
Wednesday, 6 July 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

District Planning and Bylaws Subcommittee Meeting

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Wednesday, 6 July 2022**

Te Wā:
Time: **10.00am**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Group Manager: Planning & Regulatory Services - John
O'Shaughnessy and Environmental Policy Manager - Rowan
Wallis**

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District Planning and Bylaws Subcommittee – Terms of Reference

A Subcommittee of the Strategy and Policy Committee.

Fields of Activity

The District Plan Subcommittee is responsible for advising the Strategy and Policy Committee by;

- Providing guidance to Council officers with regard to the drafting of the District Plan (or sections thereof) and consultation on discussion documents and drafts.
- Providing guidance to Council officers in respect of the drafting of Council's new or revised bylaws, and providing oversight of the Special Consultative Procedures.
- Te Tira Toitū te Whenua – Hastings District Plan Cultural Values to consider and advise Council how the cultural values of Waahi Taonga and Waahi Tapu are to be integrated within the District Plan.

Membership

- 6 Councillors.
- 3 Heretaunga Takoto Noa Māori Standing Committee Members appointed by Council.
- 1 externally appointed member with relevant qualifications and experience.
- Chair appointed by Council.
- Deputy Chair appointed by Council.

Quorum – 5 members including 3 Councillors

Delegated Powers

- 1) To review and provide comment on draft new or received District Plan provisions and to recommend to the Strategy and Policy Committee the adoption of drafts for consultation.
- 2) To hear and consider all submissions reviewed in respect of any District Plan proposal and to recommend responses to the Strategy and Policy Committee.
- 3) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed District Plan provisions for adoption by Council.
- 4) To review and provide comment on draft new or reviewed bylaws, and to recommend to the Strategy and Policy Committee the adoption of drafts for consultation for onward recommendation to Council to hear submissions and formal adoption.
- 5) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed bylaw for adoption by the Council.

Wednesday, 6 July 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

District Planning and Bylaws Subcommittee Meeting

Kaupapataka

Agenda

Mematanga:

Membership:

Koromatua

Chair: Councillor Kevin Watkins

Ngā KaiKaunihera

Councillors: Bayden Barber, Alwyn Corban (Deputy Chair), Simon Nixon, Peleti Oli and Ann Redstone

Heretaunga Takoto Noa Māori Standing Committee appointees: Marei Apatu, Ngaio Tiuka, plus one vacancy

Mayor Sandra Hazlehurst

Tokamatua:

Quorum:

5 - including 3 Councillors

Apiha Matua

Officer Responsible:

Group Manager: Planning & Regulatory – John O’Shaughnessy

Environmental Policy Manager – Rowan Wallis

Te Rōpū Manapori me te

Kāwanatanga

Democracy &

Governance Services:

Christine Hilton (Extn 5633)

Te Rārangi Take

Order of Business

1.0 Apologies – Ngā Whakapāhatanga

At the close of the agenda no apologies had been received.

At the close of the agenda no requests for leave of absence had been received.

2.0 Conflict of Interest – He Ngākau Kōnatunatu

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Manager: Democracy and Governance (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

3.0 Confirmation of Minutes – Te Whakamana i Ngā Miniti

Minutes of the District Planning and Bylaws Subcommittee Meeting held Wednesday 23 March 2022.

(Previously circulated)

4.0 Joint Solid Waste Bylaw Review Update

7

5.0 State of the Environment 2015-2019 Feedback

13

6.0 Environmental Policy Workstream

19

7.0 National Policy Statement for Freshwater Management 2020

23

8.0 *Minor Items – Ngā Take Iti*

9.0 *Urgent Items – Ngā Take Whakahihiri*

Wednesday, 6 July 2022

Item 4

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: District Planning and Bylaws Subcommittee Meeting

Te Rārangi Take

Report to District Planning and Bylaws Subcommittee

Nā:
From: Angela Atkins, Waste Planning Manager

Te Take:
Subject: Joint Solid Waste Bylaw Review Update

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to update the District Planning and Bylaws Subcommittee on the Joint (Hastings District and Napier City Councils) Solid Waste Bylaw Review.

2.0 Recommendations - Ngā Tūtohunga

- A) That the District Planning and Bylaws Subcommittee receive the report titled Joint Solid Waste Bylaw Review Update dated 6 July 2022.
- B) That the Subcommittee endorse aligning the review of the Solid Waste Bylaw with the pending changes to national policy, strategy and legislation.

3.0 Background – Te Horopaki

- 3.1 The Joint Waste Management and Minimisation Plan (WMMP) 2018-2024 identified Council planning controls (including the Solid Waste Bylaw) as a specific action to be reviewed and align with the Joint WMMP.
- 3.2 Action 5A: Planning Controls - Review and align Hastings District and Napier City Councils' bylaws and planning controls to enact the Joint WMMP
- 3.3 The review of the Solid Waste Bylaw will be in alignment with the direction of the Joint WMMP, as to complement each other and support waste minimisation across the district.

- 3.4 The impacts caused to the district and to the environment from residual waste remains a significant issue and in the context of the Bylaw includes issues related to household waste, the Transfer Station facility, hazardous waste, litter and illegal dumping.

4.0 Discussion – *Te Matapakitanga*

- 4.1 This review is being undertaken jointly by both Hastings District Council and Napier City Council officers due to a number of factors including the Joint WMMP, joint ownership of Ōmarunui Landfill and being collaborative neighbouring authorities. Given these factors, it is prudent to undertake the reviews together.
- 4.2 The agreed approach in 2021 was for officers to engage a suitably qualified provider to assist officers with undertaking the reviews.
- 4.3 A meeting was held on 14 February 2022 with the Pou Ahurea¹ and Te Waka Rangapū² teams from both Councils to discuss options for engagement with our Māori communities. One of the recommendations from this meeting was to involve Te Waka Rangapū in the procurement process.
- 4.4 Following the presentation of the original reports to both Councils' committees seeking approval to commence the review of the Solid Waste Bylaws there has been a number of changes to external factors that need to be considered which also includes national policy and legislation changes relating to the waste sector.
- 4.5 The new National Waste Strategy is due to be released in August or September 2022. The new strategy is anticipated to set an innovative bold direction for everyone in New Zealand to transform the way we think about and manage waste.
- 4.6 The Ministry for the Environment are developing the detail of the waste legislation based on the consultation undertaken in late 2021, which is still ongoing. A bill is expected to be developed and introduced to Parliament later in 2022. The new legislation is expected to go through the House during 2023.

5.0 Options – *Ngā Kōwhiringa*

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 Align the timing of the review with the pending changes to national policy, strategy and legislation. These pending changes have no immediate statutory timeframes or influences.
- 5.2 Slowing down the pace of the review will allow alignment with the external influences such as; legislation review, new Māori Wards, continued building of relationships with Māori partners. These are relationships that need to be nurtured and developed and iwi representatives are currently under significant pressure, which officers do not want to add to at this early stage.

Advantages

- The Government is proposing new and more comprehensive legislation on waste to replace the Waste Minimisation Act 2008 and the Litter Act 1979. Waiting for this legislation to be enacted would mean that our bylaws would have better alignment and not require a second review (including the significant public consultation work required) within a short time frame.
- Feedback from our Pou Ahurea and Te Waka Rangapū teams is that many organisations are under severe pressure to respond to consultation from local and central government. We

¹ Māori Advisor

² The Waka of Relationship, bringing all communities together

need to use a critical and strategic approach around engagement to avoid kaupapa fatigue. The Joint WMMP consultation needs to be woven into this consideration also.

- The introduction of new Maori Wards for both Councils and the Para Kore Kaiārahi ki Kahungunu role will be incorporated into our engagement approaches to create strong relationships with iwi prior to commencing the review.

Disadvantages

- It is taking more time than initially estimated, however sufficient time is required to thoroughly complete the review. If the review is undertaken hastily the likely result is that the bylaw could be inadequate or outdated well before the next review is due.
- The disadvantages for Hastings District Council is that not all waste issues are covered under the current Bylaw such as waste management at events and multi-unit dwellings, use/access to waste facilities, privately provided waste services and the disposal of hazardous waste.
- In addition, some waste issues that are already covered by the Bylaw, such as misuse of kerbside collection services, need to be reviewed to ensure alignment with the new Council kerbside collection contracts.
- The Solid Waste Bylaw could be seen as having limited effectiveness (within the constraints of the resources available and current legislation) and need to be improved.
- The Bylaw currently provides a framework detailing residents' obligations for the Council's previous kerbside refuse and recycling collection services.
- The disadvantages for Napier City Council are slightly different as their bylaw has lapsed and therefore there is no Solid Waste Bylaw in place. Napier City Council's compliance issues generally occur from illegal dumping and these are adequately dealt with under the Litter Act 1979. Issues arising from kerbside collections are provided for by our Council approved Terms of Service for Kerbside Refuse and Recycling Collections.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī

5.3 Status Quo: The objective of the current approach is to complete the review of the Solid Waste Bylaws in the 2022 calendar year.

5.4 Disadvantages

- Work was temporarily paused due to other priorities from the Covid-19 outbreak affecting service levels and the government current consultation on Transforming Recycling. This means that the crucial pre-engagement with Māori partners has not occurred and it is unlikely that the review would be completed by the end of 2022.

6.0 Next steps – *Te Anga Whakamua*

6.1 Continue with the approach outlined in option one; align the timing of the review with the pending changes to national policy, strategy and legislation and consider external influences such as; the new Māori Wards and continued building of relationships with Māori partners. These are relationships that need to be nurtured and developed and iwi representatives are currently under significant pressure, which officers do not want to add to at this early stage.

Attachments:

There are no attachments for this report.

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council’s Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal contributes to the purpose of local government by primarily promoting the environmental wellbeing and more specifically through the Council’s strategic objective of a community which wastes less.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

As this project is in initial stages, no consultation with iwi or hapu has occurred, however the proposed new approach will allow for comprehensive engagement with our Māori community.

Sustainability - *Te Toitūtanga*

This project will support both Councils approach to sustainability, align with our Joint WMMP and national policy direction regarding the shift to a low emissions circular economy.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

This project will be covered by existing annual budgets.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This report has been assessed under the Council's Significance and Engagement Policy as being not of significance.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Solid waste services relate to almost every address in Napier, so ensuring the correct decisions are made in this regard can be significant. The number of submissions received for Joint Waste Management and Minimisation Plan (WMMP) 2018-2024 shows the level of engagement within our community.

The new draft bylaws (once completed) will be subject of a full community consultation, possibly as part of the Joint WMMP.

Risks

Opportunity:

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
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N/A	N/A
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Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

Not required at this stage.

Wednesday, 6 July 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: District Planning and Bylaws Subcommittee Meeting

Item 5

Te Rārangi Take

Report to District Planning and Bylaws Subcommittee

Nā:
From: Junior Tuakana, Environmental Planner (Policy)

Te Take:
Subject: State of the Environment 2015-2019 Feedback

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

1.1 The purpose of this report is to feedback to the District Planning and Bylaws Subcommittee whether there is a decline in the environment as a result of the findings from the latest State of the Environment report (SoE). The following points will be covered;

- Identify which environmental indicators have relevance for the District Plan and what are these indicators are saying.
- If there is a decline in indicators findings, we need to discuss why this might be happening and whether our policies and rules remain appropriate.
- Whether there are any improvements needed.
- If there are too many stable indicators we need to ask whether being stable is enough or should we be improving the environmental outcomes (are our policies seeking that we improve.
- Looking into monitoring if there are any gaps in existing indicators.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the District Planning and Bylaws Subcommittee receive the report titled State of the Environment 2015-2019 Feedback dated 6 July 2022.
- B) That the Subcommittee approve the recommended changes;
 - a. To improve a data collection and storage system for Monitoring and Compliance.

- b. That the back ground noise readings absent from the State of the Environment 2015-2019 report are included in the next reporting period for a continued consistency.
- c. That noise complaints are broken down to understand the nature and the origin of complaints.
- d. That the subcommittee investigates options for monitoring Council's carbon footprint and how Council manages this going forward.

3.0 Background – *Te Horopaki*

- 3.1 The State of the Environment Report depicts the state of the environment for Hastings District as at 31 December 2019. It focuses on those aspects of the environment that are directly related to the functions of the Hastings District Council as set out in Section 31 of the RMA.
- 3.2 Hastings District Council is responsible for controlling the effects of activities on land including the effects of land use activities on natural hazards, hazardous substances, contaminated land, indigenous biological diversity, noise, and the surface of rivers and lakes.
- 3.3 In contrast, Hawke's Bay Regional Council manages natural resources like air, water, soils and the coastal marine area, at a regional scale. It too has functions in respect of natural hazards, hazardous substances and identifying and monitoring contaminated land. The Hawke's Bay Regional Council (HBRC) are required to produce their State of the Environment report on the areas within their control.
- 3.4 The 2015-2019 State of the Environment Report was adopted by Council in December 2021 with hard copies available from libraries with an electronic version available from Council's website. As a result of the December meeting, one of the action points reached by the Councillors was for a response on findings by individual groups which fed data into the SoE.

This is the reason results have been brought back to the District Planning and Bylaws Subcommittee. Any feedback received from the subcommittee will be used to plan the next steps moving forward.

The Hastings District Council SoE report is divided into five sections being;

- Sustainable Land Use
- Amenity, Character, and Heritage Management
- Sustainable Infrastructure
- Hazard Management
- Sustainable Waste Management

- 3.5 Of the five sections, Sustainable Land Use, Amenity, Character and Heritage Management and Hazard Management are significant in measuring the performance of the Hastings District Plan and whether the outcomes set by the plan are being achieved.
- 3.6 These three sections are divided into sub-groups where measurable indicators have been set from previous reporting period's i.e. noise levels. As a result of the 2015-2019 report, the functions of HBRC were not included to reduce duplication.

4.0 Discussion – *Te Matapakitanga*

4.1 Overall a total of 36 indicators are used to measure the three sections relative to the Hastings District Plan. A breakdown of the results are as follows.

Sustainable Land Use

- 4.2 Sustainable Land Use is measured through nine indicators. These indicators measure activities that are going to compromise the soil resource in the Rural and Plains Production. An example of this is a rural subdivision.
- 4.3 Of the 11 indicators, six showed improvement with a lower number of dwelling or subdivision applications in the rural/plains production zone. Farm park development, land use applications, dwelling applications, and soil type's better explanation of this showed stable results over this period.
- 4.4 There are four indicators showing stable results with one underperforming indicator being infill subdivisions in the residential zone. This means we are not meeting our infill targets under HPUDS. One possible reason could be the availability of large enough sections to subdivide. If infill in the residential zone is achieved, this reduces pressure on the need for rural or plains lifestyle lots. The medium density review is looking at how greater levels of infill might be achieved.

Amenity, Character and Heritage Management

- 4.5 Amenity, character and heritage management is measured by 21 indicators ranging from noise levels to a survey on people's perception of specific topics.
- 4.6 Eight of the indicators show steady results with six indicators showing areas of improvement. There are three indicators which had no previous data to be measured so are shown as new growth. The area of concern are the three indicators showing a decline in noise results. This will be discussed further below. There is one indicator NC4 (significant indigenous vegetation and significant habitats) there has been no data collected from the previous and current reporting periods as this is within land covered by QE2 covenants.

Perception survey

- 4.7 Findings from the survey found there to be a high satisfaction for parks and recreational facilities. Feedback from residents were not so positive with regards to noise levels.
- 4.8 Residents' perception about being safe has dropped to 84% this still remains high but could be an area to look closely in the future to know exactly what the reasons are. An open question could be used to understand residences response.

Noise

- 4.9 There are three indicators measuring noise. These results are a mix of residence opinion with the number of recorded noise complaints received.
- 4.10 Noise complaints continue to score poorly among all indicators. All noise complaints are address by an external contract group which reports findings on a monthly basis to Council's Environmental Health team.
- 4.11 To better understand the nature of the complaints received it would be of value to breakdown the nature and location of complaints (urban vs rural). Currently, the SoE report is based on the number of complaints received and would benefit if this data was broken down further.
- 4.12 Noise is a difficult subject to objectify as the acceptance of reasonable level of noise varies between people. While the District Plan has standards set for an anticipated level of noise, this does not restrict a person's ability to lodge a complaint with Council.
- 4.13 One possible reason for the number of complaints could be with an increase in the Districts population and the limitation on available space a person's tolerance level such as noise is reduced. As density increases, noise complaints are likely to rise.

Background Noise

- 4.14 Background noise readings are taken from 37 locations within the district. These locations vary from coastal settlements to sites located near industrial or commercial activities. These readings are useful in monitoring noise changes over time.
- 4.15 It is noted that the background noise levels were not included due to the disruption in collating readings to be used for the 2015-2019 SoE report. While this has been missing from the current report, it is recommended that this past data is included in the next SoE report produced. This will provide a continuous reading over time.

Coastal Amenity

- 4.16 The Coastal Amenity indicators are a measurement of subdivisions and demand for new coastal residential areas. Indicator results show that demand for coastal areas were stable. There are no additional comments on this area.
- 4.17 The indicators used to measure Natural Heritage/Landscape Character development within our character areas are similar to coastal amenity in that it is measured by the number of development of these areas.
- 4.18 The number of subdivisions within landscape character areas and outstanding natural areas has decreased. This could mean the policies are achieving their outcome by limiting growth and protect these areas.

Hazard Management

Hazard Management

- 4.19 Hazard management is monitored through two indicators. The new numbers of subdivisions and land development and the number of building consents granted within a hazard area.
- 4.20 The number of land use and subdivision consents is five times more than the number of consents received in the previous reporting period. A likely reason for this is changes to the classifications which now includes medium and high liquefaction vulnerability mapping.
- 4.21 Building consents granted within an identified hazard area is likely to be high due to the new classification including medium liquefaction where findings showed a majority of the applications granted were located within a site that had a medium liquefaction layer.

Conclusion

- 4.22 Overall a conclusion of the indicators were positive and as expected given the change from the previous indicators. Noise is an issue that is needing further examination to improve future findings. As noted in the SoE report, noise continues to show no improvements over the previous and current reporting period.
- 4.23 This can be addressed by changing how we report and being specific with the detail that we need to collect.
- 4.24 A breakdown of the types of noise complaints should be include in the next SoE report to understand the location and the nature of complaints. Noise complaints should be broken down by nature (loud music), location time (day/night) and whether they are one off or multiple. This will give a better representation of the problems regarding noise.
- 4.25 One recommendation that should be included as part of the breakdown of the Hastings District is the carbon footprint of the Council on the environment. There is no legislative requirement to produce this document but it would be beneficial in relation to the impact Council has on the environment and what steps Council is doing to reduce this.

5.0 Options – Ngā Kōwhiringa

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

5.1 Accept recommended changes for future State of the Environment Reports and Data collection.

Advantages

- There will be a better understanding specific to the nature of noise.
- There will be consistency of findings from previous reports.
- Data collection will be more efficient and accurate.
- Improving on what is currently being measured.

Option Two - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

5.2 Do Nothing (Status Quo).

Advantages

- Data is current and covers what is required.

Disadvantages

- Does not seek to improve on the current methods used for collecting results.
- Results in a gap of results for background noise.
- Noise will continue to be an issue.

6.0 Next steps – *Te Anga Whakamua*

6.1 That the instructions on data collect is updated to reflect changes. This will need to include the inclusion of background noise readings from 2015 – 2019.

6.2 That further investigation into the measurement of Council’s carbon foot print is undertaken.

Attachments:

There are no attachments for this report.

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council’s Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the environmental and cultural wellbeing of communities in the present and for the future (By highlighting changes to the environment occurring over time).

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The State of the Environment 2020 has been circulated to the Heretaunga Takoto Noa Maori Standing Committee, no feedback is required as part of this process as the proposal is improve on the collection of data through the improvement of the indicators:

Sustainability - *Te Toitūtanga*

The recommended changes will improve Councils approach to monitoring the environment and the effects of activities on the environment:

Financial considerations - *Ngā Whakaarohanga Ahumoni*

There are not financial implications as the proposal is to review the indicators:

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This report has been assessed under the Council's Significance and Engagement Policy as being of low significance.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

There is no need for internal or external consultation as the proposal is to improve the indicators used so that it improves future reports.

Risks

Opportunity: There is an opportunity to improve on the current indicators which will help improve environmental outcomes:

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Indicators will ensure the environment is protected while managing the effects of growth.	The risk of not acting would lead to a less effective and out of date SoE report.

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

The State of the Environment 2020 has been circulated to the Rural Community Board, no feedback is required as part of this process as the proposal is improve on the collection of data through the improvement of the indicators:

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Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: District Planning and Bylaws Subcommittee Meeting

Item 6

Te Rārangi Take

Report to District Planning and Bylaws Subcommittee

Nā:
From: Rowan Wallis, Environmental Policy Manager

Te Take:
Subject: Environmental Policy Workstream

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The District Plan and By Laws Subcommittee has provided guidance to the Environmental Policy team in helping them to establish their workstream priorities with these recommendations then being reported to Council for adoption.
- 1.2 It is some time since the workstream was reviewed and with significant changes to environmental legislation pending and changes to Council strategy it is an opportune time to undertake this review. The changes include;
 - National Policy Statement – Urban Development
 - National Policy Statement – Freshwater
 - Review of Council Medium Density Strategy
 - Forthcoming National Policy Statement – Highly productive Land
 - Forthcoming National Policy Statement – Indigenous Biodiversity
 - Forthcoming Natural and Built Environments Act
 - Forthcoming Strategic Planning Act
 - Forthcoming Climate Change Adaption Act
- 1.3 Council’s focus has been on responding to the high levels of housing demand. This has resulted in the need to be responsive to development options and also to ensure that good levels of amenity are achieved. This has led to considerable input into ensuring that developers are encouraged to reference the Intensive Residential Design Guide in their developments. Policy planners are

increasingly providing guidance to a number of developers in this field and it is a workstream not previously covered. In addition to the national policy statements, the environmental policy team will also need to respond to the draft new legislation as it is released for comment. The Natural and Built Environments Act Bill and the Strategic Planning Act Bill are expected to be released in October and currently the NPS - Indigenous Biodiversity has been released as an exposure draft for comment.

- 1.4 The following table outlines the projects that are currently being worked on and those that are necessary to meet legislative requirements. The suggested priority listing is based upon statutory requirements and those that the policy team have assessed as having the highest priority to achieve the outcomes sought by Council.

Environmental Policy	Priority	Timeline*
Ensuring ePlan is up to date	1	Ongoing
Irongate /York Structure Plan/ Plan Change	1=	To be decided by Heretaunga Tamatea Settlement Trust
Implement National Planning Standards – we have until 2024 to implement.	1=	Ongoing through to 2024
Plan Change to implement changes required to protect matters of cultural importance on Te Mata Rongokako	2	Following agreement with Landowners.
Plan change to Implement recommendations from Medium Density Strategy Review and amendments CRD	3	Item to DP & Bylaws Meeting September 2022
Responding to changes in Legislation – e.g. RMA Reforms and new National Policy Statements	4	Next stage of consultation on the RMA reforms will follow the introduction of the Bill later this year.
Input into Future Development Strategy and Regional Spatial Strategy	5	Discussions with partners is being undertaken as part of the set up phase.
Structure Planning for Lyndhurst Extension and Kaiapo	6	LTP funding brought forward to 2024.
NPS-UD Policy 11: Prepare a Comprehensive Parking Management Plan as a result of requirement to remove carparking minimums	7	CPMP by last quarter 2022
Review of Noise Provisions for Frost Fans	8	To DP & Bylaws Meeting September 2022
Rolling Review of DP - Landscape section / Wahi Taonga review to include a reviewed nomination process. Second priority is the Commercial Review	9	Estimated to be at least a 2 year project. Need to review the Commercial Strategy as the first step. The issue of providing for residential development within commercial zones and the relationship with the commercial service zones also needs addressing. Trends identified through the State of the Environment Report.
206 Queen Street – Site Redevelopment	10	Ongoing through 2022*. Resource Consent, works to prepare site (remediation), detailed design, building consent and letting of contracts to construct.
117 Heretaunga Street East- Site Redevelopment	11	Working with developer - Ongoing through 2022
Commercial Strategy to inform the FDS	12	Due for Review and the Business Assessment under the NPS-UD will provide useful information.
Identification of Significant Natural Areas Project	13	To meet the requirements of the NPS – Indigenous Biodiversity
CBD Liaison	14	ongoing
Nomination Project for new Heritage Items	15	Underway over the next 3 years.

* The timeline for many of the projects is the date that they will be brought to Council for approval. Where the projects require changes to the district plan the process from there is outlined in the RMA and timeframes can only be approximate as a significant influencing factor is the number of submissions received.

2.0 Recommendations - Ngā Tūtohunga

- A) That the District Planning and Bylaws Subcommittee receive the report titled Environmental Policy Workstream dated 6 July 2022.
- B) That the Subcommittee ratify the Workstream Priorities for the Environmental Policy team and recommend that they be adopted by Council as its environmental and district plan priorities.

Attachments:

There are no attachments for this report.

Wednesday, 6 July 2022

Item 7

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: District Planning and Bylaws Subcommittee Meeting

Te Rārangi Take

Report to District Planning and Bylaws Subcommittee

Nā:
From: **James Minehan, Senior Environmental Planner, Policy**

Te Take:
Subject: **National Policy Statement for Freshwater Management 2020**

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

1.1 The purpose of this report is to give an overview and explanation of the National Policy Statement for Freshwater Management 2020 (NPSFM) and to outline the potential implications for Council and how we intend to meet our obligations under the NPS.

2.0 Background – Te Horopaki

2.1 The National Policy Statement for Freshwater Management 2020 (NPSFM) replaced the NPSFM 2014 and came into force on 3 September 2020.

2.2 The National Policy Statement places a number of responsibilities on the Council to undertake integrated management of the effects of land use and development on freshwater and actively involve tangata whenua in that management.

2.3 The NPSFM identifies as a fundamental concept – “Te Mana o te Wai” – this refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and wellbeing of the wider environment.

2.4 The National Policy Statement applies to all freshwater (including groundwater) and receiving environments including estuaries and the wider coastal marine area.

3.0 Integrated Management

3.1 The NPS FM in Subpart 1 “Approaches to implementing the National Policy Statement”, Section 3.5 “Integrated Management” outlines the following approach:

(1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:

(a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wāhapū (estuaries) and to the sea; and

(b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and

(c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and

(d) encourage the co-ordination and sequencing of regional or urban growth.

(2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:

(a) the use and development of land on freshwater; and

(b) the use and development of land and freshwater on receiving environments.

(3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

(4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

4.0 Timing and Transition

4.1 Under Part 4 of the NPS-FM “Timing and transitionals” the NPSM outlines:

4.1 Timing

(1) Every local authority must give effect to this National Policy Statement as soon as reasonably practicable.

(2) Local authorities must publicly notify any changes to their regional policy statements, regional plans, and district plans that are necessary to give effect to this National Policy Statement as required under the Act.

4.2 Keeping policy statements and plans up to date

(1) Once a local authority has made the changes required by clause 4.1, it must continue to make whatever changes to its regional policy statement, regional plan, or district plan are necessary to respond to changes over time in the state of water bodies and freshwater ecosystems in its region or district.

4.3 Existing policy statements and plans

(1) To the extent that regional policy statements and regional and district plans already (at the commencement date) give effect to this National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it.

(2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan does implement this National Policy Statement.

(3) However, if a local authority chooses to amend an operative policy statement or plan by merely changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule)

5.0 What Happens When

5.1 In the MfE document Essential Freshwater milestones – what happens when – the following is outlined:

- Regional councils must amend their regional policy statements and regional plans to insert specified objectives and policies without using the RMA Schedule 1 planning process (Application of 55(2A) of the RMA).
- Regional councils will engage with communities and tangata whenua to determine how Te Mana o te Wai applies to freshwater in their region, and based on this engagement, develop long-term visions for freshwater in their regions.
- Regional councils will review their regional plans and establish what changes are needed to give effect to the NPS-FM 2020. This includes the new requirements for wetlands, fish passage and rivers, setting environmental outcomes, target attribute states and limits under the National Objectives Framework, and establishing monitoring programmes.
- City and district councils will review their district plans and establish what changes are needed to give effect to the NPS-FM 2020 in relation to managing the effects of urban development on the health and well-being of waterbodies, freshwater ecosystems and receiving environments.
- By 31 December 2024, councils notify changes to regional policy statements, regional plans, and district plans to give effect to the new NPS-FM 2020. Changes to regional policy statements and plans will be progressed using the freshwater planning process in subpart 4 of the Resource Management Act 1991.
- By 2026 (or by 2027 if any extension is granted) regional plans are in place, including the rules needed to work towards long-term objectives for ecosystem health and other community values.

6.0 Provisions in the Hastings District Plan

6.1 The Hastings District Plan (partially operative from 12 March 2020) does address aspects of freshwater management albeit not in the integrated and comprehensive manner now envisaged by the new NPS FM 2020.

- 6.2 Decisions on the submissions to the Proposed District Plan were released prior to amendments to the NPS- Freshwater Management (2014) in 2017 which introduced the concept of Te Mana o te Wai.
- 6.3 There are some specific references to the National Policy Statement for Freshwater Management (NPSFM) in the District Plan as indicated under the headings below, but these were prior to Te Mana o te Wai.

Rural Zone

OBJECTIVE RZ05

To promote the integrated and sustainable management of natural and physical resources including water.

POLICY RZP16

Work collaboratively with the Regional Council to manage land uses that impact on water quality and quantity.

EXPLANATION

The National Policy Statement for Freshwater Management seeks improved integration between the management of freshwater and the use and development of land within the catchments. This will occur by developing collaborative management techniques with the Regional Council.

ANTICIPATED OUTCOME RZAO1

The life supporting capacity of the rural land and water resource is retained.

Plains Production Zone

OBJECTIVE PPO7

To ensure the integrated management of the land and water resources on the Heretaunga Plains.

POLICY PPP19

Work collaboratively with the Hawke's Bay Regional Council to manage land uses that impact on water quality and quantity.

EXPLANATION

The National Policy Statement for Freshwater Management seeks improved integration between the management of freshwater and the use and development of land within the catchments. This will occur by developing collaborative management techniques with the Regional Council. One such method may be the identification of rivers and streams where further areas of Esplanade Reserves will be taken. This issue is advanced in the Subdivision Section of the Plan.

In the Rural Zone there are also references to protecting the Heretaunga Plains Unconfined Aquifer water resource

OBJECTIVE RZ06

To ensure the life supporting capacity of the Heretaunga Plains Unconfined Aquifer water resource is not compromised by the effects of land use occurring above it.

POLICY RZP17

Ensure that where activities involving hazardous substances are located within the sensitive environment of the Heretaunga Plains Unconfined Aquifer Overlay area (Appendix 59), their usage and storage are designed and managed to ensure the water supply for the environment and community is not compromised.

EXPLANATION

The protection of the quality of the drinking water, irrigation water and natural watercourses that emanate from the Heretaunga Plains Unconfined Aquifer is critical to the health and economic welfare of the Hawke's Bay community. Industrial Zoned land and intensive horticultural and viticulture operations are located over the unconfined area of the aquifer. Additional protection to that provided by HSNO regulation is therefore considered appropriate to apply to this area to ensure that this critical ground water resource is not contaminated. The District Plan will adopt a precautionary approach to the storage, use, and disposal of all materials in order to avoid the entry of any hazardous substance into the aquifer. For this reason the storage, handling or use of Arsenic (As) within the Heretaunga Plains Unconfined Aquifer is a Prohibited Activity via the adoption of Rule RZ30.

POLICY RZP18

Monitor land use activities occurring within the Heretaunga Plains Unconfined Aquifer Overlay area (Appendix 59) to ensure that current regulation is adequately preventing contaminants from entering this groundwater resource.

EXPLANATION

Substances utilised by new and existing land use activities overlying the aquifer, pose a potential threat of contamination. The District Council will monitor land use activities and their effects to ensure that appropriate land use practices are employed and that District Plan provisions are being complied with.

ANTICIPATED OUTCOME RZA07

The life supporting capacity of the Heretaunga Plains Unconfined Aquifer system will be sustained.

ANTICIPATED OUTCOME RZA08

That Mana Whenua values regarding the Kaitiakitanga of the Aquifer water resource are maintained.

Other References

The District Plan contains many references to freshwater management under sustainable management, resource and subdivision requirements, stormwater management (including utilising inert roofing materials), and riparian land management. There are specific requirements for regular water monitoring for the Omarunui Regional Landfill.

There is also the Engineering Code of Practice 2020 that deals with the “three waters”.

7.0 HBRC’S Combined Plan Initiative “Kotahi”

7.1 The Hawke’s Bay Regional Council (HBRC) has released Kotahi. This this will combine and update the existing Regional Policy Statement, the Regional Resource Management Plan and the Regional Coastal Environment Plan into one, while also giving effect to the new policies, planning and technical standards from Central Government. It is indicated that it will give effect to:

- The Resource Management Act (RMA), which is focused on ‘sustainably managing the physical and natural resources in the region
- National Policy Statements, which provide national direction on how to manage resources sustainably
- National Planning Standards, which make sure that council plans are easier to understand and are consistent across different councils
- National Environmental Standards, which set out technical methods, standards or requirements and provide consistent rules across the country

7.2 In relation to the National Policy Statement on Freshwater Management the HBRC states:

Central government updated its National Policy Statement on Freshwater Management in 2020 (NPSFM 2020). The updated policy requires regional councils to give effect to the concept of Te Mana o Te Wai in plans and policy statements, and in doing so councils must develop a plan for maintaining and improving the state of freshwater in the region. It also requires councils to:

- *Set long-term visions for water informed by aspirations of tangata whenua and communities;*
- *Actively involve tangata whenua in freshwater management such as the preparation of policy statements and plans;*
- *Investigate options for tangata whenua involvement in other RMA processes;*
- *Establish Freshwater Management Units for monitoring and reporting purposes.*

Te Mana o Te Wai is the fundamental concept that underpins the NPSFM 2020 and reflects the vital importance of freshwater. It imposes a hierarchy of obligations that prioritise how freshwater must be managed. The hierarchy is as follows:

- *The health and well-being of the water*
- *The health needs of people (i.e. drinking water)*
- *The ability of people and communities to provide for their social, economic and cultural well-being*

7.3 The HBRC timeline is as follows:

- *Phase 1 (2021): Prioritise regional issues and establish scope; develop relationships with tangata whenua*

- *Phase 2 (2021-2022): Identify values and long-term visions; set plan direction and establish policy approach*
- *Phase 3 (2022-2023): Set limits, targets and methods; test solutions*
- *Phase 4 (2024): Final drafting and notification of Kotahi*

8.0 Other Regional Initiatives

- 8.1 Besides the HBRC's combined plan initiative "Kotahi" the HDC is working on its Future Development Strategy (HPUDS 2024). This is required under the NPS-UD. It is expected that document would have implications for freshwater management.

9.0 Summary

- 9.1 The former NPS-FM 2014 included policies that required regional councils to manage freshwater and the development and use of land in an integrated way to avoid, remedy or mitigate adverse effects, including cumulative effects on freshwater. However the NPS-FM gave no explicit direction on the role of territorial authorities in supporting integrated catchment management (they tended to restrict their activities to complying with water and discharger permits issued by regional councils).
- 9.2 The NPS-FM 2020 remedies this by requiring territorial authorities to actively look at the impacts of urban development and to co-operate in the active management of the effects of land use and development on freshwater. However the NPS-FM 2020 does not provide specific directions about what approaches territorial authorities should use to manage the effects of land use and development on freshwater in district plans.

10.0 What Should Council Be Doing?

- 10.1 Council needs to work collaboratively with the HBRC, taking direction from the Kotahi Plan, as initiatives at the district level cannot be inconsistent with this regional plan. Kotahi will update the regional approach for maintaining and improving freshwater management.
- 10.2 Council needs to be cognisant of the Future Development Strategy. The Future Development Strategy (a requirement under the NPS-UD) will have implications for freshwater management in the urban environment. This is because there is a strong relationship between land development and storm-water quality and quantity; trade-offs between increasing housing supply in certain areas and the adoption of good practice including water sensitive design; and the relationship between land intensification, water use and wastewater production.
- 10.3 Council needs the engagement of environmental engineers with a working knowledge of freshwater management. A scientific approach is required for setting limits on pollution levels. It requires an understanding of contaminant dynamics and the response of ecosystems to those contaminants. This requires a knowledge of sustainable urban drainage systems, improved road design and adoption of water sensitive urban design.
- 10.4 Council will need to be aware that the formulation of the new/revised regional plans i.e. the Kotahi document and the Future Development Strategy (NPS-UD 2020) will have implications for the District Plan. They will help establish what changes are needed to give effect to the NPS-FM 2020 in the District Plan i.e. considering the impacts of urban development on the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.

- 10.5 With the development of these plans it is recommended that a two stage approach be adopted to give effect to the NPS-Freshwater.
- 10.6 The first stage would involve undertaking some minor changes to the District Plan's existing objectives and policies to give effect to the principles of the NPS-Freshwater particularly in relation to introducing the concept of "Te Mana o te Wai into the Plan. While the current objectives and policies in the District Plan do highlight integrated management there could be greater emphasis given to the relationship between land use and water quality and particularly in relation to actively involving tangata whenua. Council officers will report back to the next District Plan and By Laws Subcommittee meeting on the suggested amendments.
- 10.7 The second stage will involve implementing any integrated management initiatives that arise from the Future Development Strategy and the new Regional Council Kotahi Plan.
- 10.8 Consideration could also be given to how the Engineering Code of Practice 2020 might better influence freshwater management through matters such as low impact urban design.

11.0 RECOMMENDATION - NGĀ TŪTOHUNGA

- A) That the District Planning & Bylaws Subcommittee receive the report titled National Policy Statement for Freshwater Management 2020 dated 6 July 2022.
- B) That the Subcommittee endorse the recommended approach to making changes to the District Plan, as outlined in the report, to give effect to the National Policy Statement for Freshwater Management 2020.

Attachments:

There are no attachments for this report.