



## MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

**Date:** Wednesday 7 August 2013

**Time:** 1.00 pm

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

**Present:** T Waaka - Chairman  
F Wilson  
N Baker  
K Brown  
T Hopmans  
N Kirikiri  
E McGregor  
K Rose  
C Scott  
R Spooner  
W Wilson  
M Douglas  
P Paku

**In Attendance:** H Codlin, Group Manager Strategic Development  
E Lambert, Interim Chief Executive  
G Ide, Team Leader Policy  
E Bate, Planner  
M Drury, Committee Secretary

## 1. WELCOME/APOLOGIES/NOTICES

Mr Waaka, Co-Chairman welcomed all present to the meeting with a special welcome to members of Ngai Tuhoe and Councillor Murray Douglas who was attending his first RPC meeting.

Mr W Wilson offered a Karakia.

RPC14/13 Apologies for lateness were received from Councillors F Wilson and Dick, and for absence from Councillor Remmerswaal.

**Rose/Baker  
CARRIED**

## 2. CONFLICT OF INTEREST DECLARATIONS

There were no conflicts of interest declared.

## 5 JUNE 2013

### RPC15/13 Resolution

Minutes of the Regional Planning Committee held on Wednesday, 5 June 2013, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

**McGregor/Scott  
CARRIED**

## 4. MATTERS ARISING FROM MINUTES OF THE REGIONAL PLANNING COMMITTEE HELD ON WEDNESDAY 5 JUNE 2013

### 9. Update of Taharua/Mohaka Policy Development

Ms Codlin updated the Committee on policy development since the last meeting and noted that a longitudinal survey had been carried out down the river and another one would be carried out next summer.

Mr Baker advised the Committee that following contact with Messrs Powell and Reed, a meeting with the catchment's iwi stakeholders would be held in the near future.

## 5. ACTION ITEMS FROM PREVIOUS REGIONAL PLANNING COMMITTEE MEETINGS

Mrs Lambert and Mr Ide updated the Committee on the listed action items and noted that a revised Members list would accompany the next meeting agenda.

Responding to a question about Council's jurisdiction in the Coastal marine area, Mrs Lambert confirmed that Council has responsibilities under the RMA for the area covering 12 nautical miles from the coast (ie. the coastal marine area).

Following a request from Councillor Scott, the "Making Good Decisions: course item would remain on the action list until a solution was found. Further update on this course to be discussed in General Business.

### RPC16/13 Resolution

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

**Scott/Rose  
CARRIED**

*Councillor F Wilson joined the meeting at 1.10pm*

## 6. CALL FOR GENERAL BUSINESS ITEMS

1. "Making Good Decisions" course
2. Coastal Erosion – Clifton
3. Contorta

*Councillor Dick joined the meeting at 1.15pm*

## 7. CHANGE 5 APPEALS

Mr Ide advised that four appeals had been lodged with the Environment Court against the Council's decisions on Change 5 (land and freshwater management) to the Hawke's Bay Regional Resource Management Plan (RRMP).

Mr Ide gave an overview of the four appeals lodged, outlined the options available in regard to Council's participation at any Court-assisted mediation of the four appeals and drew the Committee's attention to a table contained within the agenda item which identified the number of discrete amendments requested by each of the appellants compared to the respective appellants' number of original submission points.

Mr Ide noted that the four appeals had not yet been reviewed by legal counsel to assess whether or not there are aspects of the appeals that could be considered 'beyond the scope' of Change 5. If any aspects were found to be so, the Environment Court could then be requested to determine the legitimacy of the grounds for those appeals at the outset.

The Committee discussed the options available to Council for mediation of the appeals, the makeup of the Environment Court's panel that might be required to hear the appeals and whether there was an opportunity for tangata whenua to be represented on the Court's Panel. The Committee considered this to be an important issue as there had been tangata whenua representation on the Panel that had originally heard and considered submissions on Change 5..

Mrs Lambert advised that as many of the issues could be mediated as possible and within reasonable timeframes to avoid an Environment Court hearing, but the Council had very little influence on the makeup of the Environment' Court's own judge and commissioners who might be appointed to hear the cases.

The Committee discussed the importance of Change 5 to Council's future direction and emphasised the importance of resolving the appeals sooner rather than later.

The Committee agreed that it was imperative that staff continue to liaise with the Planning Committee about timely progress being made to resolve the appeals and any needs that might arise for the Council or other parties to request the Environment Court to set date(s) for formal Court hearings.

## RPC17/13 Resolutions

That 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. Delegates to the Group Manager Strategic Development (and any legal counsel acting as the Group Manager's agent) the authority to sign, on behalf of Council, any mediated agreement in relation the appeals on Change 5 to the Hawke's Bay Regional Resource Management Plan, providing such mediated agreement as

consistent with the overall content of the Council's original decision.

3. That the Co-Chairs of the Regional Planning Committee liaise with staff and their team about the appeals on Change 5 to reinforce the link with the Regional Planning Committee.

**Scott/Rose  
CARRIED**

## **8. DRAFT ANNUAL REPORT FOR NATIONAL POLICY STATEMENT (NPS) FRESHWATER MANAGEMENT IMPLEMENTATION PROGRAMMES**

Mr Ide updated the Committee on Council's progressive implementation of the National Policy Statement for Freshwater Management (NPSFM) covering the 2012-13 financial year.

Mr Ide advised that annual reporting on the Programme is required until the programme has been completed and so that the NPSFM has been fully implemented as relevant in Hawke's Bay's regional policy statement and regional plans. Mr Ide advised that the Programme adopted by Council indicated annual reporting would be included in Council's Annual Report.

Mr Ide noted that although NPSFM does not specifically require the programme to be updated, staff agree that it would be beneficial to update the Programme from time to time to incorporate and changes or revisions which should correspond to financial and resourcing requirements as determined through Council's annual plan/long term plan processes.

Responding to a question, Ms Codlin confirmed that an overview of State of the Environment( SOE) monitoring work would be included in the Report.

### **RPC18/13 Resolutions**

That the Regional Planning Committee:

1. Receives the "Draft Annual Report for NPS Freshwater Management Implementation Programme" report.
2. Recommends Council 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.
3. Recommends Council agrees that the content of the report's attachment be re-formatted and published as part of the Council's 2012/13 Annual Report.

**Wilson/Rose  
CARRIED**

## **9. REGIONAL PLANNING COMMITTEE DRAFT ANNUAL REPORT**

Ms Codlin and Ms Bate gave an overview of the Regional Planning Committee's draft annual report which described the form and function of the Committee and the activities undertaken over the period April 2012 – June 2013.

Ms Bate advised that a final report would be presented to the Committee at its September meeting for final adoption incorporating any feedback provided by the Committee members.

The Committee discussed the report and suggested amendments, simple language form and the use of diagrams or graphs to highlight the Plans the Committee is responsible for were noted. Following a suggestion, Committee members were happy

to work with Ms Bate on the completion of the final report.

Councillor Wilson congratulated Ms Bate on an excellent report which could be utilised throughout the region as it gave an excellent insight into the Regional Planning Committee's responsibilities, its ability to make change in Hawke's Bay for the better and illustrated the power of Maoridom around the table.

#### RPC19/13 **Resolutions**

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 draft report titled "Regional Planning Committee – Annual Report for the period April 2012 – June 2013.
3. Provides feedback on the content and scope of the draft report and any suggested amendments to it.
4. Instructs staff to present a final Annual Report at the Committee's September meeting, taking into account feedback and input received from Committee members at this meeting.

**Wilson/Rose  
CARRIED**

#### **10. UPDATE ON RMA REFORM**

Mr Ide updated the Committee on the Government's work programme regarding reforms of the resource management system, particularly amendments to the Resource Management Act (the RMA). Mr Ide stressed to the Committee the report was only staff's understanding of the Government's proposals for further reforms based on Ministerial announcements and various other publicly available information.

Mr Ide advised that the Resource Management Reform Bill 2012 was released in December 2012 and Council did make a submission on elements of the Bill. If the Bill does pass its third reading then it would become law with some amendments becoming effective immediately and others after a 3 month lead in time.

Following discussion on Section 32 proposals which would most relevant to the Regional Planning Committee, Mr Ide confirmed that Section 32 only applied when a Plan is being developed or there was a Plan Change.

The Committee continued to discuss S32 amendments in particular Clause 69 around the Bill's explicit requirement for evaluation of economic benefits which could be gained from Plans.

The Committee also discussed the timeframes set by Government for the submission process and agreed that a letter be forwarded outlining Council's concerns re short timeframes for preparing submissions often precludes those submissions being fully considered by the Regional Planning Committee as co-governance decision-makers on resource management matters in Hawke's Bay.

Following a suggestion that any Council submissions be forwarded to Councillors for their input prior to the closing date, Mrs Lambert confirmed that this could be done but noted that currently all staff submissions on legislation Bills are forwarded to Councillors for their information and confirmed at the next closest Council meeting.

RPC20/13 **Resolutions**

That the Regional Planning Committee:

1. Receives the report titled '*Update on Resource Management Reforms*'.
2. Conveys to the Minister for the Environment, Council's objections to the short time frame for the preparation of submissions.

**Rose/Scott  
CARRIED**

**11. GENERAL BUSINESS**

ITEM	TOPIC	COUNCILLOR / STAFF
1.	<p><b>“Making Good Decisions” Course</b></p> <p>Mr Ide advised that the next course would now not be held until early 2014 following the cancellation of the August course by Opus Business School who now has the contract to provide the course on MfE's behalf.</p> <p>Following general discussion and concern, the Committee considered it necessary for a course to be held in Napier in the near future as there had been a lot of interest from Committee members to participate in the course. It was also important with Local Body Elections on the horizon that there be trained Commissioners in the region.</p> <p>A letter outlining concerns would be forwarded to Opus.</p>	Councillor Scott
2.	<p><b>Coastal Erosion - Clifton</b></p> <p>Councillor McGregor advised he had visited Clifton Motor Camp recently and outlined the area as he viewed it.</p> <p>Mrs Lambert gave an update on Council's involvement with the consent process. A consent application had been received from HDC for the construction of a temporary seawall – the purpose of it would be to provide access into the camp to removal any remaining facilities. At this time, 2 affected parties had been identified but only 1 had given approval which may result in a limited notification of the consent application.</p>	Councillor McGregor
3.	<p><b>Contorta</b></p> <p>Mr Baker gave a brief outline on the ongoing contorta problems being experienced by East Coast lands Trust and other property owners in the Rangitikei area.</p> <p>Mr Baker advised that East Coast Lands Trust would approach Council in the future to seek rate remission on their total blocks in order to fund ongoing control of the plant.</p> <p>Mr Baker noted that the contorta problem had been an ongoing problem since 1978.</p>	Mr Nigel Baker

**Closure:**

**Karakia – W Wilson**

There being no further business the Chairman declared the meeting closed at 2.25pm on Wednesday, 7 August 2013.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....