



Meeting of the Regional Planning Committee

Date: Monday 10 December 2012
Time: 2.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee held on 7 November 2012	
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HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Monday 10 December 2012

Item 5

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

Reason for Report

1. **Attachment 1** lists items raised at previous meetings that require actions or follow-ups. All action items indicate who is responsible for each action, when it is expected to be completed and a brief status comment. Once the items have been completed and reported to Council they will be removed from the list.

Decision Making Process

2. Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that as this report is for information only and no decision is required in terms of the Local Government Act's provisions, the decision making procedures set out in the Act do not apply.

Recommendation

1. That the Committee receives the report "Action Items from Previous Meetings".



**Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT**



**Andrew Newman
CHIEF EXECUTIVE**

Attachment/s

- 1 Action items

Actions from Regional Planning Committee Meetings

7 November 2012

Item 5

	Agenda Item	Action	Person Responsible	Due Date	Status Comment
1.	Training Course for Resource Management Act Hearing Commissioners	To investigate costs and dates, MfE tender process update	GI	December	Awaiting response – Update at meeting
2.					
3.					

Attachment 1

Monday 10 December 2012

SUBJECT: TUKITUKI CHOICES - RESPONSES

Reason for Report

1. At its meeting on Wednesday 31 October 2012, the Council considered the responses that were received on the Tukituki Choices discussion document and resolved a number of key approaches for the development of policy for the Tukituki Catchment as follows.
 - 1.1. *Setting water allocation limits as generally outlined in the Tukituki choices discussion document.*
 - 1.2. *Setting minimum flow limits based on 90% habitat protection for longfin eel for Waipawa River at SH 2 and Tukituki at Tapairu Rd, transitioning from current over a 3-5 year period.*
 - 1.3. *Setting minimum flows for Tukituki at Red Bridge based on 90% habitat protection for trout, transitioning from current over a ten year period.*
 - 1.4. *Allowing applications to be lodged to take water for community irrigation schemes over and above the core allocation limits.*
 - 1.5. *Recognising phosphorus as the limiting nutrient in the mainstem of the river system and setting in stream phosphorus targets as a means of reducing periphyton growth.*
 - 1.6. *Recognising that managing nitrogen for controlling periphyton would at best deliver marginal additional environmental benefit compared to those resulting from a reduction in phosphorus and would require such a large reduction in existing nitrogen leaching levels and that it would have an attendant unacceptable level of economic impact on the landowners, and the district. The position therefore of both Council staff and external science advisors is that management of nitrogen to levels required to reduce periphyton is not the most environmentally or economically effective way of reducing periphyton growth and the focus should be on controlling phosphorus.*
 - 1.7. *Managing nitrogen for nitrate toxicity based on a 95% ANZECC protection threshold for zone 1, and the 90% ANZECC protection threshold for zones 2, 3 and 5. The 90% species protection level correspond to a very low risk of a minor effect on trout and a negligible risk of insignificant effect on native fish and invertebrate species and are thus considered environmentally conservative.*
 - 1.8. *Managing nitrogen and phosphorus at current in-stream nitrate levels for Zone 4.*
 - 1.9. *Setting other water quality limits to maintain the life supporting capacity of freshwater bodies and associated ecosystems.*
 - 1.10. *Reviewing land management policies and practices and regulatory approaches over riparian margins.*
2. The purpose of this item is to provide an opportunity for the treaty claimant group members of the Regional Planning Committee to endorse those resolutions in the context of the Tukituki Plan Change.
3. A summary of the responses was provided with the November agenda paper.
4. A workshop will be held on Monday 10 December 2012 to bring the Committee up to date on all the background, scientific and other relevant information on the Tukituki Catchment and the approach Council has been taking to address resource use issues to date.
5. The following sections are based on the paper considered by Council in October.

Council's Approach to the Issues in the Tukituki Catchment

6. The Council has been working on a three pronged approach towards managing the land and water issues in the Tukituki Catchment.
7. Council's first priority has been finding ways to improve summer flows.
8. One way is to increase the river flow at which consent holders would be required to stop taking water. This 'minimum' flow can be set for different levels of habitat protection and it is proposed that the Tukituki River warrants a higher level of protection for both longfin eel and trout. This does have economic impacts on existing irrigators, significant in some cases, and a contested process and a long transition time, even if successful is likely with this approach.
9. Another way is to enable and facilitate the collection of high river flows into storage with the migration of some, if not all, existing irrigation from surface and groundwater supplies to stored water. This would result in more natural flow conditions particularly over the low flow period, over and above the flow that would occur even if the minimum flow cut-off is increased.
10. The second priority has been to reduce phosphorus (P) inputs to the river as the most practical way to achieve a reduction in algae growth in the river. The Waipukurau and Waipawa wastewater discharges contain high levels of phosphorus, and during summer low flows it makes up 50-70% of the phosphorus input in the catchment.
11. HBRC has known the river was P limited for a number of years and the consent it issued for the wastewater discharges requires a significant reduction in the P levels by September 2014. While HBRC has actively sought to assist the Central Hawke's Bay District Council to find a technically feasible and financially acceptable land based solution for its municipal wastewater discharges, and even purchased and planted land for that purpose, CHBDC is proposing to reduce the phosphorus in the wastewater through chemical treatment in order to meet the effluent quality limits on the consent.
12. Meeting the new effluent standards will make a significant difference to P concentrations and algal growth in the river.
13. Another source of P is sediment. Stock exclusion from water ways is proposed to minimise the amount of sediment getting into the water. This will improve the water quality for swimming and fishing. Water quality limits will be set for phosphorus and the Council's land management team will target sub-catchments with high phosphorus levels to minimise sediment discharges and other sources of phosphorus discharges.
14. Thirdly, nitrate concentration in the rivers will be managed to protect aquatic species from nitrate toxicity effects and nitrogen load limits will be set for the catchment. HBRC initiated new research on nitrate toxicity for native fish (inanga) and mayfly which found that these species are more tolerant to nitrate concentrations than rainbow trout and the even more sensitive lake trout (not found in New Zealand). The proposed levels provide good protection for trout species and given the higher tolerance of inanga, provide an even higher protection to other species.
15. Fourthly, the exclusion of stock from waterways, riparian planting and nutrient management plans required as part of the mitigation measures for the storage scheme will allow stream banks and rivers to recover to provide improved habitat for aquatic species including long fin eel and other native fish species. The contractual arrangement between irrigator and scheme owner would enable access to water to be withheld if these practices as conditions of supply are not met, providing a much easier, faster, and more reliable means of enforcement than available under the Resource Management Act.

Consultation Process

16. The purpose of the consultation was to integrate the Ruataniwha Water Storage project into the options for the future management of land and water in the Tukituki Catchment. It provided four choices to consider: two without storage (A and B) and two with storage (C and D). The choices considered different minimum flow regimes and different water quality limits for nitrate.

17. The consultation on the Tukituki Choices discussion document is an 'informal' non-statutory process. Council is not required to do it but it is considered to be good planning practice. Policies and rules for land and water management in the Tukituki River Catchment are to be contained in the Regional Resource Management Plan. This will be done by way of a 'Plan Change' which follows a formal statutory process.

Effects on the Community

18. It is relevant to recognise that the implications of land and water management decisions for the Tukituki Catchment are different for different stakeholders.
19. Decisions around water allocation and water quality limits can have financial impacts on people who are currently taking water for their business operations and who are farming the land.
20. If storage proceeds and the benefits on river flows are realised, it is the existing irrigators who will directly face very significant financial costs in return for the much higher level of water security. The local community too, would face significant changes.

Number of Responses Received and Analysis of Responders

21. A total of 164 responses have been received. The following table shows an analysis of responders (note that the residential addresses of 15 individual responders was not provided and these have been included in the 'individual outside the catchment' category). It provides an understanding of which sectors of the community have responded and an understanding of their key drivers.

Responder Category	Number of Comments Received
Irrigators / Landowners in the catchment	44
Iwi organisations (included Marae)	4
Industry Sector	18
Statutory Organisations (e.g. TAs, Department of Conservation, Conservation Board, HBF&G)	6
Non-statutory Environmental / Recreational Groups	8
Individuals outside the catchment	84
Total	164

22. Most members of the Ruataniwha Water Storage Stakeholder Group have made individual responses.

Summary of Responses

23. A summary of the responses for each community sector is provided below and specific discussion on key matters is provided in the following section.

Irrigators / Landowners

24. This group epitomises the diversity of community that can be found in the Tukituki Catchment with irrigators, farmers, individuals living in the townships and lifestyle, both at the top and bottom of the catchment.
25. The responses were also diverse across the choices including support for Choice D subject to existing irrigators being incentivised to migrate to storage rather than forced, support for Choice B, or a combination of Choice D and B. There was concern over the proposed increase to the minimum flow at the Red Bridge flow monitoring site and the economic impacts of that; concern over the allocation limits and the use of seasonal allocations; the need for large scale rehabilitation of pastoral stream habitats if storage proceeds. There were general queries about the economics of the storage proposal.
26. Sixteen of the 44 responders supported storage. It is significant that the Ruataniwha Water User Group, as one responder representing a significant proportion of the water take by volume, is supportive of Choice D. The Group is keen to work with the Council to identify ways in which the Group could be used to undertake some of the operational elements of water management, and possibly nutrient management as well.

Iwi organisations

27. Te Taiwhenua O Tamatea has not made any specific comments as part of the Tukituki Choices process but has been integral in the Ruataniwha Water Storage Project from the outset. The Cultural Values and Uses Report is a key reference report for understanding the impacts of the storage project on cultural values and for developing policy for the Tukituki Plan Change.
28. The feedback that has been received from Te Taiwhenua O Tamatea within Ruataniwha Leadership and Stakeholder Group meetings is summarised as follows.
 - 28.1. Manawhenua want to be an integral part of the process, in a governance and/or ownership sense
 - 28.2. Employment opportunities need to be realised and a strategy put in place now so that Maori are in a position to take up those employment opportunities
 - 28.3. The mauri of the river is degraded and needs to be restored.
29. Te Runanganui o Heretaunga, representing a number of marae in the Heretaunga rohe, is facilitated through Te Taiwhenua o Heretaunga. This response is comprehensive. It indicates, among others matters, that it does not support the 'grandparenting' of existing allocations, questions the adequacy of the water management zones to provide protection of aquatic species, states that higher minimum flows are required to protect species habitat, domestic water supply should be a priority but stockwater should be subject to minimum flow restrictions, on-farm storage should be further evaluated, nitrate leaching limits must be set to 22 kg or less, similar to One Plan provisions, and limits are required for phosphorus. It recommends in the first instance that there is no water storage dam on the Makaroro, that all documents relevant to Tukituki Choices and the Plan Change are subject to a cultural peer review and that if the review is satisfactory and storage is proceeded with, that there is Tamatea and Heretaunga representation at a governance level, the size of the dam is reduced to 60 million cubic metres to reduce risk from the proximity of the Mohaka Fault, that a cultural health assessment is undertaken on a number of reaches and that a resource rental be charged payable to tangata whenua.
30. Nga Marae O Heretaunga questions the identified benefits of the proposed storage project for tangata whenua and focuses on their role as a Treaty Partner in resource management decision-making, how the Maori world view of natural resources is valued and the impending Waitangi Tribunal Claims. This is also supported by Mangaroa Marae.
31. Ngati Kahungunu Iwi Incorporated (NKII) supports other responses from relevant tangata whenua, hapu and whanau. It supports and encourages the protection of all its water bodies including aquifers and associated recharge zones. It highlights recent Waitangi Tribunal findings and recommendations and advises that it has invited the Crown to talk with them *kanohi ki te kanohi* to develop mutually beneficial ways forward in freshwater management and the discussions with Councils will follow.

Industry Sectors

32. The 18 responses from the industry sector included Hawke's Bay Fruit growers, Hawke's Bay Wine Growers, HB Chamber of Commerce, McCains, Heinz Watties, Fonterra, Dairy NZ, Fertiliser Research, Federated Farmers, Foundation for Arable Research, Horticulture NZ and Pipfruit NZ.
33. This sector was consistent in its solid support of water storage as being critical to the region's economic well being and resilience in the face of climate change. Both Choice C and D were favoured and while there was more support for Choice D, many recognised the investment that had been made by existing irrigators to secure a reliable water supply. Voluntary migration to storage or positive incentives for migration were sought.
34. With respect to nutrient management, many industry organisations recognised that they have a role in developing tools that their farmers can use to manage nutrients effectively.

Statutory Organisations

35. Central Hawke's Bay District Council and Hastings District Council both indicated that Choice D was consistent with their Council's strategic direction and wellbeing statements. HDC's support for Choice D was conditional on the financial business case, the ability to adequately mitigate effects of storage, and addressing the impacts on the security of supply for the Lower Tukituki water users.
36. The Hawke's Bay District Health Board highlighted concerns relating to cyanobacterial blooms, groundwater quality and impacts on potable groundwater supplies, the socio-economic benefits of the storage project and where they actually fall, and the need for a more adequate health impact assessment to support the application for consent.
37. The Department of Conservation understands that Choice D is likely to be the position advanced by Council and is keen to work with the Council on the plan change and possible conditions of any storage application to deliver both environmental and economic outcomes so that they can be in a position to support both projects.
38. Wellington / Hawke's Bay Conservation Board believes the Council should make protection of biodiversity, aquatic ecosystems and in-stream uses a primary consideration in future water management and should broaden the focus of the plan change to include measures of ecosystem health, indigenous biodiversity and trout habitat quality, and measures that prevent further deterioration in these areas. It also believes that a full ecosystem services study, evaluating the sustainability of the impounded river systems and the cost-effectiveness of the storage project should be undertaken.
39. Hawke's Bay Fish and Game Council supports the identification of values and the setting of water quantity and quality limits to protect those values and agrees that a combination of increased minimum flows, on farm sediment, faecal and nutrient management in appropriate leaching standards, stock exclusion from water bodies, wetland enhancement, wastewater management and implementation of limits are needed. It believes the values identified in the Tukituki Choices is incomplete and/or are not identified to the appropriate level, and that none of the options adequately address the water quality and quantity issues. HBFGC refers to the One Plan as an example to follow.

Non-statutory Environmental / Recreational Groups

40. Hawke's Bay Water Environment Group has provided a comprehensive and detailed response, with a focus on water quality limits, ecological health and soil quality.
41. Stream 2000 opposes storage because it no longer appears that current allocation will be reduced (refer water allocation assumption in Tukituki choices) and land use intensification will adversely affect the trout fishery and recreational use of the river.
42. Napier Freshwater Anglers Club is not confident that water storage will fix the current over-allocation problem and is concerned that storage will lead to land uses that require concentrated fertiliser applications. Setting low limits for nitrogen and phosphorus is required to reduce periphyton growth, and stock exclusion and riparian planting should be mandatory.
43. The Central Hawke's Bay branch of Forest and Bird seeks water quality benchmarks as per the One Plan and proposes that if storage proceeds, farm management plans must be mandatory, the mitigation package must be independently reviewed. It proposes Choice E as a combination of Choice D and B.
44. Sustaining Hawke's Bay Trust response sets out a list what it values in the Tukituki River and the current impacts on those values. It wants Council to place highest priority on environmental outcomes, recognising that only through a healthy environment can good community, social and economic outcomes be achieved. It wants more sustainable agricultural systems and diversity of production options in addition to land based production. It wants the Council to take more time to consider other options and not rush decision-making.

45. Hastings / Havelock North branch of Forest and Bird seeks to maintain and improve current water quality and if storage proceeds, find mechanisms to migrate current irrigators to storage, mandatory use of nutrient budgets, matching land use to soil types, mitigation practices for different farming types, fertiliser plans, soil erosion, stock exclusion from waterways and riparian planting, documented storage mitigation initiatives within the consent application, use storage water to alleviate the summer low flow problems.
46. Te Taiao Hawke's Bay Environmental Forum describes a range of values for the Tukituki and the current threats to those values. It sees land use intensification with or without storage as a future threat to those values. It would like farm plans to be mandatory for existing and new properties that are to be intensively farmed and land use changes to more intensive operations require a consent. It would like to see the timeframe for Tukituki Choices, the Tukituki Plan Change, the Regional Policy Statement and the decision of proceeding with the storage project to be extended by 6 months and for a new option developed for water storage that incorporates improving water quality and restoration of ecologically acceptable low flows in summer. It seeks a public referendum on the decision to proceed with the dam. It would like to see better protection of native habitats (aquatic and terrestrial) in the Tukituki Plan Change.
47. Friends of the Tukituki believes the consultation process has been completely inadequate, that Council has been completely unwilling to take into account the One Plan decision and that Council has refused to negotiate in good faith with Friends of the Tukituki and like-minded groups on minimum environmental standards.

Individuals outside the catchment

48. Responses in this sector of the community were predominantly opposed to storage and or supported Choice B.
49. A few were neutral, instead commenting on matters that they thought the Council should consider when making its decisions.
50. A number provided well reasoned comments supported by their background or qualifications while others were short statements only.

Specific Matters Raised

Red Bridge Minimum Flow

51. Concern about the increase to the Red Bridge minimum flow was raised by downstream irrigators, Fruit grower and Winegrower associations and by the Hastings District Council submission. The industry sector indicated it was doing its own analysis of the economic impacts of the increase.
52. HDC queried whether the proposed level of protection for the trout fishery could be reduced in the lower reaches if a higher level of protection was maintained in the upper catchment.
53. Fish and Game Hawke's Bay's response was not specific in its position with respect to the minimum flows, simply noting that higher flows were part of the package for environmental improvement.
54. Staff have already engaged Tonkin and Taylor to look at the feasibility of providing water from storage to these downstream users during the low flow periods.
55. There was no concerns expressed with regard to the increase in minimum flows in the upstream sites (Waipawa at SH2 and Tukituki at Tapairu Rd) nor regarding the fish species they were based on (longfin eel). It is noted that Te Runanganui o Heretaunga sought a further increase in these minimum flows.

Allocation Limits

56. A number of responses sought a reduction in the amount of water allowed to be taken from the river and groundwater, considering the current state of abstraction to be over allocated.

57. The assumption for allocation in Tukituki Choices was to allow no more water to be abstracted and tightening the annual volume to be taken as a means of achieving that. One responder raised concerns about the seasonal allocation for irrigation.
58. A key difference in the way Council will manage surface water allocation is that the instantaneous rate of take will be the primary allocation tool, with the volume being the second tier allocation threshold.
59. Further technical advice is being sought as to the impacts of the current rate of take from surface water, assuming all takes are occurring at the same time, on the degree of flow alteration (or flat-lining) that may result, and the impact of that on the ecology.
60. With respect to groundwater, an annual allocation is an appropriate parameter to use when managing aquifer systems. The current Regional Resource Management Plan contains no allocation limits with respect to groundwater. Groundwater modelling has provided an indication of the impact of current groundwater takes on river flows and the technical advice received indicates that the impact on low flows and the ecology are not significant but that the level the minimum flow is set at is an important part of that consideration. This advice is also being reconfirmed.

Groundwater Quality

61. There is a concern that the land use changes resulting from irrigation will adversely affect the quality of the Ruataniwha aquifer as a potable drinking water source.
62. The [Resource Management \(National Environmental Standards for Sources of Human Drinking Water\) 2007 \(NESDW\)](#) is intended to reduce the risk of contamination in drinking water sources such as rivers and groundwater. It does this by requiring regional councils to consider the effects of activities on registered drinking-water sources in their decision making, and to ensure that levels of determinands (as specified in the Standards) do not increase over the Maximum Acceptable Values (MAV's) in drinking water after the existing treatment at the time of the consent application or plan change notification as a result of the proposed activities.
63. Nitrate-nitrogen is one of the determinands for potable drinking water. Managing nitrate concentrations for the protection of aquatic species more than adequately provides for the protection of drinking water supplies in rivers, acknowledging that such supplies are generally treated in some form.
64. Nitrate limits will be set for the groundwater aquifers and groundwater capture zones have been identified for the Takapau water supply bore within which land use activities will be managed to avoid adverse effects on this drinking water source.
65. Individual domestic water supplies relying on shallow unconfined groundwater are vulnerable to effects of land use activities.

Choice B

66. The majority of the individuals who responded favoured Choice B. This scenario set a nitrate concentration limit for the river to control periphyton to levels suitable for contact recreation. It requires a significant reduction in the current levels of nitrogen leaching from the land and the economic modelling indicates that this would be at a significant cost to farmers and the local and regional economy (\$40 million / year reduction in profit (after interest) and \$20 million reduction in Regional GDP relative to current).
67. Responders may not have understood the nature and extent of land use change, and the consequential reduction in the region's current productive capacity necessary to achieve this scenario. Many appear to have a single focus been interested only in the environmental outcomes without considering the social and economic implications. All of these factors need to be considered together in any decision-making under section 5 of the RMA and a balance struck between sometimes competing priorities.

Resilience and farming within limits

68. A number of responders pointed to the need for farming systems, farmer behaviour as well as Council thinking to change to enable land use activities to be managed within the current limits of the environment and to be adaptable and resilient.

69. It is recognised that farming within water quality limits and the associated need to manage and monitor nutrient losses will require farmers to review their farming systems, whether storage proceeds or not.
70. It will also require the relevant industry sector to develop tools that farmers can use for nutrient management and the industry sector has indicated a willingness and commitment to work with farmers and Council in this area.
71. Farming systems evolve as knowledge increases and technology improves and changes. In light of this knowledge, farmers make choices about how they farm. Council's role is to set the framework within which they make their farming decisions.
72. Facilitating the provision of storage is one element of building resilience and the Council recognises that 'smart' farming systems are required to ensure desirable outcomes are achieved across all the well-beings.

Wind and soil erosion, and frosts

73. Some responders noted that the soils on the Ruataniwha Plains are very susceptible to erosion and that perhaps the focus should be on shelterbelts than irrigation to maintain soil and minimise moisture loss. Council acknowledges that many shelter belts have been removed to make way for centre-pivot irrigation over the last ten years or so. Pivots require a clear circle or part circle with nothing above 3-4 metres depending on tower heights. Council will continue to work with farmers to minimise wind erosion, encouraging high wind break plantings where possible and lower internal plantings within pivot circles. Irrigation of these plantings will enable them to establish quickly. New shelterbelts are already starting to be planted by farmers.
74. Good agricultural practices such as minimum tillage will be pre-requisite to access to water from the Ruataniwha Water Storage.
75. Frosts are not considered a significant limitation except for some horticulture. The feasibility studies have been largely based on land uses that are not susceptible to frosts.

Environment Court Decisions on Manawatu-Whanganui Regional Council's 'One Plan'

76. A number of responders asked what the implication of the Environment Court decision on the One Plan is on this process and the Tukituki plan change. Hawke's Bay Fish and Game Council referred to the One Plan as the model to follow for a framework for integrated land and water management and that Council was obliged to take note of it and implement the principles that the Court expressed.
77. While aspects of the proposed water quality framework for the Tukituki catchment will be similar to the One Plan, and it is prudent to take account of the reasoning of the Environment Court, to the extent that the environmental issues are similar, Council's legal advice is that the Council is not under a legal obligation to adopt the outcomes favoured by the Court in all respects, particularly where catchment specific characteristics provide grounds for a different approach. It is considered more important to reflect the need to set limits in a consistent manner reflecting the National Policy Statement for Freshwater Management. Council should also be mindful of the recommendations from the Land and Water Forum processes.
78. It is important that water management zones / values / water quality thresholds frameworks are based on sound science and management frameworks.
79. It is noted that to understand the land and water management framework for the Tukituki catchment in its entirety, the proposed Tukituki Plan Change will need to be considered alongside the change to the Regional Policy Statement (Change 5), and the rest of the current RRMP.
80. The framework for nutrient water quality limits in the Tukituki plan change will be based on good understanding of the catchment processes underpinned by advanced catchment modelling tools. (It is noted that the One Plan process was not supported by the degree of catchment modelling that is available for the Tukituki catchment.)

81. It is recognised that both nitrogen and phosphorus need to be managed to control periphyton growth to acceptable levels. Based on our knowledge that phosphorus is the growth limiting nutrient in the main stem, phosphorus is targeted for reduction through improved wastewater treatment (which had already been recognised through that regulatory consenting process), through stock exclusion rules to minimise sediment discharges and through soil conservation and good agricultural practices. Nitrogen loads will be managed to ensure nitrate levels in the rivers are within acceptable levels for the protection of fish and invertebrates.
82. It is noted that some major river catchments in the Manawatu-Whanganui region show clear N-limitation (e.g. Rangitikei catchment and, to some extent Whanganui River). Parts of the Manawatu river catchment show N- or co-limitation in summer low flows. With nitrogen being the growth limiting nutrient, reductions in nitrogen leaching will reduce concentrations in the river. However, it is noted that the leaching limits in the One Plan will not actually achieve the water quality limit and therefore the desired outcome of low levels of periphyton growth.
83. The One Plan decision does provide useful discussion on how nitrogen should be allocated to the land. It supports the use of the Land Use Capability system as a framework for spatial allocation.

Tukituki Plan Change Timeframes

84. The Tukituki Plan Change and the consent applications for the Ruataniwha Water Storage Project are part of the "Tukituki Catchment Proposal" to be lodged with the Environmental Protection Authority early next year.
85. The applications will be prepared in the context of the Tukituki Plan Change provisions so it is critical that this plan change is finalised as soon as possible to enable the documents for the Ruataniwha Water Storage project to be completed with certainty.
86. It is proposed that the Council will adopt the Tukituki Plan Change at a special Council meeting following the Corporate and Strategic Committee meeting on 30 January 2013.
87. A draft plan change is on the agenda for the 12 December Council meeting to endorse the plan change as giving effect to the approach that it endorsed on 31 October 2012 (see paragraph 1).

Decision Making Process

88. 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:
 - 88.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 88.2. The use of the special consultative procedure is not prescribed by legislation.
 - 88.3. The decision does not fall within the definition of Council's policy on significance.
 - 88.4. The persons affected by this decision are all persons and organisations who made comments on Tukituki Choices, all residents and ratepayers within the Tukituki River Catchment and all persons with an interest in the region's management of natural and physical resources under the RMA.
 - 88.5. Options that have been considered included proceeding to the formal statutory process without providing an opportunity for the wider community to comment on land and water management options with or without storage. Tukituki Choices is a non statutory process that Council considered was important to underpin the formal processes and to guide policy development for the Tukituki plan change.
 - 88.6. The decision is not inconsistent with an existing policy or plan.
 - 88.7. 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

That the Regional Planning Committee:

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. Receives the report on Tukituki Choices – Responses.
3. Endorses the key approaches for the development of the Tukituki Plan Change as resolved by Council at its meeting on 31 October.



**Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT**



**Andrew Newman
CHIEF EXECUTIVE**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE
Monday 10 December 2012

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.		
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