



PART F – NON REGULATORY METHODS

28 Non-regulatory methods

28.1 Introduction

This chapter contains the non-regulatory methods used by the HBRC to implement the policies set out in previous chapters of this Plan, and to achieve the purpose of the RMA. The non-regulatory methods are categorised under the following headings which are each in turn described in Chapters 28.2-28.7:

- (a) environmental education and co-ordination
- (b) liaison with territorial authorities
- (c) economic instruments
- (d) works and services
- (e) research and investigation and
- (f) monitoring.

28.2 Environmental Education and Co-ordination

The HBRC is placing increasing emphasis on environmental education and co-ordination as a tool for achieving its functions under the RMA. As a result, the HBRC has developed an Environmental Education Strategy which sets the direction for the Council's education activities, thereby ensuring the Council moves down the path of environmental education in a co-ordinated and cost-effective manner.

The Environmental Education Strategy focuses on four target sectors:

- (a) resource user groups
- (b) the formal education sector
- (c) care groups and
- (d) the regional community.

The aims of the Environmental Education Strategy are as follows:

- (a) Knowledge – To help people gain experience in, and a basic understanding of, the environment and human interaction within it.
- (b) Skills – To help people acquire the skills to participate effectively in respect of environmental issues and to be involved in identifying and solving environmental problems.
- (c) Awareness – To promote and help people acquire an awareness of, and sensitivity to, the whole environment and environmental issues.
- (d) Participation – To promote public participation and provide people with the capacity to be actively involved in helping resolve environmental problems.
- (e) Attitudes and values – To help people acquire values of concern and responsibility for the environment and be motivated to care for the environment.

In order to meet these aims the HBRC has encouraged the co-ordination of resource users and has developed a number of environmental education programmes all of which will continue to be implemented, including:

- (a) Promotion of Landcare groups – These are community self-help groups formed to take action on local environmental issues, including coastal dune and wetland projects.
- (b) Preparation of farm plans and erosion control plans – The HBRC works with land owners to prepare farm plans and erosion control plans to help improve land management practices.
- (c) Production of 'Environment Topics' and 'The Big Picture' newsletter – The HBRC has prepared a series of pamphlets ('Environment Topics') regarding environmental management, and adds to this series on an ongoing basis. In addition, the HBRC produces 'The Big Picture', a newsletter for communicating information to Hawke's Bay households.
- (d) Co-ordination and involvement in field days and seminars – The HBRC regularly organises field days and seminars, or participates in events organised by others, as an interactive means of providing information and advice.
- (e) Waste minimisation – The HBRC, together with the Napier City Council and Hastings District Council, funds a Waste Minimisation Officer, whose work focuses on initiatives to reduce, reuse and recycle waste.



- (f) Self-regulation – The HBRC actively promotes and supports self-regulation by resource users, including the preparation of guidelines and codes of practice by resource user groups. HBRC promotion and support for self-regulation is undertaken by the following means:
 - (i) support (through the development of this Plan and through plan changes) for activities which comply with relevant codes of practice or environmental guidelines to be permitted or controlled activities
 - (ii) the establishment and maintenance of a register of codes of practices and guidelines that meet the relevant provisions of this Plan.
- (g) Resource user group liaison – The HBRC has a programme of regular liaison with key stakeholder groups, as a means of sharing views and information regarding resource use and environmental management.
- (h) Joint management initiatives – The HBRC is actively involved in jointly managing the restoration, enhancement and development of resources in the region. Joint management may occur from time to time as appropriate with other resource users, stakeholders and other statutory agencies.

28.3 Liaison with Territorial Authorities

The HBRC recognises that in order to promote the sustainable management of the environment it must integrate its responsibilities with those of other authorities who also have responsibilities under the RMA. For example, the six territorial authorities in the region (Napier City, and Wairoa, Taupo, Hastings, Rangitikei and Central Hawke's Bay districts) manage the effects of the use, development and protection of land; while the HBRC generally controls land use for the purposes of soil conservation, water quality and water quantity. Under this Plan the HBRC also controls land uses for the purposes of avoidance or mitigation of natural coastal hazards. Because of the inter-linkages between these authorities' responsibilities and decisions it is important that the HBRC and territorial authorities adopt a consistent and co-ordinated approach to resource management issues.

There are several ways that the HBRC has been achieving this, all of which will continue to be implemented:

- (a) Statutory advocacy – The HBRC will continue to advocate to the territorial authorities, where appropriate, that the provisions included in district plans should not be inconsistent with the objectives and policies set out in the Hawke's Bay Regional Policy Statement, this Plan and other regional plans.

In addition, the HBRC will continue to develop a process for ensuring that resource consent applications that are received by territorial authorities that require joint processing between the territorial authority and the HBRC have complete details of the proposal and full assessments of environmental effects pertaining to all district and regional council matters. This process will continue to be monitored and refined to ensure its appropriateness and effectiveness. In particular, statutory advocacy will be used in recognition of the collaborative approach required to prevent and resolve problems arising from the effects of conflicting land use activities.
- (b) Joint hearings – The HBRC promotes and facilitates, where appropriate, joint and combined hearings of resource consent applications with cross-boundary issues with the view of encouraging consistency and integration within the decision-making process.
- (c) Communication – The HBRC, in conjunction with other resource management agencies (eg: Department of Conservation, and territorial authorities) has established working groups to facilitate discussions on topics such as policy development, information requirements and monitoring programmes. The HBRC recognises the importance of continued communication between parties in developing effective policy development and policy implementation techniques.
- (d) Transfer of powers – The HBRC recognises that for the sake of efficiency and effectiveness the responsibility for certain actions and decision-making may be more appropriately transferred to other organisations, usually the territorial authorities. The RMA provides for this through the transfer of powers or the delegation of functions.
- (e) Protocols – The HBRC has sought to encourage the development and implementation of protocols and systems to aid all of Hawke's Bay's territorial authorities in the day-to-day administration of functions under the RMA. The objective is to set up protocols and systems for information gathering and sharing, joint hearing opportunities, natural hazard planning, contaminated sites issues, and possibly waste water treatment and stormwater control issues. Other issues where protocols would enhance relations will be dealt with as they arise.

The HBRC will also implement the following new initiatives:

- (f) Contacts database – A database will be developed of contact persons, their positions and areas of specialty, covering staff from all territorial authorities in the Region. This database will be administered by the HBRC and will be updated frequently to ensure its continual accuracy and usefulness.
- (g) Overlap issues – The HBRC believes that there are potential overlaps with territorial authorities in the regulation of earthworks, tracking, air discharges, the control of people on beaches, and navigation and safety on rivers which it would be beneficial to resolve. The HBRC will endeavour to set a clear demarcation of responsibility relating to these issues in consultation with the territorial authorities, with the aim of reaching agreement.



- (h) Liaison with Tangata whenua – HBRC will liaise with Ngati Kahungunu Iwi, Whanau-Hapu-Marae and task dedicated work groups (roopu) to ensure a comprehensive understanding of the underlying resource management principles and values of Ngati Kahungunu.
- (i) Contaminated Sites Database – A contaminated sites database will be maintained by HBRC for use by territorial authorities in providing appropriate information on sites through the Project Information Memorandum (PIM) and Land Information Memorandum (LIM) processes. Such a database will distinguish between known contaminated sites and those that have an historical association with hazardous substances. Appropriate remediation for known contaminated sites will be determined by the territorial and regional councils on a case-by-case basis with the landowner.

28.4 Economic Instruments

The HBRC uses a number of economic instruments to promote sustainable management. To be effective, incentives should:

- (a) be targeted to achieve specific resource management objectives
- (b) result in tangible benefits to the environment
- (c) not reward behaviour which would occur anyway in the absence of the incentive and
- (d) be monitored to assess their effectiveness.

Examples of economic instruments used by the HBRC, that will continue to be implemented include:

- (a) Regional Land Care Scheme – The provision of funding for soil conservation, riparian protection, native bush protection and research projects.
- (b) Biodiversity Protection and Enhancement (Coastal Dunes) – The provision of funding for the retirement, long-term biodiversity and environmental enhancement of coastal dune areas.
- (c) Financial contributions – The RMA allows financial contributions to be applied as a condition of a resource consent. However, the HBRC will require (in accordance with Chapter 29.2) financial contributions only in relation to resource consents for river bed gravel extraction, and will use the contributions for the purposes specified in Chapter 29.2.3.
- (d) Development contributions – The Local Government Act 2002 does not empower regional councils to require development contributions, however the Act does require HBRC to adopt a policy on development contributions. In the HBRC Long Term Council Community Plan 2004-2014, Council’s policy is stated as being “not to charge development contributions.”
- (e) Bonds – The RMA also allows the HBRC to require a bond to be paid as a condition of a resource consent. Bonds are payable to ensure the satisfactory completion or compliance with the conditions of the resource consent granted.

28.5 Provision of Works and Services

The HBRC also undertakes works and provides services as methods of implementation. ‘Works’ are actual physical developments, such as sea exclusion banks, river and flood control works, whereas ‘services’ include such things as making staff available to provide planning or technical assistance.

The scope of works and services able to be provided is limited by the terms of the Local Government Act. Examples of works and services undertaken by the HBRC, that will continue to be implemented where appropriate, include:

- (a) Wetlands enhancement scheme – An ongoing wetlands enhancement programme for identified priority wetlands of the Region. As a first priority, the HBRC will ensure that further degradation of a wetland does not occur; as a second priority the HBRC will seek to enhance the values of a wetland where there are significant biodiversity benefits in doing so and where it is economically feasible.
- (b) Service delivery under other legislation – including:
 - (i) Animal pest control – The surveillance of pest populations, particularly possums and rabbits, on land in the Region. The HBRC has also undertaken animal pest control programmes where necessary.
 - (ii) Plant pest control – The HBRC provides information to the public on the identification and control of plant pests in the Region. The HBRC has also undertaken measures to control biological plant pests in the Region through the application of a management programme.
 - (iii) Flood protection schemes – The HBRC has undertaken flood protection schemes and works within areas of the Region’s major rivers. Examples of these schemes are the Heretaunga Plains and Upper Tukituki flood control schemes, for which Asset Management Plans have been developed.
 - (iv) Beach renourishment schemes and coastal protection structures – HBRC, in conjunction with the Napier City Council, contributes to the Westshore Beach Renourishment Scheme. HBRC also contributes to



maintenance of a number of existing coastal protection structures (for example: the Kairakau Beach seawall and Haumoana groyne).

- (c) Emergency management programme – The HBRC is a member of the Hawke's Bay Civil Defence Emergency Management Group – a joint committee established under the Civil Defence Emergency Management Act 2002. The objective of this committee is to provide the organisational arrangements and services to ensure that Hawke's Bay residents and visitors enjoy a safe and sustainable environment. The HBRC assumes a primary role in the management of flood events.

28.6 Research and Investigation

The HBRC gathers and provides information of a technical nature to assist resource users and decision-makers. There are a number of key areas where the HBRC collects information to expand its own knowledge of the resources it manages and/or to share its knowledge with other resource management agencies.

Research and investigations and projects undertaken by the HBRC include:

- (a) Heretaunga Plains groundwater study – A study of the groundwater resources of the Heretaunga Plains aquifer system.
- (b) Inventory of regionally significant wetlands – A study identifying regionally significant wetlands within the Region and prioritising them for enhancement.
- (c) Priority riparian areas – A study identifying priority riparian areas which should be retired.
- (d) Coastal Processes Scoping Study – A report that establishes criteria for further studies on coastal processes and coastal resources over the next 5-10 years.
- (e) Hawke's Bay Regional Coastal Hazard Assessment – A study developing a consistent methodology for erosion and inundation mapping of sandy shores, gravel shores and cliff shores. This takes into account relevant physical processes, geology, morphology, historic trends, subsidence, sediment supply and climate change effects.
- (f) Earthquake hazards in Hawke's Bay – Four reports detailing the risk of earthquakes to the Hawke's Bay Region, and the implications for hazard management and the Emergency Management Strategy.
- (g) Tsunami hazard for Hawke's Bay – A study detailing the risk of tsunami to the Hawke's Bay Region, and the implications for hazard management and the Emergency Management Strategy.
- (h) Hawke's Bay Onsite Wastewater Treatment Risk Assessment Framework – A study to determine constraints and risks posed by the use of on-site wastewater treatment systems across the Hawke's Bay region.
- (i) Agrichemical collection report – A report on how to safely use and handle agrichemicals, and an analysis of the unwanted agrichemicals collected by the HBRC in a collection scheme.
- (j) Hawke's Bay catchments: minimum water yields – A study into the minimum flows in rivers and lakes of the Region, and the effects from adjacent land use practices and seasonal variations.
- (k) HBRC contaminated site management strategy – A report detailing the extent of contaminated sites within the Region, the degree of contamination and the appropriate strategy to deal with the site investigation, the effects of contamination, clean-up procedures, and guidelines to avoid future contamination.

28.7 Monitoring

The HBRC's role of managing Hawke's Bay's natural and physical resources necessitates an awareness of the state of the Region's environment and of changes that occur over time. Regular monitoring of key resources using a range of environmental indicators enables trends in the environmental quality to be identified, and the effects of activities to be assessed. Trend monitoring also serves as a means to measure the performance of the HBRC's environmental policy, and where changes are seen in the environment, amendments can be made to policy as necessary.

The HBRC undertakes a Regional Monitoring Strategy comprising three essential components. These are:

- (a) State of the Environment monitoring – State of the Environment monitoring monitors key environmental indicators to enable the HBRC to understand the nature of the Region's resources and trends in the quality and quantity of those resources. State of the Environment monitoring culminates in the production of Annual State of the Environment Updates and a comprehensive 'State of the Environment' report every five years.
- (b) Compliance monitoring – Compliance monitoring monitors the extent to which resource users are complying with the provisions of the Regional Resource Management Plan and requirements of resource consents.
- (c) Effects based monitoring – Effects based monitoring uses both the State of the Environment monitoring and Compliance monitoring to ascertain the effects of individual and groups of activities on Hawke's Bay's resources.

All three of these elements can contribute towards monitoring the effectiveness of this Plan.



STATE OF THE ENVIRONMENT MONITORING

Through a variety of resource monitoring programmes, the HBRC investigates the state of the Hawke's Bay region. These investigations are the result of the HBRC having researched the main environmental issues and resources of the region and discussed these with the community through the development of regional plans. This state of the environment monitoring and subsequent reports assists in the review of planning documents, resource investigations and research directions.

In relation to the coastal environment, state of the environment monitoring that the HBRC undertakes includes the following:

- (a) Bathing Beach Compliance - each summer, the HBRC monitors water quality at a number of the region's most popular beaches and reports problem areas to the public through the Public Health Officer. This monitoring and reporting indicates the most suitable sites for swimming ranging from very poor to very good. Most sites have good to very good water quality, although the 2004 State of the Environment Report comments that several estuarine sites frequently have poor water bacterial levels that exceed the national guidelines.
- (b) Wetland Enhancement Programme - ecological monitoring of three estuaries (Whakaki Lagoon, Waitangi Estuary and Tukituki Estuary) is done biennially as part of the Wetland Enhancement Programme. The monitoring is used to categorise the estuaries according to their ecological condition. This is compared to previous surveys to determine whether the estuary is deteriorating, stable or improving.

COMPLIANCE MONITORING

Compliance monitoring is undertaken in accordance with the HBRC's duty to monitor the exercise of resource consents. In order to effectively and efficiently undertake this duty, the HBRC employs a number of compliance monitoring methods. These are:

- (a) Monitoring programme – The HBRC prepares an appropriate monitoring programme to be placed on a resource consent as a condition of consent. The monitoring programme identifies what the consent holder is required to monitor, when monitoring must take place and how often.
- (b) Compliance officers – The HBRC dedicates staff to monitoring the compliance of resource use activities with the provisions of this Plan, other regional plans and consent conditions.
- (c) Field inspections and sampling – The HBRC undertakes field inspections during the duration of the consent to measure, for example, contaminants discharged and water abstraction rates.
- (d) Self monitoring – The HBRC encourages self monitoring by consent holders as a means of increasing the consent holders awareness of complying with conditions, the effects of their activities, and helping to reduce costs to consent holders.

OTHER MONITORING

The HBRC also uses other monitoring methods, including:

- (a) Complaints register – The HBRC maintains a register that records complaints from the public regarding resource use activities.
- (b) Other organisations – The HBRC encourages the sharing of both regional and territorial monitoring information between other organisations, particularly territorial authorities.
- (c) Hazard management – The HBRC monitors changes in beach profiles at a number of strategic locations throughout the region. The HBRC also checks the accuracy of existing flood models against data from recent flood events, and maintains a telemetered flood warning and river level monitoring system.

