



Meeting of the Regional Planning Committee

Date: Wednesday 11 July 2012
Time: 1.00 pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 11 July 2012

**SUBJECT: ACTION ITEMS FROM PREVIOUS REGIONAL PLANNING
COMMITTEE MEETINGS**

Item 5

Introduction

1. **There were no items outstanding on the Action List.**



**Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS**

Attachment/s

There are no attachments for this report.

Wednesday 11 July 2012

SUBJECT: DELIVERING THE TUKITUKI STRATEGY

Reason for Report

1. The purpose of this report is to brief the Regional Planning Committee on the approach that Council is proposing to take to deliver the Tukituki Strategy and to co-ordinate the decision-making elements of the Tukituki Plan Change and the Ruataniwha Water Storage project.
2. The proposed approach will be considered by the Corporate and Strategy Committee at its meeting on Wednesday 18 July with recommendations going to the Council meeting on Wednesday 25 July 2012.
3. The proposed approach involves the following:
 - 3.1. Preparation of a change to the Regional Policy Statement (RPS) to incorporate key elements of the Land and Water Management Strategy (to be heard by a Council Hearing Panel).
 - 3.2. Preparation of a document which identifies choices – a number of different water management scenarios for the community to consider and understand the implications of these choices. A 'Tukituki Choices' document would be supported by an assessment of options and their respective benefits and costs. Such an assessment is essential to meet requirements of s32 RMA in any event for plan change processes.
 - 3.3. Preparation of consent and designation application documents for RWS project if deemed feasible in light of the water management framework in the plan change.
 - 3.4. Having the Minister for the Environment, through the Environmental Protection Authority, consider any consent applications associated with the RWS project and the proposed Tukituki Plan Change as matters of National Significance in order that they might then be directed to a Board of Inquiry.
4. The Council's decision regarding the use of the Environmental Protection Authority process can only be 'in principle' because the Feasibility studies for the RWS project have not yet been completed and considered by either the Investment Company (HBRIC) or HBRC, and therefore no decision has been made to proceed to the consenting phase.
5. In the absence of the Environmental Protection Authority/Board of Inquiry option, the status quo would apply in as much that a council hearing panel for the RPS and plan change would then occur with the applications for consents for Ruataniwha Water Storage being a direct referral to the Environment Court.

Hawke's Bay Land and Water Management Strategy

6. The 2011 Hawke's Bay Land and Water Management Strategy provides a non-statutory overarching direction for the management of land and water in the region. It was developed through 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. The Strategy 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 while maintaining overall quality of freshwater ecosystems for agreed management objectives. It is therefore an important context for the Tukituki Strategy.
7. Key policies in the Land and Water Management Strategy in relation to freshwater management include:

- 7.1 Land and water management is tailored and prioritised to address the key values and pressures of each catchment (Policy 1.5)
 - 7.2 Relevant HBRC investments are aligned to the Strategy (Policy 1.7)
 - 7.3• Adequate transition times and pathways for changes to water allocation and to reach water quality targets are worked out with communities (Policy 1.8)
 - 7.4• Forward thinking water management decisions are made in the interests of longer environmental, economic, social and cultural values. (Policy 3.1)
 - 7.5 Large scale community storage infrastructure which can provide increased water security in water scarce catchments is recognised as a key element of long term sustainable solutions. (Policy 3.8)
 - 7.6 Develop an integrated catchment approach to land and water management. (Policy 3.23)
8. These policies, along with others, need to be embedded in the statutory documents in order to give context to the catchment specific objectives and limit setting.
 9. It is proposed to change the Regional Policy Statement to provide the regional context for tailoring and prioritising the key values and freshwater management objectives across the region.
 10. With respect to the change to the Regional Policy Statement, the Regional Planning Committee will consider and make recommendations to the Council on this process. The Regional Planning Committee will also make recommendations to the Council with respect to the Hearing Panel that will hear, consider and decide on submissions.

Tukituki Strategy

11. The Tukituki Strategy is described in Table 1. It sets out what we want to achieve and what HBRC is proposing to do to get there.

Table 1: Tukituki Strategy

Resilient Ecosystems	Resilient Economy	Resilient communities
<p>We want: Improved summer flows Improved water quality Improved aquatic and riparian habitats</p>	<p>We want: Improved water security Increase business certainty Increased inwards investment Sustainable economic growth</p>	<p>We want: Improved amenity Restored mauri Improved social well being</p>
<p>How do we get there: Harvest winter flows for summer use as replacement to surface and groundwater takes Review minimum flow and allocation limits Set water quality limits Support CHBDC to meet wastewater upgrade requirements in the current consent through appropriate treatment technology Land and riparian management (Water and Nutrient)</p>	<p>How do we get there: Storage based Community irrigation scheme Plan provides allocation framework (water quantity and quality)</p>	<p>How do we get there: Flow on effects from business certainty and security Flow on effects from allocation framework</p>

12. Much of this will be delivered through changes to the Regional Resource Management Plan and through the Ruataniwha Water Storage project, should it progress to the next phase.
13. A number of different options have been explored in terms of how decisions on these two projects could be made. Key criteria for the options included:
 - 13.1. Transparency – independent decision-maker from Council
 - 13.2. Certainty – a decision is made one way or the other within a defined timeframe
 - 13.3. Timeliness – maintains the momentum of the Storage project
 - 13.4. Cost efficiency – minimises duplication of processes, allowing funding to be spent in the right areas
 - 13.5. All strategy elements on the table - for stakeholders and decision-makers.

Proposed approach

14. The option which met all the criteria was:
 - 14.1. To prepare a discussion document 'Tukituki choices' which sets out a range of land and water management scenarios, including storage, along with a cost benefit analysis so that all parties can consider the implications of different land and water management regimes.
 - 14.2. To apply to the Minister for the Environment to call in the Ruataniwha Water Storage consent application, along with the proposed Tukituki plan change, as a matter of national significance and to refer it to a Board of Inquiry. This would mean that:
 - 14.2.1. an independent body would be making the decision;
 - 14.2.2. the Board of Inquiry could consider both the plan change and the consent application and all the submissions received in respect of each one before making decisions on each one;
 - 14.2.3. under law, the Board of Inquiry must make a decision within 9 months of the notification. This provides certainty within a known timeframe;
 - 14.2.4. only one hearing process would be held and appeals would be limited to the High Court on points of law.
 - 14.3. The hearing would still be held in Hawke's Bay.
 - 14.4. As the Board of Inquiry is unable to award costs, parties to the hearing are not at risk of being subject to an appeal on costs by other parties.

Role of the Regional Planning Committee

15. The Regional Planning Committee has an important role in the consideration of the proposed change to Regional Policy Statement to give effect to the key principles of the Hawke's Bay Land and Water Management Strategy and the National Policy Statement for Freshwater. This will set the regional context for values across the region and for competing values within catchments. It is an appropriate regional level strategic starting point for the Regional Planning Committee.
16. In terms of the Tukituki plan change, it is noted that a Cultural Values and Uses report has been prepared by Te Taiwhenua O Tamatea and Te Taiwhenua O Heretaunga and staff will directly seek feedback from them on the Tukituki Choices document. The Regional Planning Committee will also have an opportunity to consider it and provide feedback at its meeting in September.

Time frames

17. Tables 2 and 3 show the proposed time frame for the Regional Policy Statement and the Tukituki Plan Change and Ruataniwha Storage Process. Time frames are tight and there is a level of urgency across all projects.

18. It is important that decisions on the Regional Policy Statement are made in time for those decisions to be considered as part of the latter process. Hence the need to notify the change to the Regional Policy Statement by October in order to have decisions made by May 2013. It is proposed that a draft Regional Policy Statement change is consulted on prior to formal notification.

Table 2: Regional Policy Statement timeframe

RPS PROCESS	2012								2013									
	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N
TASKS																		
Draft	■	■																
Engage			■	■														
Notify																		
Submissions					■	■	■											
Report								■	■	■								
Hearings											■							
Decisions												■						
Appeals													■	■	■	■	■	■

Table 3: Tukituki Plan Change and Ruataniwha Water Storage Project timeframe

PLAN CHANGE and RWS PROCESS	2012								2013									
	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N
TASKS																		
Tukituki Choices	■	■	■															
Engage				■	■													
Plan Change document Preparation		■	■	■	■	■												
Notify																		
Submissions								■	■	■								
EPA process											■	■	■	■	■	■	■	■
Ruataniwha Water Storage																		
Feasibility	■	■	■															
Consideration				■	■													
Document Preparation				■	■	■	■	■										
Lodge																		
Call in period										■								
EPA 9 month process											■	■	■	■	■	■	■	■

Decision Making Process

19. Council is required to make a decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded the following:
 - 19.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 19.2. The use of the special consultative procedure is not prescribed by legislation. However, all matters are subject to formal consultation procedures under the Resource Management Act.
 - 19.3. The decision does not fall within the definition of Council's policy on significance.
 - 19.4. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources, and specifically those resource users in the Tukituki River Catchment.
 - 19.5. Options that have been considered previously by Council include options with different decision-makers. None met all the criteria listed in this paper.
 - 19.6. The decision is not inconsistent with an existing policy or plan.
 - 19.7. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

The Regional Planning Committee recommends Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
2. Approves the development of a change to the Hawke's Bay Regional Policy Statement to incorporate relevant elements of the Hawke's Bay Land and Water Strategy to set the regional context for values associated with the region's freshwater resources.
3. Supports the preparation of the 'Tukituki Choices' document which identifies different land and water management scenarios for the Tukituki catchment.
4. Instructs staff to undertake specific consultation with Te Taiwhenua O Tamatea and Te Taiwhenua O Heretaunga regarding the Tukituki Choices document.
5. Approves an approach to the Minister for the Environment seeking to have the following matters considered as matters of national significance determined by a Board of Inquiry:
 - 5.1 the proposed plan change for the Tukituki River Catchment
 - 5.2 applications for all consents relating to the Ruataniwha Water Storage project.



Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT

Attachment/s

There are no attachments for this report.



Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 11 July 2012

Item 9

SUBJECT: GENERAL BUSINESS

INTRODUCTION

This document has been prepared to assist Councillors note the General Business to be discussed as determined earlier in Agenda Item 6.

ITEM	TOPIC	COUNCILLOR / STAFF
1.		
2.		
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