



## Unconfirmed

### MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

- Date:** Wednesday 20 May 2015
- Time:** 1.00 pm
- Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER
- Present:** Mr Toro Waaka – Co-Chairman -*Ngati Pahauwera Development & Tiaki Trusts*  
Cr Fenton Wilson – Co-Chairman  
Mr Nigel Baker - *Ngati Tuwharetoa Hapu Forum*  
Cr Rick Barker  
Cr Peter Beaven  
Cr Tom Belford  
Mr Karauna Brown *Ngati Hineuru Iwi Inc*  
Cr Alan Dick  
Cr Rex Graham  
Ms Tania Hopmans *Maungaharuru-Tangitu Trust*  
Ms Nicky Kirikiri *Te Toi Kura o Waikaremoana*  
Mr Peter Paku *He Toa Takitini*  
Cr Dave Pipe  
Cr Christine Scott  
Mr Rangi Spooner *Mana Ahuriri Incorporated*  
Mr Walter Wilson *Te Tira Whakaemi o Te Wairoa*
- In Attendance:** H Codlin – Group Manager Strategic Development  
E Lambert – Chief Executive  
I Maxwell – Group Manager Resource Management  
G Ide – Manager Strategy & Policy  
M Miller – Manager - Consents  
S Swabey – Manager of Science  
N van Pelt – Executive Assistant

1. **Welcome** KARAKIA – W Wilson  
**Apologies** Cr Debbie Hewitt  
Mr Mike Mohi – Chairman, Maori Committee  
Tom Belford for lateness

2. **Conflict of Interest Declarations**

There were no conflict of interest declarations.

3. **Confirmation of Minutes of the Regional Planning Committee Held on 18 February 2015**

RPC1/15 **Resolution**

Minutes of the Regional Planning Committee held on Wednesday, 18 February 2015, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and accurate record.

**Scott/Waaka  
CARRIED**

4. **Matters Arising from Minutes of the Regional Planning Committee Held on 18 February 2015**

There were no matters arising from the minutes.

5. **Follow-ups From Previous Regional Planning Committee Meetings**

RPC2/15 **Resolution**

There are no follow-up items from previous Regional Planning Committee meetings.

**Wilson/Scott  
CARRIED**

6. **Call For Any Minor Items Not on the Agenda**

That the Regional Planning Committee accepts the following minor items not on the agenda, for discussion as item 15:

Mr T Waaka – partnering projects between Tangata Whenua and HBRC

7. **Mana Ake – Collective Iwi Management Plan for Heretaunga Hapu**

Marei Apatu and Dale Moffatt presented the Mana Ake item. The Te Manaaki Taiao Unit of Te Taiwhenua o Heretaunga have been working with Heretaunga hapu over the last two years in the development of the hapu management plan. This plan has been approved by Ngati Kahungunu Iwi Incorporated as an iwi authority under the RMA and therefore has status under the Resource Management Act. A Hapu/iwi Engagement Plan for the Greater Heretaunga/Ahuriri Catchment policy development process is currently under development based on the principles contained in Mana Ake.

It was confirmed that there are 17 Marae in the tribal boundary, 10 of those were participants in the development of this document and therefore it only represents the views of those that participated.

In the next 12mths there will be a review to bring the mana ake up to date/version 2. This Iwi Management Plan will be encouraged as the template to go out to other Taiwhenua so they have the framework to develop their own plans. Te Manaaki Taiao are already assisting some Marae and hapu with bringing together their own

management plans. This is a values driven concept and the next Mana Ake version will have more focus on Hapu economic plans, co-management and strong marae hapu bases.

The committee applauded the Mana Ake initiative and urged the presenters to “put it out there” and share it.

## RPC3/15 Resolutions

1. That the Regional Planning Committee receives the presentation on ‘Mana Ake – An Expression of Kaitiakitanga’, an iwi/hapu management plan prepared by a collective of Heretaunga hapu.
2. The Regional Planning Committee recommends that Council:
  - 2.1 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.
  - 2.2 Acknowledges the role of Mana Ake in the Greater Heretaunga/Ahuriri policy development process under the Resource Management Act.

**Wilson/Graham  
CARRIED**

***Cr Tom Belford arrived at 2.05pm***

***Mr Rangī Spooner left at 2.15pm***

### **8. Regional Planning Committee - Terms of Reference**

Ms Helen Codlin talked the committee through the amended terms of reference document, highlighting key amendments to include resource management functions that are currently undertaken by the Environment and Services Committee of Council. Ms Codlin reminded the Committee that they had previously agreed that the voting on additional papers would retain an 80% majority threshold and that the Maori Committee Chairman could participate in discussions on an ex-officio basis (but not have voting rights).

It was agreed that the functions to be subject to a Council referral back to the Committee for reconsideration should be extended to (d)(x) and that the last sentence of the first paragraph in Clause c) should include reference to judicial timeframes.

The intention of clause (d)(ix) was discussed in terms of the meaning of ‘scope’ and whether that should refer to ‘substance’ or both.

In Clause d)(xiv), a suggestion was made to replace the reference to the Environment Court with a broader reference to ‘the relevant.’

There was discussion as to the need for the new provision relating to 'Use of Delegated Powers for the Regional Planning Committee (marked as ?? in the Attachment). Ms Codlin explained that it was a standard clause in all of the Terms of Reference for Council's Committees, that it relates to the delegations that Council has given to the RPC but that the decision to make an RPC resolution a Decision of Council must be unanimous. There was some discussion as to whether it was needed but it was considered that there may be times when it would be required. To improve understanding, staff proposed that 'local authority' should be replaced with 'Council' and that the following should be added to the clause...carried unanimously by the members of the RPC present at the meeting.

The Terms of Reference are to be amended, circulated and referred back to an RPC meeting before being considered further by the full Council.

RPC4/15 **Resolutions**

1. That the Regional Planning Committee receives the report on Amendments to the Regional Planning Committee Terms of Reference.
2. The Regional Planning Committee recommends that Council:
  - 2.1 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
  - 2.2 Agrees with the proposed amendments, and any further amendments agreed at the 20 May 2015 Committee meeting.
  - 2.3 Notes that the Amended Terms of Reference, as agreed, will be considered by the Tāngata Whenua representatives at a hui called for that purpose, before being considered again by the Regional Planning Committee before being considered at a Council meeting for formal adoption.

**Scott/Graham  
CARRIED**

***Nicky Kirikiri left at 3.14pm***

**9. Water Quantity Allocation Policy and Consenting Processes**

Mr Iain Maxwell, Mr Malcolm Miller and Mr Gavin Ide, jointly presented this item. The report has been prepared to inform the Committee of the Regional Council's resource management responsibilities and duties in relation to water quantity allocation and use, particularly the relationship between the planning documents and resource consent decision making.

Mr Maxwell presented a power point presentation, but before doing so noted there has been some commentary that the staff involved in managing this part of Council's business are not up to the job, that is incorrect. Mr Maxwell reiterated that we have a very capable and competent team however there are matters that the staff have no discretion over. Staff can only work within the legislation and Council's own policies and these things cannot be changed "on the hoof".

Under the current legislation Council cannot impose a charge for water. The HBRC does recover administrative costs for the processing of consents, compliance monitoring and a section 36 zoned based science water program, the section 36 program only applies to water based consents.

HBRC cannot of its own initiative, impose a charge rate per litre of water, it would have to go through national legislation to do so.

Members requested that this item should be at least a standing item on the Regional Planning Committee Agenda as Water Quantity allocation policy and consenting/water bottling, and that the issues are work shopped with the Committee.

RPC5/15 **Resolution**

1. That the Regional Planning Committee receives the "***Water Quantity Allocation Policy and Consenting Processes***" report.

**Scott/Dick**

**For: W Wilson, Brown, Dick, Hopmans, Pipe, Scott, F Wilson, Waaka, Baker,  
Barker, Beaven**

**Against: Belford, Paku, Graham  
CARRIED**

**Cr Dick left the meeting at 4pm**

**10. Tukituki Plan Change 6 – Update on Board of Inquiry Review Process**

Ms Helen Codlin gave an update on this item. The draft decision came out on a very narrow point. Key matters being what exception might be applied to a particular rule for not requiring a resource consent and whether Council determine allocation on a sub catchment or contributing catchment basis.

HBRC were comfortable with the outcome of the decision.

**RPC6/15 Resolution**

1. That the Regional Planning Committee receives the ***Tukituki Plan Change 6 – Update on Board of Inquiry Review Process*** report.

**Scott/Hopmans  
CARRIED**

**Tania Hopmans left the meeting at 4.35pm**

**11. Environment Court Decision on Change 5 Appeal**

Mr Gavin Ide talked to this item. He reminded the Committee that there had originally been four appeals against Change 5 but most of the 150+ individual appeal points had been resolved through Court-assisted mediation. The Environment Court's recent decision in regards to Ngati Kahungunu Iwi Incorporated's appeal related to 2 points in that appeal. The Court's ruling virtually reinserted Objectives 21 and 22 into the Regional Policy Statement. Mr Ide advised the Committee that both local and national implications of this decision may be more due to the Court's rationale than the wording of provisions reinserted into the RPS. HBRC's future catchment-based regional plan changes (such as the 'TANK' plan change) will have to give effect to Objectives 21 and 22, along with other objectives in the RPS. Groups involved in the TANK plan change will have to have discussions about the Court's ruling when setting regional plan limits for freshwater and land use in the TANK catchments.

**RPC7/15 Resolution**

1. That the Regional Planning Committee receives the ***Environment Court Decision on Change 5 Appeal*** report.

**Brown/Baker  
For: F Wilson, Brown, Pipe, Scott, W Wilson  
Against: Paku, Waaka, Baker, Barker, Beaven, Belford, Graham  
LOST 5/7**

**Secretarial note:** RPC Terms of Reference require "*the agreement of 80% of the Committee members in attendance*"

**Rick Barker left the meeting at 5.05pm**

**At 5.07pm the quorum was lost and therefore the meeting closed with the following items outstanding.**

**12. State of Our Environment Five-Yearly Summary Report**

***Deferred to 15 July 2015 meeting***

**13. May 2015 Resource Management Planning Project Update**

***Deferred to 15 July 2015 meeting***

**14. May 2015 Statutory Advocacy Update**

*Deferred to 15 July 2015 meeting*

**15. MINOR ITEMS NOT ON THE AGENDA**

ITEM	TOPIC	COUNCILLOR / STAFF
1.	Partnering Projects between Tangata Whenua and Hawke's Bay Regional Council.  Gains to be made for HBRC by partnering and would like to see a paper with a more transparent process staff could develop a paper on the merits of engaging with communities.	Mr Toro Waaka

**Closure:**

There being no further business the Chairman declared the meeting closed at 5.07pm on Wednesday, 20 May 2015.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....