

HAWKE'S BAY REGIONAL COUNCIL





SAFEGUARDING YOUR ENVIRONMENT # KAITIAKI TUKU IHO



Hawke's Bay Regional Resource Management Plan

Proposed Change 5 -Land and freshwater management

Section 32 evaluation summary report

Adopted: 26 September 2012 Released: 2 October 2012

SD 12/19

HBRC Plan Number 4396



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Proposed Change 5 to the Hawke's Bay Regional Policy Statement

- Section 32 evaluation summary report

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Common abbreviations used

Change 5 Proposed Change 5 to the Hawke's Bay Regional Resource Management Plan (Land use and freshwater

management)

HBRC Hawke's Bay Regional Council

HPUDS Heretaunga Plains Urban Development Strategy

LWF Land and Water Forum

LAWMS Hawke's Bay Land and Water Management Strategy 2011

LTP Long Term Plan (formerly Long Term Council Community Plan (LTCCP))

MfE Ministry for the Environment
NES National environmental standard

NPS National policy statement

NPSFM National Policy Statement for Freshwater Management 2011

NZCPS New Zealand Coastal Policy Statement 2010

OBJ Objective (in the RRMP)
POL Policy (in the RRMP)

RCEP Regional Coastal Environment Plan
RMA Resource Management Act 1991
RPS Regional policy statement

RRMP Hawke's Bay Regional Resource Management Plan
TLA Territorial local authority (city and district councils)

1. INTRODUCTION

1.1. Purpose of this report

This report presents the summary evaluation in accordance with Section 32(5) of the Resource Management Act 1991 on proposed Change 5 to the Regional Policy Statement for the Hawke's Bay Region (contained within the Hawke's Bay Regional Resource Management Plan) to incorporate policy around integrated management of land use and freshwater values.

1.2. What is a section 32 evaluation?

Section 32 of the RMA requires regional councils, when amending regional policy statements, to examine:

- (3) (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies... are the most appropriate for achieving the objectives.
- (3A)
- (4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—
 - (a) the benefits and costs of policies...; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies....

The RMA also requires that a report be prepared that summarises the evaluation and gives reasons for that evaluation. This report has been prepared to fulfil that requirement (under s32(5) RMA).

1.3. What is the scope of this section 32 summary report?

This report takes the form of an evaluation summary solely in relation to HBRC's decision to amend parts of the Hawke's Bay Regional Policy Statement relating to land use and freshwater management.

This summary report does not purport to be the comprehensive s32 record of all evaluation, council discussions, council decisions, staff workshops and assessment undertaken in the course of preparing a wider range of planning documents relating to land use and freshwater in our region.

1.4. Principal options

Given the statutory planning context (refer section 2 of this report), two principal options were considered in terms of the Council's high-level policy needs arising from the 2011 Hawke's Bay Land and Water Management Strategy. Those two options were simply to retain the status quo (ie: no amendments to the RPS) or to change the RPS to incorporate improved decision-making guidance in terms of land use and development and freshwater management in our region. Table 1 outlines a summary of these two options' pros and cons, effectiveness and their respective efficiency.

The principal features of proposed Change 5 to the Hawke's Bay Regional Policy Statement are to:

- a) insert a new chapter into the existing RPS for Hawke's Bay;
- b) amend a number of the RPS's existing objectives, policies and associated explanations; and
- c) modify the glossary in the RPS.

Consequently, the content of this summary report is tailored to focus evaluation on the new chapter and substantive amendments to the RPS's existing objectives and policies. There are a number of 'consequential' amendments being proposed in Change 5, but these are not separately evaluated in this report.

Table 2 outlines a summary of each new objective's appropriateness in accordance with the purpose of the RMA. Table 3 then outlines a summary of evaluation for the new policies and substantive amendments to existing policies.

Table 2 and Table 3 do not evaluate each individual existing objective, policy, method in the RPS and whether or not they need to be amended – irrespective of whether Change 5 proposes such amendments.

2. CONTEXT

2.1. National policy statements

The Government has released several NPSs in recent years. Of most relevance to Change 5 is the 2011 NPS for Freshwater Management (NPSFM).

The RMA requires regional councils to amend policy statements (and regional plans) to give effect to NPSs. NPSs do not specify exactly how policy statements and plans need to be amended as that is for each regional community to determine for themselves.

2.2. National Policy Statement for Freshwater Management (NPSFM)

In July 2011, the Government's National Policy Statement for Freshwater Management came into effect. At that time, HBRC already had an operative second generation regional policy statement and combined regional plan (known as the Hawke's Bay Regional Resource Management Plan).

The 2011 NPSFM signalled a new direction for the management of freshwater resources in New Zealand. NPSFM Policy E1 sets out the timeframes applicable to implementation of NPSFM policies. HBRC considers that it is impracticable to fully implement the NPSFM's policies by 31 December 2014. Consequently, HBRC will need to implement the NPSFM's policies by a programme¹ of defined time-limited stages so implementation is fully completed by 31 December 2030². Change 5 is one of those time-limited stages.

Drafting and adoption of the NPSFM Implementation Programme is not part of Change 5. The Programme is a stand-alone document that HBRC must publish before 12 November 2012.

2.3. Hawke's Bay Regional Policy Statement (RPS)

Regional policy statements are policy-only documents prepared by regional councils under the RMA. As noted above, the Hawke's Bay RPS is incorporated within the Regional Resource Management Plan. The RRMP is a second generation combined regional planning document that become operative in August 2006. Because an RPS is a high-level, policy-only document, it cannot contain rules. HBRC had previously³ decided to undertake a rolling RRMP review programme as opposed to initiating another comprehensive plan review in its entirety. The RPS already contains various objectives, policies and methods to provide guidance and direction on how the region's land, freshwater and coastal resources will be managed. Detailed policies and methods relating to coastal management are set out in the Regional Coastal Environment Plan (RCEP).

2.4. Hawke's Bay Land and Water Management Strategy (LAWMS)

Prior to the NPSFM being released in May 2011, HBRC had initiated a collaborative process to determine a smarter way for managing the different values and expectations placed on land and freshwater in Hawke's Bay. The result of that collaboration is the Hawke's Bay Land and Water Management Strategy (LAWMS). LAWMS was adopted by HBRC in November 2011.

LAWMS provides a non-statutory overarching direction for the management of land and water in the region. LAWMS was developed through a multi-party reference group process reflecting that there are many agencies that have a role to play in achieving the desired environmental and economic outcomes. LAWMS has a focus on future viability and resilience of the region's land and the regional long-term prosperity through sustainable land use and water management at the same time as maintaining overall quality of freshwater and freshwater ecosystems for agreed management objectives.

¹ At the time of preparing this report, HBRC had not yet adopted a programme for staged implementation of the NPSFM. The implementation programme must be adopted by 12 November 2012.

[[] NOTE: NPSFM Implementation Programme was adopted by HBRC on 26 September 2012]

² See NPSFM Policy E1(c).

³ See 2009-2019 HBRC Ten Year Plan (aka Long Term Council Community Plan).

LAWMS also lists a number of priority actions that the HBRC is undertaking in the Tukituki catchment, the Heretaunga Plains/Ngaruroro catchments and the Mohaka River catchment. A number of the LAWMS policies need to be embedded into the RPS in order to provide decision-makers with context to the catchment-specific objectives and limits setting. By embedding relevant LAWMS polices in the RPS, this ensures those policies are contained in an influential statutory planning document (for example, the RPS) that guides not only Regional Council decision-making, but also decisions made by city and district councils when preparing district plans and considering resource consent applications. This has been one of the principal drivers for preparation of Change 5.

2.5. **Timing**

The timing of Change 5 is important to informing the scope and direction of HBRC's regional plan changes currently under construction for the Mohaka and Tukituki catchments. In the absence of an overarching policy framework, catchment-based regional plan changes would have to each navigate their way through a myriad of complex issues — not least, ways to reconcile conflicting values of freshwater within the respective catchment. What catchment-based plan changes would fail to deliver is a high-level integrated management approach to land and water management across the whole region.

It is worthwhile noting that RPS Change 4⁴ 'Managing the Built Environment' takes a similar approach whereby many key principles of the 2010 Heretaunga Plains Urban Development Strategy (HPUDS) are proposed to be embedded into the RPS. Change 4 contains objectives and policies (but not rules) that are intended to provide clearer guidance and direction for decision-making in relation to urban activities and the provision of infrastructure, particularly in relation to the Heretaunga Plains sub-region. Those objectives and policies in Change 4 also assist in implementing NPSFM Policy C2.

Change 5 is one of several changes to policy statements and regional plans currently under construction. Change 5 does not represent a complete review of the RPS. The purpose of an RPS limits what the proposed change can cover, therefore many of the items below were never considered as options or alternatives to be included in Change 5. Some of the things that are <u>not</u> in Proposed Change 5 are:

- a) setting of limits, targets or standards for catchments and land use activities in catchments;
- b) rules allowing or restricting the use of land, air, water or other activities commonly restricted by district plans and regional plans;
- c) any decisions to renew existing, or grant new, consents to take, use, dam or divert water or to discharge contaminants to land/water;
- d) pre-determination or de-facto approval of community water storage schemes or wastewater discharges;
- e) full implementation of all of the National Policy Statements (NPSs) released by the government todate. These generally need to be given effect to across multiple chapters in the RPS and through regional and district plans;
- f) giving effect to National Environmental Standards (NES). An RPS does not need to give effect to NES, as NES are more akin to rules and an RPS does not contain rules (an RPS can take NES into account, if relevant);
- g) amendments to zoning of land in district plans, although it can give direction to areas where zoning should be changed in future to better manage effects of activities on freshwater resources;
- h) budget and funding requirements for the Regional Council's implementation of LAWMS or any freshwater management initiatives across the region;
- i) each of the many other policies and actions arising from LAWMS, but it will be a key action central to many other initiatives led by councils and/or other agencies. These include things such as revisions to regional plans, district plans, decisions on resource consent applications, etc.

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⁴ RPS Change 4 was publicly notified in Dec 2011. The submission period has closed. Hearings are being scheduled for Nov 2012.

3. **TABLE 1 – Evaluation summary of alternatives**

Costs, risks & uncertainties	Benefits	Effective and efficient?	Evaluation of option overall
Option 1 – Status quo (no change to RPS)			
 Little recognition of the contemporary issues regarding management of land use and consequent effects on freshwater resources and community wellbeing. Doesn't incorporate key elements of the recently adopted the Hawke's Bay Land and Water Management Strategy. Existing RPS does not give full effect (where relevant for RPSs to do so) to the NPSFM. Provides little directive guidance for decision-making on issues where competing freshwater values and uses exist in catchments. Catchment-based regional plan changes are prepared and notified in absence of a clearer overall management approach for the region. 	 Low administrative costs to HBRC as no expense incurred in preparing RPS Change. Potential confusion avoided over "just another plan" being prepared by HBRC. 	 Does not give effect to HBRC's roles and responsibilities. In particular, will not give effect (where relevant for RPSs to do so) to the NPSFM. Not effective in supporting a collaborative and integrated approach to management of land uses and freshwater in Hawke's Bay. Would not be effective in guiding consent decision-making and regional plan review/ change processes about contemporary approach to managing land uses and freshwater. Inefficiencies in the longer-term, as transactional costs associated with lengthy (and potentially litigious) decision-making processes outweigh low administrative costs saved by not changing the RPS. 	This option is not the most effective and efficient method to achieve the purpose of the RMA.
Option 2 – RPS Change (guiding policy)			
 Administrative costs in preparing and notifying change to RPS. Potentially diminishes some land use investment choice. Could be somewhat in-flexible to 'on the ground' issues if sub-regional policy is too generic or too prescriptive. 	 RPSs are not subject to private plan change requests. Therefore policy can take a long term view and is less vulnerable to short-term influences. Provides some certainty as to strategic values of freshwater in varying parts of the region, to support long term public and private investment decision-making. Guidance policy can be in place relatively quickly as likely to be less contentious, particularly if policy aligns with content of Hawke's Bay Land & Water Management Strategy. A guiding policy framework that applies in-part across the region would enable decision-makers to consider contemporary (ie: collaborative and integrated) approaches to land use and freshwater management. This could 'update' the existing RPSs provisions which pre-date both LAWMS and NPSFM. A guiding sub-regional policy could outline a broad overall approach or theme to how resources are 	 Would give effect to HBRC's roles and responsibilities as relevant to the role and purpose of RPSs. In particular, will give effect (where relevant for RPSs to do so) to the NPSFM where integrated catchment-specific approaches are promoted; and multiple values of water are prioritised. Effective in supporting a collaborative and integrated approach to management of land uses and freshwater in Hawke's Bay. Effective in incorporating key elements of the Hawke's Bay Land and Water Management Strategy. Would be effective in guiding consent decision-making and regional plan review/change processes about contemporary approach to managing land uses and freshwater. Would be effective in expressing how much relative emphasis is to be given to the respective multiple, and often competing, values and uses of water in the Heretaunga/Ahuriri, Mohaka and 	This is considered the most effective and efficient method to achieve the purpose of the RMA as it relates to Hawke's Bay. This method is the preferred method. This method embeds into the RPS the approach favoured in the Hawke's Bay Land and Water Management Strategy adopted in November 2011.

Costs, risks & uncertainties	Benefits	Effective and efficient?	Evaluation of option overall
	managed across the region, parts of the region, and within catchments/sub-catchments, without too much rigidity and limitation that could be expressed in more prescriptive/ directive policy.	Tukituki Catchment Areas.	
	Guiding policy can be of value where there is currently uncertain or insufficient information.		
	Guiding policy in terms of methodologies or decision-making processes can offer some clarity and certainty about (a) how complex problems will be approached and (b) the processes HBRC would follow to balance the multiple, and often competing, values of freshwater.		
	Provides degree of flexibility insofar as decision- making at catchment-level is not highly prescribed, but guided by overall principles and direction.		

4. TABLE 2 – Evaluation summary of objectives

Proposed objective	Does it address the issue(s)?	Does it achieve the RMA's purpose?	Is proposed objective most appropriate to achieve RMA's purpose?
and use and development in an integrated and ustainable manner that: i. identifies outstanding freshwater bodies in Hawke's Bay region and protects their water quality;	 Issue LW1 refers to "ongoing conflict between multiple, and often competing, values of fresh water" and "limited integration in management of land and water" The broad overall outcome expected of decision-makers as stated in OBJ LW1, will address the issue. OBJ LW1 identifies the desired broad overall outcome integrated management and decision-making that involves balancing of multiple, and often competing, values associated with land use and development and freshwater resources in Hawke's Bay. 	 Sustainable management of the region's land and water resources will be promoted by OBJ LW1, particularly in conjunction with a number of other objectives in the RPS. OBJ LW1 sets out a number of parameters and important factors that must be borne in mind when making decisions to manage land use and development and resultant effects on water resources. OBJ LW1 will assist HBRC to give effect to the NPSFM. This objective alone will not fully implement the NPSFM. That is recognised by amendments proposed by Change 5 to other RPS provisions. OBJ LW1 recognises that a 'one-size-fits-all' solution to land and water management issues in Hawke's Bay is inappropriate. Issues and pressures on land and water resources do vary throughout the region. 	Yes. The new objective is more appropriate for achieving the RMA's purpose than the status quo (ie: existing objectives in the RPS).

Proposed objective	Does it address the issue(s)?	Does it achieve the RMA's purpose?	Is proposed objective most appropriate to achieve RMA's purpose?
OBJ 15 and OBJ 15A OBJ 15: The preservation and enhancement of remaining areas of significant indigenous vegetation <u>and</u> significant habitats—of indigenous fauna and ecologically significant wetlands. OBJ 15A: The management of fresh water and land use and development in a manner which protects significant values of wetlands.	The amendments reconfigure how the RPS states objectives relating to highly valued wetlands while not erasing recognition of wetlands. This reconfiguration aligns with the NPSFM's expectations regarding wetland values. OBJ 15 and OBJ 15A together will still address the issue (RRMP Issue 3.4.1).	 OBJ 15 as originally stated would achieve the RMA's purpose. The revisions to OBJ 15, plus addition of OBJ 15A will still achieve the RMA's purpose. OBJ 15A will assist HBRC to give clearer effect to NPSFM's Objectives A1 and B4. OBJ 15A closely mirrors clauses in OBJ LW1 proposed elsewhere in Change 5 relating to protection of water quality of 'outstanding' freshwater bodies. 	Yes. The reconfigured objectives are more appropriate for achieving the RMA's purpose than the status quo (ie: existing objectives in the RPS).
OBJ 21 and OBJ 22 (and consequential amendments to OBJs 42 and 43) OBJ 21: No degradation of existing groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems. OBJ 22: Subject to Objective LW1, the The maintenance or enhancement of groundwater quality in the Heretaunga Plains and Ruataniwha Plains aquifer systems and in unconfined or semiconfined productive aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of natural water quality.	 The amendments reconfigure how the RPS states objectives relating to the value of ground water systems, particularly in relation to quality of ground water. Amendments to OBJ 22 will still address the issue (RRMP Issue 3.8.1) insofar as the risk of contamination to groundwater bodies is managed in a sustainable manner rather than a no-risk approach. Revised OBJ 22 still recognises the importance and multiple values of the Heretaunga Plains and Ruataniwha Plains aquifer systems while managing risks of those aquifer systems being contaminated by inappropriate land use activities. 	 Reference to OBJ LW1 will ensure OBJ 22 is applied in a manner consistent with the broad overall management approach outlined in OBJ LW1. Reference to OBJ LW1 imports the broad overall approach outlined in that objective to ensure other objectives in the RPS also assist in giving effect to the NPSFM and implement relevant elements of the LAWMS. Sustainable management of the region's land and water resources will be promoted by importation of reference to OBJ LW1, particularly in conjunction with a number of other objectives in the RPS. The amendments are consistent with LAWMS Policy 3.17 insofar as Heretaunga Plains aquifer water quality is maintained to a potable standard without treatment. The RMA is not a no-risk statute. "No degradation" of the Heretaunga Plains and Ruataniwha Plains aquifer systems precludes other opportunities for the protection, use, development and management of resources in a sustainable manner. 	Yes. The amended objectives are more appropriate for achieving the RMA's purpose than the status quo (ie: existing objectives in the RPS).

Proposed objective	Does it address the issue(s)?	Does it achieve the RMA's purpose?	Is proposed objective most appropriate to achieve RMA's purpose?
OBJ 27A Subject to Objective LW1, remnant indigenous riparian vegetation on the margins of rivers, lakes and wetlands is maintained and enhanced in order to: a) maintain biological diversity; and b) maintain and enhance water quality and aquatic ecosystems.	RRMP Issue 3.10.1 refers to potential degradation of water bodies and their margins. OBJ 27A does address elements of Issue 3.10.1, particularly by aiming for maintenance and enhancement of remnant indigenous vegetation in riparian margins.	 Reference to OBJ LW1 imports the broad overall approach outlined in that objective to ensure other objectives in the RPS also assist in giving effect to the NPSFM and implement relevant elements of the LAWMS. OBJ 27A will assist HBRC to give effect to NPSFM's Objectives A1 and B1, which follows that it will assist in achieving the RMA's purpose. OBJ 27A will assist HBRC to implement (where relevant for RPSs to do so) key elements of the LAWMS relating to aquatic habitats and associated ecosystems, including riparian margins. 	Yes. The new objective is more appropriate for achieving the RMA's purpose than the status quo (ie: existing objectives in the RPS).
OBJECTIVES 25, 27, 29 and 30 "Subject to Objective LW1,"	The amendments reconfigure how the RPS states objectives relating to their respective topics of surface water resources and river bed gravel extraction. Each of the objectives with the amendments will still address the respective issues (RRMP Issue 3.10.1 and Issue 3.11.1).	 Reference to OBJ LW1 will ensure Objectives 25, 27, 29 and 30 are applied (in relation to surface water resources and river bed gravel extraction respectively) in a manner consistent with the broad overall management approach outlined in OBJ LW1. Reference to OBJ LW1 imports the broad overall approach outlined in that objective to ensure other objectives in the RPS also assist in giving effect to the NPSFM and implement relevant elements of the LAWMS. Sustainable management of the region's land and water resources will be promoted by importation of reference to OBJ LW1, particularly in conjunction with a number of other objectives in the RPS. 	Yes. The amended objectives are more appropriate for achieving the RMA's purpose than the status quo (ie: existing objectives in the RPS).

5. TABLE 3 – Evaluation summary of policies and methods

Policy options	Costs, risks & uncertainties	Benefits	Efficient and effective overall?	Which Policy option most appropriate for achieving objective(s)?
Policy option 1 Status quo (ie: existing policies in RPS) Policy option 2 Insert new policy (POL LW1) re. catchment-based approach	 Also refer to Table 1. NPSFM Objective A2 refers to maintenance or improvement of the "overall quality of freshwater within the region," so catchment-based or even sub-catchment-based approach is not at such a high level as suggested in NPSFM Objective A2. Potential risk that POL LW1 is applied in a narrow prescriptive-like fashion without any degree of flexibility for 'on the ground' circumstances. Degree of uncertainty and risk of unforeseen changes associated with adopting a long term view (50 years is stated in POL LW1). Risk that some interests which might be more global than any individual catchment or catchment area are not accommodated within collaborative catchment-based decision-making processes. 	 Also refer to Table 1. Catchment-based management approach promoted in POL LW1 is consistent with LAWMS and NPSFM Objective C1. NPSFM Policy C1 promotes management of freshwater, land use and development in catchments in an integrated and sustainable way. Decision-making promoted by POL LW1 would occur at the appropriate level for greater efficiency, flexibility, accountability and autonomy (LAWMS Policy 1.4). Land and water management promoted in POL LW1 would be tailored and prioritised to address the key values and pressures of each catchment (LAWMS Policy 1.5). POL LW1 provides a clear statement of intent and expectations of approach to managing land use and water (for example: that a long term planning horizon be adopted; that agencies share information, collaborate, etc). Methods used or to be used to implement both Policy Options 1 and 2 will likely be a mix of rules and other methods. Chapter 4 of the RRMP already outlines the wide variety of non-regulatory methods used by HBRC to implement policies and achieve objectives stated in the RRMP. 	Policy Option 2 is considered to be efficient and effective insofar as POL LW1: • specifies an approach and factors that must be considered when making decisions that relate to land use and development and freshwater resources in the region. • does not prescribe precisely how and what the approach will lead to in each catchment. • reduces likelihood of debate and re-debates over factors to consider and what approach(es) ought to be taken by decision-makers. • embeds key elements of the Hawke's Bay Land and Water Management Strategy in a statutory planning document for resource management decision-making. • is particularly relevant to achieving OBJ LW1. • gives effect to NPSFM, particularly NPSFM Policy C1 regarding integrated management in catchments.	The combination of policies and associated methods in Policy Option 2 is assessed as being more effective and efficient than the status quo, and is appropriate for achieving OBJ LW1 in particular.

Policy options	Costs, risks & uncertainties	Benefits	Efficient and effective overall?	Which Policy option most appropriate for achieving objective(s)?
Policy option 1 Status quo (ie: existing policies in RPS) Policy option 2 Insert new policy (POL LW2) re. prioritising values	 Also refer to Table 1. Risks and uncertainty that national planning instruments in future could introduce prioritisation of water values that do not concur with priorities in POL LW2, or any priorities implied with the RPS's current policies. POL LW2 and status quo do not prioritise every individual value or use of freshwater relative to other values and uses in each catchment. POL LW2 and status quo do not prioritise any single (or group of) primary value(s) relative to every other primary value for the three nominated Catchment Areas in POL LW2 Table 1. POL LW2 risks 'deferring the debate' for prioritising one primary value against another, while the status quo provides little guidance on any prioritisation of values and uses. Risks and uncertainty that community expectations could change over time, so today's priorities might not be the same priorities and values as say, in 10+ years. 	 Also refer to Table 1. POL LW2 assists HBRC to give effect to NPSFM. POL LW2 assists HBRC by embedding key elements of LAWMS into a statutory planning document under RMA (eg: LAWMS Policy 1.5). POL LW2 recognises that significant conflict exists in three Catchment Areas and prioritising key values and uses of water in those catchments is necessary. In conjunction with POL LW1, POL LW2 recognises that catchment-based planning processes can be used to manage conflicting values and pressures in HB's other catchments. Catchment-based collaborative processes are guided by broad overall direction and principles outlined by policies and OBJ LW1 in Change 5. POL LW2 gives clear expression of intention that primary values in Heretaunga/Ahuriri, Mohaka and Tukituki Catchment Areas are to be given greater emphasis than, but not to the complete detriment of, secondary values for those three Catchment Areas, and still subject to the broad overall outcomes in OBJ LW1. Values and uses identified in POL LW2 Table 1 can differentiate relative priority across sub-catchments within a Catchment Area. This recognises that entire catchments are not completely identical from mountains to mouth. Methods used or to be used to implement both Policy Options 1 and 2 will likely be a mix of rules and other methods. Chapter 4 of RRMP already outlines the variety of non-regulatory methods used to implement policies & achieve objectives stated in the RRMP. 	Policy Option 2 is considered to be efficient and effective insofar as POL LW2: • specifies a tailored and prioritised approach to address key values and pressures in three Catchment Areas where significant conflicts exist. • does not prescribe precisely how each individual value/use is prioritised relative to all others in every catchment. • reduces likelihood of debate and re-debates over how key values and pressures in the Heretaunga/Ahuriri, Mohaka and Tukituki Catchment Areas ought to be recognised by decision-makers.	The combination of policies and associated methods in Policy Option 2 is assessed as being more effective and efficient than the status quo, and is appropriate for achieving OBJ LW1 in particular.

Policy options	Costs, risks & uncertainties	Benefits	Efficient and effective overall?	Which Policy option most appropriate for achieving objective(s)?
Policy option 1 Status quo (ie: existing policies in RPS) Policy option 2 Insert new policy (POL LW3) re. managing use of production land	 Also refer to Table 1. Establishment of targets and limits in regional plans will require collaboration with community stakeholders in catchments. Development of targets and limits will require a higher level of understanding and knowledge about water allocation (quality and quantity) issues. Introduction of targets and limits in regional plans will involve additional costs on some sectors, particularly primary production land uses, but the precise costs (and benefits) will be evaluated as part of regional plan change preparation processes. Risk and uncertainty that targets and associated limits will be robust, achievable and realistic. 	 Also refer to Table 1. POL LW3 provides clarity about the methods HBRC will use to manage production land use activities leaching nitrogen, faecal coliform bacteria and phosphorus. POL LW3 provides clarity that targets and limits in regional plans will be applied to production land uses and associated discharges of nitrogen, faecal coliform bacteria and phosphorus. Methods used or to be used to implement both Policy Options 1 and 2 will likely be a mix of rules and other methods. Chapter 4 of the RRMP already outlines the wide variety of non-regulatory methods used by HBRC to implement policies and achieve objectives stated in the RRMP. 	Policy Option 2 is considered to be efficient and effective insofar as POL LW3: • will assist HBRC to give effect to the NPSFM and implementation of LAWMS. • provides clarity that production land use will be managed for fresh water quality outcomes. • establishes a high-level policy framework for regional plans to specify targets, limits and methods (including rules) for discharges of nitrogen and faecal coliform bacteria.	The combination of policies and associated methods in Policy Option 2 is assessed as being more effective and efficient than the status quo, and is appropriate for achieving OBJ LW1, OBJ 22 and OBJ 27 in particular.
Policy option 1 Status quo (ie: existing policies in RPS) Policy option 2 Insert new policy (POL LW4) re non-regulatory methods	 Also refer to Table 1. Some plan users could perceive POL LW4 as being a comprehensive (or limited) list of methods to implement the RPS, NPSs etc. Expectations that by outlining non-regulatory methods, that the operational details of those methods should be included in the RPS. By not signalling what role non-regulatory methods have in achieving OBJ LW1, Plan users would not be provided with a highlevel of guidance for 'on-the-ground' implementation. 	 Also refer to Table 1. Policy Option 2 would provide a degree of clarity and certainty that OBJ LW1 and associated policies LW1, LW2 and LW3 are to be implemented using a combination of regulatory tools and non-regulatory methods. Policy Option 2 would outline non-regulatory methods used or to be used (but not prescribe them in detail) therefore providing some degree of flexibility for adaptations for local/specific circumstances. Policy Option 2 does not necessarily curtail or preclude to use of the other methods in future that are not already identified in POL LW4 or more broadly in the RCEP or Chapter 4 of the RRMP. 	Policy Option 2 is considered to be efficient and effective insofar as POL LW4: • reinforces methods already in use (including rules in the RRMP and RCEP). • clearly states non-regulatory methods are to be used in support of regional rules to promote sustainable management of the region's land and water resources. • does not prescribe precisely how each method will be designed or implemented, but provides a general indication of the methods that are used or will be used t achieve OBJ LW1 and other objectives in the RPS.	The combination of policies and associated methods in Policy Option 2 is assessed as being more effective and efficient than the status quo, and is appropriate for achieving OBJ LW1 in particular.

Policy options	Costs, risks & uncertainties	Benefits	Efficient and effective overall?	Which Policy option most appropriate for achieving objective(s)?
Policy option 1 Status quo (ie: retain Policy 4) Policy option 2 Amend POL 4 and insert new policy (POL4A) re. values of wetlands	 Also refer to Table 1. Risk that only the "significant" values of wetlands in Hawke's Bay are protected and any lesser values are overlooked. Risk that a "wetland" could be interpreted to be many things, without clarity provided in Glossary where Plan users typically look to view meanings of terms used in the Plan. Risk that protection of significant values of wetlands is to be achieved at all costs, but in fact, it remains subject to the RMA's overall purpose. To make better-informed decisions, the region's wetlands could require assessment to determine what is/is not 'significant.' 	 Also refer to Table 1. Enables HBRC to give particular effect to NPSFM Objective A2(b) and associated policies by clearly stating non-regulatory methods will be used in support of rules for protecting significant values of wetlands. Amending reference to "significant values of wetlands" is consistent with phrase used in NPSFM Objectives A2(b) and B4. Amendments provide clarification that references to "priority wetlands" does not state or imply a priority for anything else other than priority for HBRC's works and services projects. Policy Option 2's relocation of the Plan's 'wetland' meaning from an obscured footnote to the Plan's Glossary will provide more clarity and certainty for Plan users. Methods used or to be used to implement both Policy Options 1 and 2 will likely be a mix of rules and other methods. Chapter 4 of the RRMP already outlines the wide variety of non-regulatory methods used by HBRC to implement policies and achieve objectives stated in the RRMP. 	Policy Option 2 is considered to be efficient and effective insofar as POL 4 and POL 4A: • will assist HBRC to give effect to the NPSFM and implementation of LAWMS. • provide clarity about existing references to 'priority wetlands' in the RPS. • clearly state non-regulatory methods are to be used in support of regional rules to protect significant values of wetlands. • reinforce the methods already in use (including rules in the RRMP and RCEP).	The combination of policies and associated methods in Policy Option 2 is assessed as being more effective and efficient than the status quo, and is appropriate for achieving OBJ LW1, OBJ 15 and OBJ 15A in particular.
Policy option 1 Status quo (ie: existing policies in RPS) Policy option 2 Insert new policy (POL 47A) re. land-based disposal of contaminants	 Also refer to Table 1. Inserting POL 47A could lead to additional costs for waste disposal to land than current operations cater for. Policy Option 1 provides no clear expectations about how disposal of waste to land is to be managed. 	 Also refer to Table 1. POL 47A's reference to 'best practicable option' is consistent with s70 RMA and NPSFM Policy A3(b). POL 47A is complementary to POL 17. POL 47A sets clear expectations about how land-based disposal of contaminants should be managed. Methods used or to be used to implement both Policy Options 1 and 2 will likely be a mix of rules and other methods. Chapter 4 of the RRMP already outlines the wide variety of non-regulatory methods used by HBRC to implement policies and achieve objectives stated in the RRMP. 	Policy Option 2 is considered to be efficient and effective insofar as POL 47A: • will assist HBRC to give effect to the NPSFM and implementation of LAWMS. • provides clearer expectations about how land-based disposal of contaminants ought to be managed. • provides sufficient flexibility for discharge permit applications to still be assessed on their respective merits, but within defined resource management parameters.	The combination of policies and associated methods in Policy Option 2 is assessed as being more effective and efficient than the status quo, and is appropriate for achieving OBJ LW1, OBJ 27 and OBJ 27A in particular.

Policy options	Costs, risks & uncertainties	Benefits	Efficient and effective overall?	Which Policy option most appropriate for achieving objective(s)?
Policy option 1 Status quo (ie: existing policies in RPS) Policy option 2A Insert new policy re. 'outstanding' fresh water bodies as part of Change 5 Policy option 2B Do not include policy in Change 5 re. 'outstanding' fresh water bodies, but undertake further analysis; determine criteria; and region-wide assessment of outstanding water bodies in Hawke's Bay, then amend policy statement and/or regional plans in future	 Also refer to Table 1. NPSFM implementation guidance suggests there are a small number of outstanding water bodies across New Zealand that should be protected. This indicates threshold for being an 'outstanding' freshwater body is high and should be in the national and regional context. Other than in its broad definition, neither the NPSFM or Implementation Guide identify criteria for 'outstanding freshwater bodies.' Criteria for 'outstanding freshwater bodies' is not expressed in any national guidance material, but is scheduled for development in MfE's future work programmes. Policy Option 2B would enable that national guidance to be applied at a future point in time. Policy Option 2A would involve HBRC developing its own criteria, most likely in a narrative form, so judgement and discretion is exercised. Insufficient data exists for an assessment using purely quantitative data sources. Current assessment criteria for Policy Option 2A has is insufficiently robust to withstand anticipated challenges to, and requests for, additional outstanding water bodies likely to arise through submission process. Policy Option 2A may give effect to NPSFM, but limited robustness might lessen strength and endurance of provisions beyond short-term. A comprehensive assessment of outstandingness of the region's fresh water bodies has not been undertaken, but Policy Option 2B would do that as per timelines identified in HBRC'S NPSFM Implementation Programme. By identifying a freshwater body as outstanding in a policy statement or plan (now or in the future), it follows that water quality of that body must be protected (NPSFM Objective A1). The 'outstanding 	 Also refer to Table 1. Policy Option 2A may enable HBRC to give effect in short term to NPSFM Objective A2(a) and associated policies by identifying outstanding freshwater bodies in the region, then specifying activities that will be managed to protect the water quality of those outstanding freshwater bodies. Inclusion of criteria in Policy Option 2A would provide some degree of transparency to an assessment of 'outstanding freshwater bodies' for Hawke's Bay region at this time given that no national criteria exists. Clear identification of outstanding freshwater bodies in the RPS (now or as part of a future RPS Change) will reduce likelihood of debates over what are and are not 'outstanding freshwater bodies' occurring in context catchment-based regional plan change preparation or resource consent applications. Identification of 'outstanding' fresh water bodies does not diminish or ignore the worth of other highly valued water bodies. Methods used or to be used to implement Policy Options 1, 2A and 2B will likely be a mix of rules and other methods. Chapter 4 of the RRMP already outlines the wide variety of non-regulatory methods used by HBRC to implement policies and achieve objectives stated in the RRMP. 	Policy Option 2A or 2B is considered to be more efficient and effective than the status quo insofar as they both would ultimately: • specify criteria used as basis for identifying 'outstanding freshwater bodies'. • specify the resultant 'outstanding freshwater bodies' in Hawke's Bay having applied the assessment criteria. • specify the management approach HBRC will apply to ensure water quality of those outstanding freshwater bodies is protected. Policy Option 2A or 2B (as opposed to the status quo) would enhance efficiency of decision-making by reducing the debate and re-debating of water bodies' significance. However, the timing of Policy Option 2A or 2B is critical. Policy Option 2A would feature lightweight criteria that may not withstand scrutiny through submissions and possible Court appeal proceedings. Policy Option 2B would take longer, but ultimately result in more robust criteria and assessment than Option 2A. Policy Option 2A or 2B are particularly relevant to achieving OBJ LW1 and it gives effect to NPSFM Objective A2, but the appropriate timing (ie: as part of Change 5 or deferred pending further analysis and assessment) is crucial to the relative enduring 'success' of the option.	The combination of policies and associated methods in Policy Option 2B is assessed as being more effective and efficient than the status quo and Policy Option 2A at this time. In conjunction with further work as part of the Regional Council's NPSFM Implementation Programme, Policy Option 2B and is the most appropriate option appropriate for achieving OBJ LW1 in particular.

Policy options	Costs, risks & uncertainties	Benefits	Efficient and effective overall?	Which Policy option most appropriate for achieving objective(s)?
	freshwater body' classification does not require or imply any other consequence for resource management decision-making.			
	Identifying 'outstanding' freshwater bodies could be perceived as diminishing the significance of other highly valued water bodies.			
	Status quo provides little guidance or direction in terms of 'outstanding' freshwater bodies as per the NPSFM.			

6. APPENDIX 1 - Preliminary assessment of effect given to NPSFM by existing RRMP

RPS Objective	Title	Policies	Non Regulatory Methods	Gives effect to NPSFM?
Objectives 1-3	Plan objectives	Nil		Yes
Objectives 4 –10	Coastal Resources	Refer to Regional Coastal Plan		
Objective 11	Loss and Degradation of Soil	1, 3	Economic Instruments Education & Coordination Encouragement for Self-regulation	No Does not adequately address land use impact on groundwater and surface water quality
Objective 12		1, 2		
Objective 13		1		
Objective 14		1		
Objective 15	Scarcity of Indigenous Vegetation and Wetlands	4	Economic InstrumentsWorks and Services	Yes (Objective) Hardly (no policies) No definition of outstanding or significant wetland
Objective 16	Effects of Conflicting Land	5, 6, 8	Liaison with territorial authorities	N/A
Objective 17	Use	5, 7, 8		
Objective 18	1	5, 7, 8		
Objective 19	Agrichemical Use	9, 10	Education and Coordination	N/A
Objective 20	Management of Organic Material	11, 12, 13, 14	 Advocacy Promotion of composting Encouragement for self-regulation 	Yes, indirectly
Objective 21	Groundwater Quality	15, 16, 17, 18	Liaison with territorial authorities Gducation and Coordination Encouragement for self-regulation	Yes (objective) Distinguishes Heretaunga Plains and Ruataniwha Plains aquifers as significant resources Policies are activity-based
Objective 22		15, 17, 18, 19, 20, 21, 22		
Objective 23	Groundwater Quantity	23, 24, 25, 26, 27, 29, 30, 31, 32, 33	 Education and Coordination Advocacy with territorial authorities Research and Investigation 	Partly Recognition of interconnectedness of groundwater and surface water, promotes efficient use
Objective 24		23, 25, 26, 27, 28, 30		
Objective 25	Surface Water Quantity	34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44	 Liaison with territorial authorities Education and Coordination Encouragement for self-regulation 	Partly Sets limits and minimum flows and promotes efficient use No limits in some catchments No targets for phasing out over allocation
Objective 26		34, 36, 38		
Objective 27	Surface Water Quality	45, 46, 47, 48, 49	 Research and Investigation Economic Instruments Education and Coordination 	Partly Point sources addressed but non-point sources are not Rule for impact of stock on water ways ineffective
Objective 28	Gravel Extraction	50, 51, 52	 Works and Services 	Yes, indirectly
Objective 29		54		
Objective 30		53		
Objective 31	Natural Hazards	55	Liaison with territorial authoritiesWorks and ServicesNatural hazard priorities	N/A
Objective 32	Maintenance and Enhancement of Physical Infrastructure	56	Provision of InformationLiaison with territorial authorities	N/A Proposed RPS Change 4 addresses integration of land use and infrastructure
Objective 33		56		
Objective 34	Recognition of Matters of		Provision of Information	Yes
Objective 34	_	57, 58	 Provision of Information 	Yes
Objective 35	Recognition of Matters of Significance to Iwi/Hapu	57, 58 59, 60, 61, 62, 63	Provision of Information	Yes

REGIONAL PLAN OBJECTIVE	Title	Policies	Non Regulatory Methods	Gives effect to NPSFM?
Objective 38	Land	67, 68		Yes (objective)
				Partly (policies)
Objective 39	Air Quality	69, 70		N/A
Objective 40	Surface Water Quality	71, 72		Mostly (objective)
				Partly (policies)
				Regional and specific water quality guidelines available but no limits
Objective 41	Surface Water Quantity	73, 74		Mostly (objective)
				Mostly (policies)
Objectives 42 & 43	Groundwater quality	75, 75		Yes (objective)
				Partly (policies)
Objective 44	Groundwater Quantity	77, 78		Partly
Objective 45	Beds of Rivers and Lakes	79, 80		Mostly

7. APPENDIX 2 – Resources

NOTE: This is not an exhaustive listing of resources and further reading on any particular topic or theme relating to land use and development, freshwater resources and coastal issues in the Hawke's Bay region.

New Zealand Government (Nov 2010) 'New Zealand Coastal Policy Statement'

New Zealand Government (May 2011) 'National Policy Statement for Freshwater Management'

Ministry for the Environment (Feb 2012) 'National Policy Statement for Freshwater Management 2011: Implementation Guide'

New Zealand Government (2012) 'Resource Management Act 1991'

New Zealand Government (2004) 'Water Conservation (Mohaka River) Order 2004'

Beagle Consultancy Limited (Oct 2011) 'Land River Us: Hawke's Bay 2050'

Hawke's Bay Regional Council (Oct 2011) 'Strategic Plan' HBRC Plan# 4282

Hawke's Bay Regional Council (June 2012) 'Hawke's Bay Regional Council Long Term Plan 2012-2022'

Hawke's Bay Regional Council (Nov 2011) 'Hawke's Bay Land and Water Management Strategy' HBRC Plan# 4287

Hawke's Bay Regional Council, Hastings District Council, Napier City Council (revised March 2011) 'Heretaunga Plains Urban Development Strategy'

Hawke's Bay Regional Council (July 2011) 'Taharua and Upper Mohaka Draft Strategy' HBRC Plan# 4260

Hawke's Bay Regional Council (Dec 2011) 'Draft Regional Stormwater Strategy' HBRC Plan# 4281

Hawke's Bay Regional Council (Aug 2006) 'Hawke's Bay Regional Resource Management Plan'

Hawke's Bay Regional Council (April 2011) 'Hawke's Bay Regional Coastal Environment Plan version 2.3'

Hawke's Bay Regional Council (Dec 2011) 'Proposed Change 4 (Managing the Built Environment)' HBRC Plan# 4290

Hawke's Bay Regional Council (July 2012) 'Hawke's Bay Catchment Zone profiles' HBRC Plan# 4337

Hawke's Bay Regional Council (2009) 'Sustainable land use programme' HBRC Plan# 4151

Hawke's Bay Regional Council (2010) 'Sustainable freshwater programme' HBRC Plan# 4171

Hawke's Bay Regional Council (2010) 'Areas of significant conservation value: Hawke's Bay coastal marine area' HBRC Plan# 4203

Hawke's Bay Regional Council (2011) 'Regional Resource Management Plan: Plan effectiveness report for water quality and ecology'
HBRC Plan# 4271

Fluent Environmental (Dec 2010) 'Hawke's Bay Regional Water Symposium 2010 Event Report' HBRC Plan# 4245

Hawke's Bay Regional Council (Dec 2011) 'Hawke's Bay Regional Land and Water Symposium 2011 Event Report' HBRC Plan# 4296

Hawke's Bay Regional Council (2012) 'Tukituki catchment freshwater values assessment' HBRC Plan# 4296

Hawke's Bay Regional Council (2012) 'National Policy Statement for Freshwater Management Implementation Programme' HBRC Plan# 4426

University of Waikato (National Institute of Demographic and Economic Analysis) (Feb 2012) 'Hawke's Bay Region: Sociodemographic profile 1986-2011' HBRC Plan# 4330

Lincoln University (Centre for Land Environment and People) (July 2012) 'Whitewater kayaking in Hawke's Bay: application of the river values assessment system (RiVAS) – LEaP Research Paper #12' HBRC Plan# 4373

Lincoln University (Centre for Land Environment and People) (July 2012) 'Salmonid angling in Hawke's Bay: application of the river values assessment system (RiVAS) – LEaP Research Paper #16' HBRC Plan# 4374

Lincoln University (Centre for Land Environment and People) (July 2012) 'Natural character in Hawke's Bay: application of the river values assessment system (RiVAS and RiVAS+) – LEaP Research Paper #15' HBRC Plan# 4375

Lincoln University (Centre for Land Environment and People) (July 2012) 'Native birdlife in Hawke's Bay: application of the river values assessment system (RiVAS) – LEaP Research Paper #14' HBRC Plan# 4376

Lincoln University (Centre for Land Environment and People) (July 2012) 'Swimming in Hawke's Bay: application of the river values assessment system (RiVAS and RiVAS+) – LEaP Research Paper #17' HBRC Plan# 4377

Lincoln University (Centre for Land Environment and People) (July 2012) 'Irrigation in Hawke's Bay: application of the river values assessment system (RiVAS and RiVAS+) – LEaP Research Paper #13' HBRC Plan# 4378

Lincoln University (Centre for Land Environment and People) (2012) 'Native fish in Hawke's Bay: application of the river values assessment system (RiVAS) – LEaP Research Paper #xx' HBRC Plan# 4379