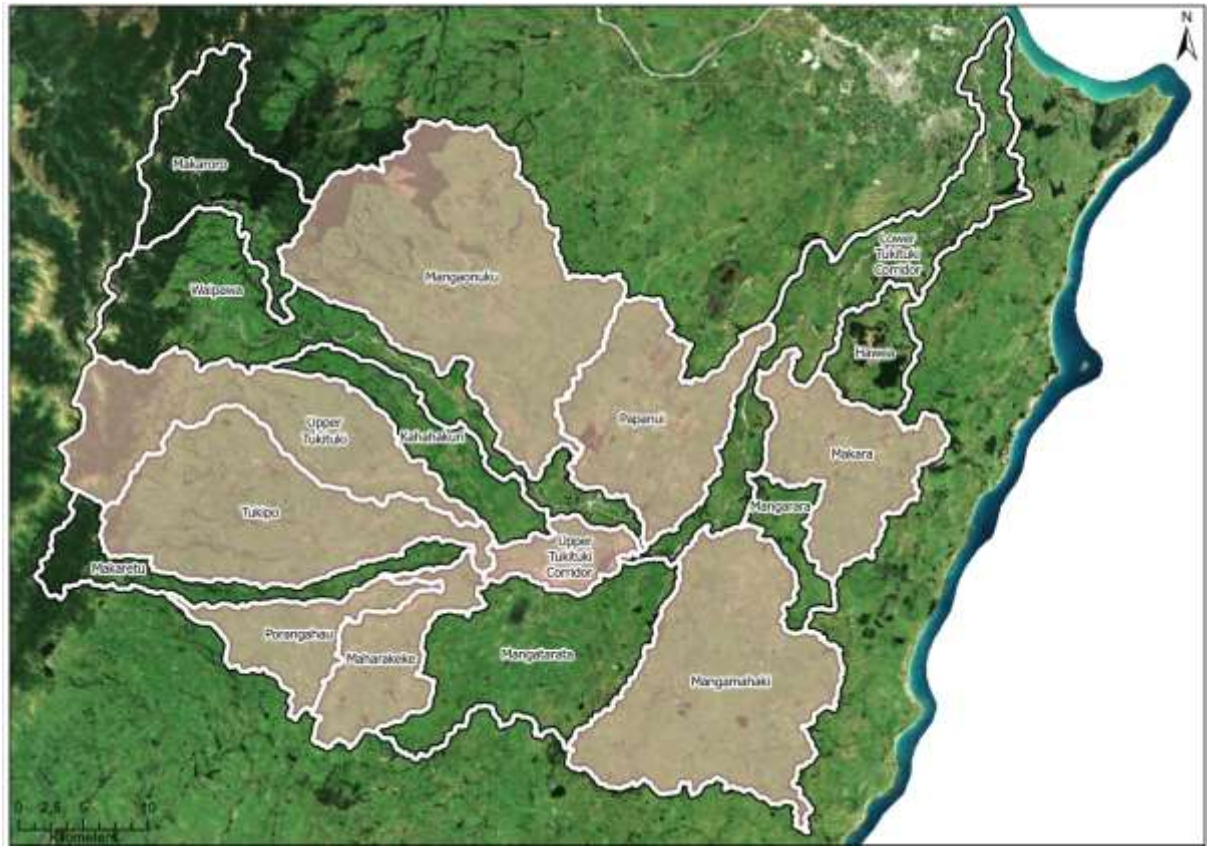
51. Community Catchment Groups are all wanting to engage Māori, but knowledge of who to engage with understanding tikanga is poor. Groups have casual representation, but a "sometimes" casual understanding by catchment groups of the principles of Te Ao Māori results in reserved engagement by Māori.

Developing Structure and Coordination of work with catchment communities

52. Establishment of an internal HBRC catchment steering group has commenced to support a coordinated organizational approach to working with catchment groups. Existing catchment focus has been initiated from the Policy & Regulation Group, across Consents, Compliance and Policy Implementation (RI) and alongside Catchment Policy Implementation (CI).

53. With the formation of an internal Council Catchment Steering group, the CAC model presents a cohesive/representative engagement alignment across multiple functions of council (that deliver into a catchment) to promote a more 'joined up' delivery model of information, resources, and service to farmers/landowners.

54. Tukituki Catchment is now represented by eight groups covering nine sub catchments as identified in this map.



Next Steps

55. Future delivery of catchment-based plans will present growing needs for internal and external coordination of catchment place-based implementation. Council alignment of delivery to the emerging role and influence of catchment groups, and collectives of catchment groups means there is a need for continuing to develop a structured relationship between council, farmers/landowners and Māori.

56. Action plans – The National Policy Statement for Freshwater Management (NPSFM) 2020 recognise that catchment-based plans need to be implemented and put into action. This signals a future requirement for more tangata whenua and community involvement and ownership in development, review and improvement of these implementation plans which are labelled *action plans*. Community Catchment groups and the approach set out in the paper would potentially be a good way to engage catchment communities on the development of these plans and then to support the on ground activity that will required to operationalise the plans.

Decision Making Process

57. 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 Integrated Catchments Committee receives and notes the *Catchment Engagement framework for policy implementation* staff report.

Authored by:

Brendan Powell
Manager Catchments Policy Implementation

Richard Wakelin
Senior Catchment Advisor (Policy Implementation)

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 Integrated Catchments Committee

6 July 2022

Subject: Deer Management

Reason for Report

1. This item responds to a request from councillors for an outline of the current deer management situation in the region.

Executive Summary

2. This item considers:

   2.1. the legislative framework for wild animal management (including deer), and roles and responsibilities for wild animal management

   2.2. the development of a national deer plan by the Department of Conservation (DOC) and regional planning by DOC

   2.3. emerging options for localised deer management, using recreational hunters, that could be developed regionally to address problem deer numbers on private land.

Strategic Fit

3. The management of deer primarily impacts on the biodiversity focus area in Council's 2020 Strategic plan.

4. Biodiversity is one of the four priority focus areas in the 2020-2025 Strategic Plan: Healthy, functioning and climate-resilient biodiversity. Kia ora, kia āhei, kia mārohirohi ā-āhuarangi hoki te rerenga rauropi.

5. There are four strategic goals:

   5.1. By 2020, regional priority locations for ecosystem restoration - including in the coastal marine area – these have been identified

   5.2. By 2030, key species and habitat (sites) are prioritised and under active restoration. Source: HB Biodiversity Strategy, 2015-2050 and Action Plan 2017-2020

   5.3. By 2050, a full range of indigenous habitats and ecosystems, and abundance and distributions of taonga species are maintained and increased in every catchment in Hawke's Bay. *Source: HB Biodiversity Strategy, 2015-2050 and Action Plan 2017-2020*

   5.4. By 2050, Hawke's Bay is predator free in line with NZ 2050 target. Source: PF2050.

6. Other plans that feed into Council's biodiversity programmes are the Hawke's Bay Biodiversity Strategy and Hawke's Bay Regional Pest Management Plan.

7. The management of deer is not uniquely a function for HBRC, given the legislative constraints, the significant operational delivery challenges, and others with an interest in this subject, it requires a strategic and collaborative response.

Discussion

The Legislation

8. Three primary pieces of legislation that apply to the management of feral deer: the Wild Animal Control Act 1977 (WACA), the Biosecurity Act 1993 (BSA) and the Wildlife Act 1953 (WA).

9. Understanding the legislative frameworks and limitations is important context for this subject,

as most of Council's operational biosecurity work is underpinned by powers conferred by legislation.

10. The item sets out a summary of the primary legislation including the primary agency responsible for administering it and their responsibilities along with powers conferred that are relevant to deer management.

11. Wild animals are defined in the WACA as:

    11.1. any deer (including wapiti or moose)

    11.2. any chamois or tahr

    11.3. any goat that is not—

        11.3.1. held behind effective fences or otherwise constrained; and

        11.3.2. identified in accordance with an animal identification device approved under the National Animal Identification and Tracing Act 2012 or in accordance with an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act.

Primary agency and responsibilities legislated for – what powers do they have?

Wild Animal Control Act 1977 (WACA)

12. The Department of Conservation is the administering agency.

13. The purpose of the Act is to control harmful species of introduced wild animals and regulate the operations of recreational and commercial hunters, to achieve effective wild animal control. The Act is administered to:

    13.1. Ensure concerted action against the damaging effects of wild animals on vegetation, soils, waters, and wildlife

    13.2. Achieve coordination of hunting measures; and

    13.3. Provide for the regulation of recreational hunting, commercial hunting, wild animal recovery operations, and the training and employment of staff.

14. It provides for '*The control of wild animals generally, and for their eradication locally where necessary and practicable*', and for coordination of commercial and recreational hunters, '*To ensure concerted action against the damaging effects of wild animals and vegetation, soils, water and wildlife*'.

15. Hunting on privately owned land is regulated by the Wild Animal Control Act 1977. Section 8(2) of this Act provides that it is an offence to hunt (or search for) any wild animal on any land without the express authority of the owner or occupier of that land.

16. Only officers warranted under the Conservation Act 1987 have the authority to hunt or kill any wild animal on private land. Council staff are not warranted under the Conservation Act 1987.

Biosecurity Act 1993 (BSA)

17. The Ministry for Primary Industries is the administering agency.

18. The purpose of the Biosecurity Act is to enable 'exclusion, eradication, and effective management of pests and unwanted organisms'. The Act provides the framework for border controls aimed at preventing unwanted organisms from entering the country, for establishing surveillance to detect organisms once they have arrived, and for the control and eradication of pests once they have become established.

19. Biosecurity functions are split between MPI, other government departments and regional councils. The Ministry for Primary Industries oversees the implementation of the legislation, undertakes border control, manages national surveillance programmes, carries out responses to

incursions and manages several national control programmes. Section 12A of the Act requires the Director-General to provide overall leadership in activities that 'prevent, reduce, or eliminate adverse effects from harmful organisms that are present in New Zealand' through:

19.1. Promoting alignment of pest management within the whole biosecurity system

19.2. Overseeing pest management and measuring overall system performance

19.3. Facilitating the development and alignment of national pest management plans and national pathway management plans

19.4. Promoting public support for pest management

19.5. Facilitating communication, co-operation and co-ordination among those involved in pest management to enhance efficacy, efficiency and equity of programmes.

20. The role of regional councils is to undertake monitoring and surveillance of established pests and to prepare and implement regional pest management plans. Regional councils are also required by the Biosecurity Act and the National Pest Management Plan of Action to provide leadership by promoting co-ordination of pest management between regions.

21. Our Regional Pest Management Plan (RPMP) is developed using provisions under the BSA. Under the RPMP deer have been declared a pest to be managed under a site-led programme.

22. A site-led programme is the coordinated and integrated control of pests in a defined area that aims to protect and restore specific ecological or biodiversity values which are threatened or compromised by pests. Site led programmes focus on the ecological or biodiversity values of the site rather than simply the control of pests. Values of sites can be put at risk by factors other than the presence of pests and these need to be taken into consideration before embarking on a site-led pest programme (e.g. fencing out stock).

23. Given the restrictions imposed on controlling deer on private land noted in paragraph 13, site led programmes for deer would generally need landowner agreement and support. Deer control at high biodiversity sites may be able to undertaken using powers under the BSA, but given that deer are a highly mobile species, wide areas around these high biodiversity sites would need to be managed in a sustained and coordinated way otherwise the deer removed would simply be replaced by others from the surrounding area.

24. Instead of relying on legislative powers, Council's current site-led approach is to identify high biodiversity sites (our Priority Ecosystem programme), exclude deer by fencing, and removing deer from within the fenced habitat. This approach is proving to be very effective and has high interest and uptake by landowners.

Wildlife Act 1953 (WA)

25. The Department of Conservation is the administering agency.

26. The WA governs species protection, and section 3 of the act provides for the 'absolute protection' of all wildlife but does not by definition include wild animals.

Legislative overlaps and roles/responsibilities

27. It is important to consider the WACA and BSA and how they interact as this is the primary matter that limits to power for councils to directly manage feral deer on private land:

27.1. Section 7(2) of the BSA provides that the BSA cannot be given effect to in such a way as to override the provisions of a number of listed Acts <u>including the WAC</u>

27.2. Section 7(2) provides for a number of exceptions - the main one is if the wild animal in question is a vector for an unwanted pest that is being controlled under the BSA then the BSA overrides WAC in some circumstances. As deer are being considered for management because they are the pest organism not because they carry a pest organism that is the subject of an emergency control programme (e.g. TB), this exception <u>does not apply</u>.

28. Under our Regional Pest Management Plan (RPMP):

    28.1. deer control is 'site-led'

    28.2. any deer which are not held behind effective fences or otherwise constrained, and identified in accordance with a recognised identification system, are considered to be feral by HBRC

    28.3. HBRC will provide a referral or cost recovery service to other landowners/occupiers who require feral deer control.

29. What this means is that the RPMP does not list feral deer as an eradication species but rather a site-led control species. The RPMP (even though it has Ministerial approval) does not, therefore, give HBRC blanket authority to enter onto private land to manage deer. So, reading the BSA consistently with WACA, we either have to do that with the agreement of the landowner (s8 of WACA and RPMP (see point 3(d) above)) or, if no agreement, consistent with the provisions of WACA.

30. Therefore, for any pieces of land where we don't get landowner approval, we need to work with DOC under section 16 of WACA. Under that section, the DG of Conservation can 'request' that the landowner allow entry for the purposes of WACA. If they don't agree, the Minister then has to authorise an entry and HBRC or our contractors can be authorised as 'agents' and 'assistants'.

National deer management

31. DOC has recently announced *Te ara ki mua* to give effect to *Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy* (ANZBS) 2020 as an adaptive framework for managing goats, deer, pigs, tahr, and chamois. *Te ara ki mua* aims to balance the different and sometimes competing values held about these animals and their management.

32. *Te ara ki mua* framework supports a key action in the implementation plan for the ANZBS, to reduce browsing pressure to support ecosystem resilience by:

    32.1. Improving monitoring, delivery, and evaluation of wild animal management (including deer)

    32.2. Coordinating efforts and enhancing capacity across the people, organisations, and agencies involved in wild animal management.

33. *Te ara ki mua* sets the direction for a new national programme in DOC (team is currently being set-up) and for stronger coordination and collaboration in wild animal management in New Zealand. It considers the ecological, cultural, recreational, and economic values held about these animals and their management. All of these values need to be acknowledged in order to sustain outcomes over time.

34. Associated with the recent release of this adaptive management framework, additional funding has been announced for priority sites for wild animal management within the DOC budget, with an initial focus on goat control. The DOC will be using this funding to support both the development of regional wild animal management plans and the operational delivery of wild animal control. Staff are yet to engage with the DOC to consider where the priority sites are and what funding will be available for our region.

35. Attached to this report is a two-page summary of *Te ara ki mua.*

A lack of cost effective tools

36. Associated with the legislative challenges and the widespread and highly mobile nature of deer is that there are limited tools for control. There is no registered poison and so the most commonly used tool is hunting, either from the air or the ground. Aerial control is very expensive and, in some habitats, has limited effect. Ground hunting across wide areas to achieve eradication requires highly skilled hunters often using trained tracking dogs. Deer tend to respond to hunting pressure by moving to other habitats, so making control of large numbers

across wide areas of land very difficult, particularly if in rugged terrain or dense forest. The use of thermal imaging scopes has improved this, but it still difficult.

37. Through our engagement with Government agencies in biosecurity matters we are opening discussion on additional deer management tools.

Management using hunters

38. An approach is being trialed in the North Island that looks to use recreational hunters and the NZ Deerstalkers Association (NZDA) to match landowners with deer problems to suitably experienced and responsible recreational hunters.

39. While this approach is still in its relative infancy, we are going to begin dialogue with the local NZDA to develop a working relationship to lay the foundation for this management approach, should it prove effective in the trial.

Next Steps

40. DOC is working through the priorities for their additional funding and will be engaging with regions in the development of regional plans. Staff will assist DOC in the development of the regional plan when they are ready to engage with us.

41. Staff are monitoring the North Island trial matching hunters to deer problems and will consider its utility for application in our region.

Decision Making Process

42. 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 Integrated Catchments Committee receives and notes the *Deer management* staff report.

Authored & Approved by:

Iain Maxwell
Group Manager Integrated Catchment Management

Attachment/s

1⇩ Te Ara ki Mua Framework

Te ara ki mua:

A framework for adaptive management of wild goats, deer, wild pigs, tahr, and chamois

Purpose

This document (Te Ara ki Mua) gives effect to Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy (ANZBS) 2020 as an adaptive framework for managing goats, deer, pigs, tahr, and chamois. Te Ara ki Mua aims to balance the different and sometimes competing values held about these animals and their management.

The challenge

For indigenous biodiversity to thrive, the ecological impacts of goats, deer, pigs, tahr, and chamois need to be managed while respecting the cultural, recreational, and economic values that these animals may provide.

- Introduced wild animals have no natural predators, which means that populations can increase quickly in some places. As a result, maintaining a balanced ecosystem requires management.
- Where there are too many wild animals, they can compromise the resilience, structure, and diversity of forests, shrublands, and native grasslands.
- Overpopulation of wild animals can impact on ecosystems and on the health and quality of the animals, on other species, and can lead to range expansion.

Te ara ki mua values

- Ecological: Ecological resilience is protected or restored, and endemic biodiversity thrives. Healthier ecosystems are more resilient to the impacts of climate change.
- Cultural: The people of Aotearoa New Zealand are effective kaitiaki for the mauri of te taiao and are able to exercise their right to access mahinga kai.
- Recreational: There are social, health, and wellbeing benefits to many people from an involvement in hunting activities.
- Economic: People prosper through hunting, farming, and commercial activities that rely on access to wild animals. Investment in regenerating shrubland and native plantings is protected.

Scope

This framework applies to wild animals managed under the Wild Animal Control Act 1977: Red deer *(Cervus elaphus scoticus)*, Wapiti *(C. elaphus nelson)*, Sika deer *(C. nippon)*, Sambar *(C. unicolor)*, Rusa deer *(C. timorensis)*, Fallow deer *(Dama dama)*, White-tailed deer *(Odocoileus virginianus)*, Himalayan tahr *(Hemitragus jemlahicus)*, Chamois *(Rupicapra rupricapra)*, Wild goats *(Capra hircus)*, Wild pigs *(Sus scrofa)*.

The Game Animal Council Act 2013 defines deer, tahr, chamois, and wild pigs as game animals. A key objective of the Game Animal Council is to improve the management of game animals for recreation, commerce, and conservation. Wild goats are subject to the Wild Animal Control Act 1977 only and are not part of the Game Animal Council's statutory responsibilities.

Implementation

In partnership with whānau, hapū, and iwi, the Department of Conservation and Game Animal Council will implement this framework. It is guided by the overarching direction of Te Mana o te Taiao ANZBS 2020.

Context

Te Mana o te Taiao Aotearoa New Zealand Biodiversity Strategy 2020

▼

Te Ara ki Mua Framework for adaptive management

▼

- Regional collaborative plans
- Site-based adaptive management
- Monitoring and analysis of impacts of wild animals

L-R: Forest understorey impacted by wild animals *Photo: Supplied* Young feral goat in the tussock *Photo: Supplied*, Red deer group *Photo: Supplied*, Nanny tahr *Photo: Supplied*, Hunter with a rifle, Ashburton Lakes *Photo: Supplied*

ANZBS Goals

Wild animals are actively managed across the sector at present. The ANZBS 2020 describes goals for further reducing the impact of introduced browsers.

2025 The impacts of introduced browsers, including valued introduced species (pigs, deer, tahr and chamois), on indigenous biodiversity have been quantified, and plans for their active management have been developed with Treaty partners, whānau, hapū, iwi, Māori organisations, and stakeholders.

2030 Introduced browsers, including valued introduced species, are actively managed to reduce pressures on indigenous biodiversity and maintain cultural and recreational values.

2050 Introduced browsers, including valued introduced species, have been removed from high priority biodiversity areas and threatened ecosystems and are under ongoing management elsewhere to maintain functioning ecosystems and cultural and recreational values.

Three pou (or pillars) provide direction and focus to guide toward the change needed.

Tiaki me te whakahaumanu: Protecting and restoring

Browsing pressure is reduced where necessary to enhance biodiversity, support ecosystem resilience, and improve the quality of game animals.

- Existing goat control is enhanced and expanded to new sites, especially in areas with vulnerable endemic plant communities.
- Priority sites for adaptive management are identified and site-based plans are developed through engagement and partnership with whānau, hapū, iwi, and stakeholders.
- Collaborative efforts prevent further range expansion by wild animal species.
- Deer-free areas are defended and maintained.
- Capability and capacity for sustainable recreational and commercial harvest is valued and maintained.
- Tahr are managed under the Himalayan Thar Control Plan 1993, with hunter-led management developed in places.

Whakahau: Empowering action

Efforts are coordinated and capacity is enhanced across the people, organisations, and agencies involved in wild animal management.

- The Department of Conservation fulfils the Minister of Conservation's responsibilities under the Wild Animal Control Act 1977 , and works in partnerships with whānau, hapū, iwi, and stakeholders to improve outcomes.
- The Game Animal Council seeks to improve the management of game animals including through the provision of advice to the Minister of Conservation.
- Management plans are developed locally and empower communities and landowners to participate in impactful wild animal management.
- Adaptive management provides a forum for collective action, learning and balancing of different values at place.
- Actions are underpinned by evidence, including mātauranga Māori and science.
- Skill and capacity needs are analysed to inform programmes to develop capability across the sector.
- Hunter-led management is encouraged where applicable.
- New Zealanders have access to quality recreational experiences and hunters are provided the skills and knowledge to hunt safely and successfully.
- Commercial activities that utilise wild animals are supported, contribute to good management outcomes, and are regulated where necessary.
- New Zealanders understand the role of wild animal management to achieve and maintain ecological resilience.

Tūāpapa: Getting the system right

An effective system for wild animal management is the foundation for collective action.

- Management agencies partner with tangata whenua and collaborate with stakeholders at place. Mātauranga Māori is integral to decision-making, design, and delivery.
- Central leadership, oversight, and coordination provide prioritisation and efficient use of resources.
- The impacts of wild animal populations are monitored to inform decision-making at place. Monitoring and analysis are undertaken to understand the outcomes of management on the Te Ara ki Mua values.
- Wild animal management is reviewed at a system level to identify the shifts required for a step change in performance. Areas for development or improvement include:
  - Systems for knowledge, science, data, and innovation
  - Systems for prioritising action at place
  - Implementing roles and responsibilities to best effect under relevant legislation
  - Legal and policy tools to balance conservation, recreational and commercial interests in hunting

L-R: Successful hunter with stag *Photo: Supplied*; Red deer hind *Photo: Supplied*, Wild pig monitored by trail camera *Photo: Supplied*, Fallow deer buck *Photo: Supplied*, Successful tahr hunt *Photo: Supplied*

Hawke's Bay Regional Council

Environment and Integrated Catchments Committee

6 July 2022

Subject: Discussion of minor items not on the Agenda

Reason for Report

1. This document has been prepared to assist Committee Members note the *Minor items not on the Agenda* to be discussed as determined earlier in agenda item 5.

Topic	Raised by