



Meeting of the Hawke's Bay Regional Council Maori Committee

Date: Tuesday 16 June 2015
Time: 10.15 am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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3.	Short Term Replacements for 16 June 2015	3
4.	Confirmation of Minutes of the Maori Committee held on 21 April 2015	
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8.	Verbal Introduction to David Tipoki - Maori Relationships Manager, Wairoa District Council.	
9.	Verbal Update on Current Issues by HBRC Interim Chief Executive	
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HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 16 June 2015

Item 3

SUBJECT: SHORT TERM REPLACEMENTS FOR 16 JUNE 2015

Reason for Report

1. Council has made allowance in the terms of reference of the Committee for short term replacements to be appointed to the Committee where the usual member/s cannot stand.

Recommendation

The Maori Committee agrees that _____ be appointed as member/s of the Maori Committee of the Hawke's Bay Regional Council for the meeting of Tuesday, 16 June 2015 as short term replacements(s) on the Committee for _____

Liz Lambert
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 16 June 2015

Item 6

SUBJECT: FOLLOW-UPS FROM PREVIOUS MAORI COMMITTEE MEETINGS

Introduction

1. There are no items for follow-up from the 21 April 2015 Maori Committee meeting.

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 Maori Committee notes there are no "*Follow-up Items from Previous Maori Committee Meetings*" for consideration at today's meeting.

Liz Lambert
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 16 June 2015

Item 7

SUBJECT: CALL FOR ANY MINOR ITEMS NOT ON THE AGENDA

Reason for Report

1. Under standing orders, SO 3.7.6:

“Where an item is not on the agenda for a meeting,

(a) That item may be discussed at that meeting if:

(i) that item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

2. The Chairman will request any items committee members wish to be added for discussion at today's meeting and these will be duly noted, if accepted by the Chairman, for discussion as Agenda Item 14

Recommendations

That Maori Committee accepts the following minor items not on the agenda, for discussion as item 14.

Paul Drury
GROUP MANAGER CORPORATE
SERVICES

Subject: HERETAUNGA PLAINS GOUNDWATER

Reason for Report

1. Groundwater underneath the Heretaunga is received in the system, moves through sediments and rock and is discharged from the system in a series of linked processes. Some land-use or water-use activities may affect. An understanding of the Heretaunga groundwater system is provided to help place these land-uses and water-uses in context.

Background

2. The Heretaunga Plains are composed mainly of gravels, silts and clays deposited by the rivers that flow across the area, including the Tukituki River, the Tutaekuri River, the Ngaruroro River, the Karamu Stream and others. These sediments have been deposited over many thousands of years, gradually accumulating in layers.
3. Marine sediments and materials such as shells are also incorporated in the sediments of the Heretaunga Plains, since the sea has previously occupied parts of the Plains.
4. Groundwater and surface water interact in many positions on the Plains. In some places water is 'lost' from flowing rivers to the underlying groundwater, while in others surface streams 'gain' flow from groundwater. In some situations there is no net exchange of water between surface water and groundwater. Rivers can switch from 'gaining' to 'losing' in any reach as groundwater levels and stream levels fluctuate during the year.
5. Both groundwater and surface water are used in the Heretaunga Plains to support agriculture and other industries, and to provide water for domestic purposes, including for drinking water.
6. Groundwater is obtained from productive wells drilled into various aquifer units in the Plains. Non-productive geological units separate and isolate some of these aquifers. These various units include the following, which are illustrated in Figure 1 below:
 - 6.1. A unit of Recent river gravels at the surface of the Heretaunga Plains, approximately 10 m thick, which is an aquifer
 - 6.2. A sequence of clays and silts associated with a period of marine erosion and deposition following the end of the Last Glacial Maximum 18,000 years ago, which is an aquiclude. These are the confining Postglacial marine strata. They are over 60 m thick south of Awatoto, and become progressively thinner towards the west of the Plains, disappearing around Flaxmere.
 - 6.3. A sequence of gravels and silts typically 30 to 50 m thick, emplaced by the proto-rivers of the Heretaunga Plains in the period between the end of the last interglacial and the end of the Last Glacial Maximum, from approximately 100,000 to 18,000 years ago. This aquifer is confined in the east by the Postglacial marine strata, but is unconfined in the west.

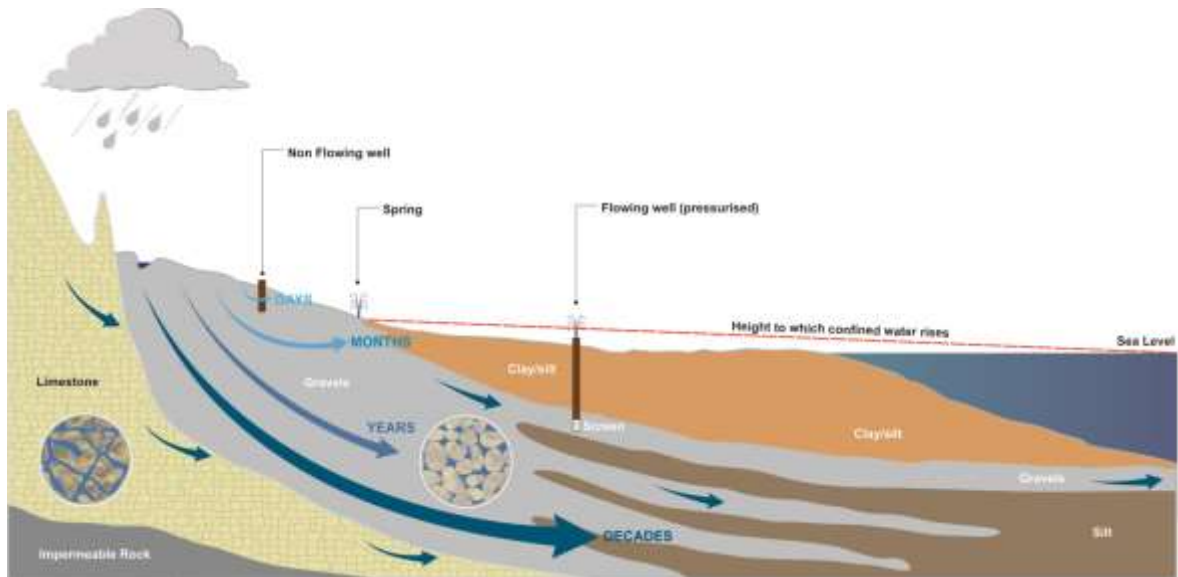


Figure 1: Schematic cross section from west (left) to east (right) across the Greater Heretaunga Plains, showing the location of the confining Postglacial marine strata (orange) and the underlying aquifer units (grey and brown). The Recent river gravels are too thin to show in this cross section view.

7. Figure 1 also shows the general movement of groundwater under gravity from the west of the Heretaunga Plains towards the east, where the groundwater disperses into the ocean. Some of this groundwater moves from input (from streams or rainfall) to output (as springs or by dispersion at the coast) in just a few months. In other areas the groundwater may have travelled underground for years or decades before leaving the aquifer again.
8. Although Figure 1 is a simple illustration, in reality a parcel of water may take a complex pathway from its arrival in the catchment as rainfall until its eventual departure from the catchment. The pathway a parcel of water takes may involve several periods in surface streams and in groundwater. However, once groundwater is below the confining clay/silt aquiclude layer (the orange in Figure 1) in the east of the Plains, it no longer interacts with surface water.
9. Any groundwater that makes it to the coastal margin of the Heretaunga Plains is about to be lost to the aquifer, since it will discharge to the ocean imminently.

Resource Consents to take and use water

10. Council must process consent applications as they are received. There are tight statutory timeframes within which this should be done. In processing a resource consent, Council must have regard to the RMA and to NPSs, the RPS and regional plans that are in place or proposed.
11. The RMA sets out the procedures for processing resource consents in Part 6. The applicant should provide an assessment of environmental effects (AEE) and Council will assess the application against the effects (both positive effects and adverse effects). In doing this, officers will be guided by the matters identified in the RPS and regional plans. These include allocation limits and minimum flows, effects on other water takes, the reasonable needs for the intended use. There is no policy that directs the allocation of water to one use over another. What is required is that any activity should identify the intended use and, providing water is available, this will be allocated up to what is determined as reasonable.
12. Across the Heretaunga Plains there are a number of rivers and streams that have minimum flows and allocation limits set on them (RRMP Policy 74). Table 1 lists these rivers and streams.

Table 1: Heretaunga Plains Allocation status

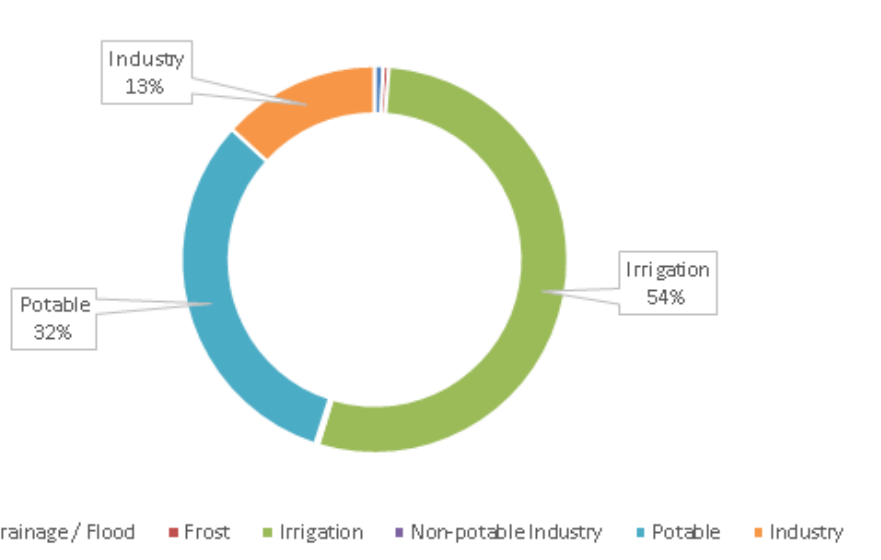
Minimum flow site	Location	Minimum flow (L/s)	Allocatable volume (m3/week)	Allocation status
Awanui Stream	At the Flume	120	0	Full
Irongate Stream	At Clarke's Weir	100	0	Full
Karamu	At Floodgates	1,100	18,023	Full
Karewarewa River	At Turamoe	75	-	Full
Louisa Stream	At Te Aute Rd	30	0	Full
Managatere Stream	At Napier Rd	100	0	Full
Maraekakaho River	At Tait's Rd	100	5,443	Full
Maraetotara	At Te Awanga Bridge	220	30,971	Full
Ngaruroro	At Fernhill Bridge	2,400	956,189	Full
Raupare Stream	At Ormond Road	300	83,844	Full
Tutaekuri River	At Puketapu	2,000	928,972	Water available
Tutaekuri-Waimate	At Goods Bridge	1,200	367,114	Full
Groundwater (not connected to surface)	14 zones	NA	No limit	Water available

13. For surface water takes a cumulative total is maintained and water is not allocated in excess of these limits, except with higher minimum flow conditions (as provided for in RRMP Policy 39(d)). As can be seen most of the rivers and streams across the Heretaunga Plains are fully allocated.
14. Where a groundwater take is considered to be hydraulically connected with surface water streams and rivers it will be allocated as part of the surface water regime. There are currently no allocation limits set for groundwater. So where a groundwater take is not considered to be hydraulically connected with surface water streams and rivers there are no allocation limits. Typically this is in areas where the groundwater is confined by a significant layer of silts or clay. These are more typically found in the lower Heretaunga Plains.

Groundwater allocation

15. The total groundwater allocation across the Heretaunga Plains (including stream depleting takes) is approximately 161 million m³/yr. There are a total of 1,687 resource consents issued to take this water. Of this annual volume 26 million m³/year is managed as stream depleting (175 resource consents). The balance of groundwater taken is 135 million m³/yr.
16. Figure 2 shows the range of water use activities across the Heretaunga Plains. Water bottling takes make up approximately 2% of the current volume of water allocated.

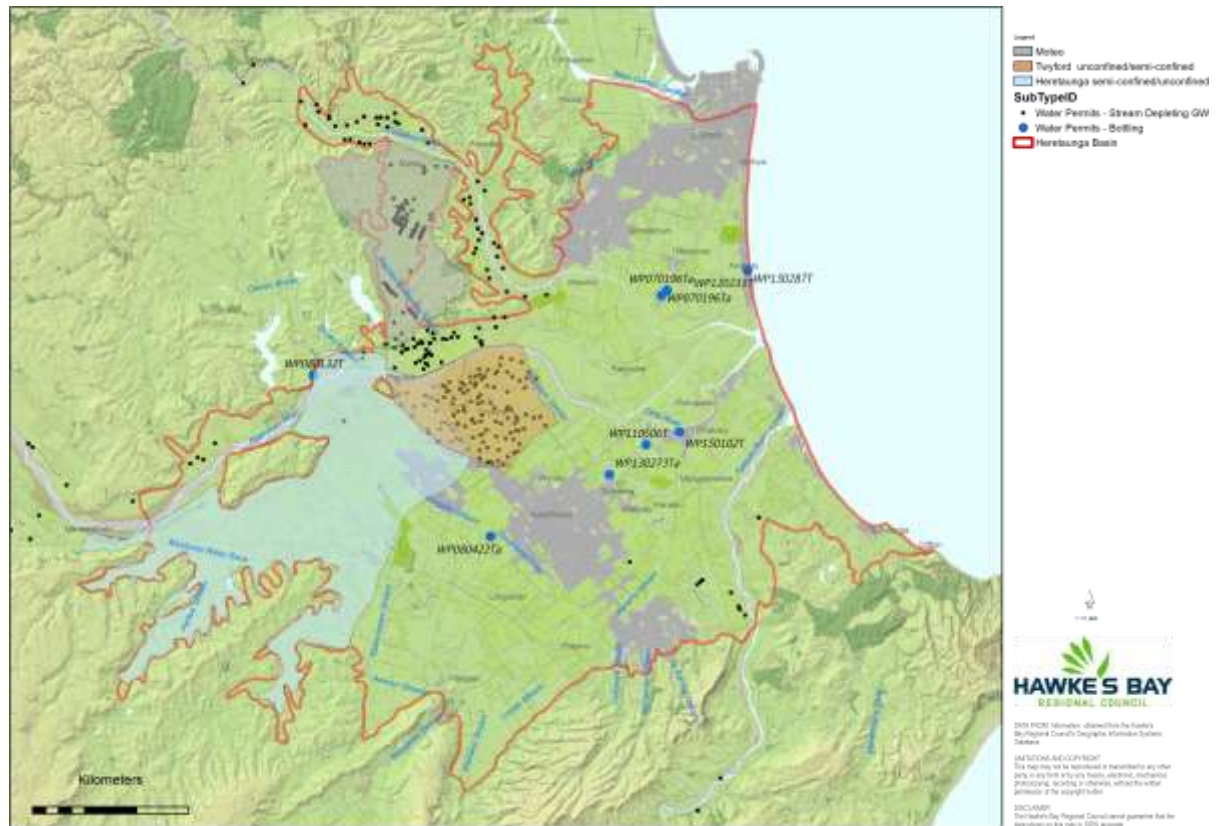
Figure 2: Heretaunga Plains Aquifer Allocation April 2015



Water Bottling

18. Across the Heretaunga Plains there are eight resource consents that include water bottling as a use. These can be seen on Figure 3.

Figure 3: Water Bottling takes from the Heretaunga Plains Aquifers



19. These takes are spread across the Plains and all are considered to be within confined groundwater areas and are not subject to minimum flow conditions. At the time of application they were assessed as having a no more than minor adverse effects on the environment and on other users. The groundwater areas from which they are taking water were considered to be able to sustain the take without affecting other users within the area.
20. As outlined above, the TANK project is reviewing the understanding of the entire Heretaunga surface and groundwater systems. And it is looking at how the community wishes to see water managed in the future. If this leads to changes to how water is allocated and managed, resource consents including those taking for water bottling purposes may need to be reviewed to bring them into line with these changes.

Delegations

21. Staff exercise a number of delegations from Council when processing consents. These include:
- 21.1. to accept the application (determine that the AEE is adequate)
 - 21.2. to require more information
 - 21.3. to notify or not
 - 21.4. to approve an application (non-notified).
22. Council has retained the discretion to decline an application. If the officer recommendation is to decline an application it must be decided on by the Hearings Committee. It is likely that applications that are recommended to be declined will, in the first instance, be notified (because they are considered to have a more than minor adverse effect on the environment).

23. Where an application is notified the matter will be heard by the Hearings Committee or a panel appointed by the Hearings Committee if there are objections. If there are no objections or the matter is resolved by a pre-hearing meeting then the delegation rests with the Group Manager Resource Management to approve the resource consent application.

Other comments

24. Additional comments on matters raised in discussion of takes for water bottling use.
- 24.1. Plans do not currently limit what water can be used for and therefore Council staff do not direct what the water resource must be used for.
- 24.2. There is no royalty charged or able to be charged for water that is taken or allocated.
- 24.3. There is a charge for the processing of a water permit (actual and reasonable costs).
- 24.4. There is a charge for recovering a share of the costs of the science associated with monitoring and managing the region's water resources.
- 24.5. There is a charge for monitoring compliance with the resource consent conditions.
- 24.6. There is provision for people to 'subscribe' to weekly email notices about new resource consent applications lodged.

Decision Making Process

25. 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 to be made, the decision making provisions of the Local Government Act 2002 do not apply.

Recommendation

1. That the Maori Committee receives the "Heretaunga Plains Groundwater" report.

Dr Stephen Swabey
MANAGER, SCIENCE

Iain Maxwell
GROUP MANAGER RESOURCE
MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 16 June 2015

Item 13

SUBJECT: JUNE 2015 STATUTORY ADVOCACY UPDATE

Reason for Report

1. This paper reports on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project between 30 November 2014 and 1 June 2015.
2. The Statutory Advocacy project (Project 192) centres on resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission. These include, but are not limited to:
 - 2.1. resource consent applications publicly notified by a territorial authority
 - 2.2. district plan reviews or district plan changes released by a territorial authority
 - 2.3. private plan change requests publicly notified by a territorial authority
 - 2.4. notices of requirements for designations in district plans
 - 2.5. non-statutory strategies, structure plans, registrations, etc prepared by territorial authorities, government ministries or other agencies involved in resource management.
3. In all cases, the Regional Council is **not** the decision-maker, applicant nor proponent. In the Statutory Advocacy project, the Regional Council is purely an agency with an opportunity to make comments or lodge submissions on others' proposals. The Council's position in relation to such proposals is informed by the Council's own Plans, Policies and Strategies, plus its land ownership or asset management interests.
4. The summary plus accompanying map outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in.

Decision Making Process

5. 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 to be made, the decision making provisions of the Local Government Act 2002 do not apply.

Recommendation

1. That the Maori Committee receives the ***June 2015 Statutory Advocacy Update*** report.

Gavin Ide
MANAGER POLICY

Attachment/s

- 1 Statutory Advocacy Update to June 2015
- 2 Statutory Advocacy Map

Statutory Advocacy Update (as at 9 June 2015)

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
23 October 2014	HDC	1	<p>Resource Consent Application</p> <p>Consent is sought to subdivide part of the property at 996 State Highway 2, Whirinaki into 15 residential sites.</p>	<p>Applicant</p> <p>The Evans Family Trust</p> <p>Agent</p> <p>Cardno</p>	<p>HDC decision issued, subject to appeal</p>	<p>9 June 2015</p> <ul style="list-style-type: none"> HDC held a hearing on 15th December 2014 and HDC issued its decision on 19th January 2015. HDC decided to grant consent subject to various conditions and consequently declined HBRC's submission. HBRC lodged an appeal to the Environment Court against the HDC decision on 12th February 2015. All parties are willing to participate in Environment Court assisted mediation. No date has been set for any mediation. HBRC's submission and subsequent appeal opposes the application principally because the application site is in an area that has been determined as inappropriate for development in both the RPS and the 2010 Heretaunga Plains Urban Development Strategy. The precedent of HDC's decision is also a concern. A copy of the submission can be found at HBRC Submissions
18 July 2014	HDC	2	<p>Notice of Requirement</p> <p>A Notice of Requirement for the Whakatu Arterial Link project to provide a road between Havelock North, State Highway 2 North, Pakowhai Road, the Expressway and the Port of Napier.</p>	HDC	Confirmed	<p>9 June 2015</p> <ul style="list-style-type: none"> The Notice of Requirement has been confirmed subject to a number of conditions. <p>20 May 2015</p> <ul style="list-style-type: none"> HDC held a hearing on 2nd -3rd February 2015. HBRC and Regional Transport Committee appeared at the hearing in support of the Notice of Requirement. <p>30 November 2014</p> <ul style="list-style-type: none"> Submissions closed Wednesday 20th August 2014. A submission was lodged supporting the Notice of Requirement and in support of the supporting submission lodged by the Regional Transport Committee. Both submissions can be found at HBRC Submissions Details of the application can be found here Notice of Requirement

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
5 December 2013	NCC	3	<p>Plan Change 10 to the Operative City of Napier District Plan.</p> <p>A community driven Plan Change to harmonise district wide provisions between the Napier District Plan with the Hastings District Plan, incorporate the Ahuriri Subdistrict Plan and update provisions as a result of recent Napier City Council policy changes and decisions into the Napier District Plan.</p>	NCC	<p>Notified</p> <p>NCC decision pending</p>	<p>9 June 2015</p> <ul style="list-style-type: none"> NCC held a hearing on 23rd March 2015. HBRC appeared at the hearing in support of its submission. <p>28 February 2015</p> <ul style="list-style-type: none"> Submissions closed on Friday 14th February 2014. The HBRC submission can be found at HBRC Submissions
8 November 2013	HDC	4	<p>Proposed Hastings District Plan</p> <p>Review of the Hastings District Plan in its entirety. Includes the harmonisation of district wide provisions between the Napier District Plan with the Hastings District Plan where relevant.</p>	HDC	<p>Notified</p> <p>HDC hearings in progress</p>	<p>9 June 2015</p> <ul style="list-style-type: none"> HDC are continuing hearings on a topic by topic basis. HDC's hearings programme scheduled to run through first half of 2015. The HBRC Submission and Further Submission on the HDC Plan Review can be found here HBRC Submissions http://www.hbrc.govt.nz/HBRC-Documents/HBRC-Documents/20140214-Submission-HDC-District-Plan.pdf
1 August 2013	NA	5	<p>Application under Coastal and Marine (Takutai Moana) Act 2011</p> <p>Rongomaiwahine has made an application for a Protected Customary Rights Order and a Customary Marine Title Order in the general Mahia Peninsular area under section 100 of the Marine and Coastal Area (Takutai Moana) Act 2011.</p>	Rongomaiwahine (Pauline Tangiora)	<p>Notified</p> <p>High Court hearing pending</p>	<p>9 June 2015</p> <ul style="list-style-type: none"> Applicant has filed revised details of the subject area and purpose of the application. Evidence for the applicant has also been circulated. Next step as directed by the High Court is for the other parties (including HBRC) to prepare evidence and circulate to parties by July. High Court yet to set hearing date. Council has opposed the grant of the orders unless the nature and geographical extent of the orders is specified with sufficient detail to enable the Council to appropriately understand the effect of the orders sought. Submissions were also made by the Crown and Gisborne District Council, both seeking clearer specificity of the scope and nature of the orders being applied for.



Statutory Advocacy

1. Evans Family Trust - Subdivision
2. Whakatu Arterial Link NOR – HDC
3. Proposed Plan Change 10 – NCC
4. Proposed District Plan – HDC
5. Takutai Moana Act 2011 - Rongomaiwahine

Item 13

Attachment 2

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 16 June 2015

Item 14

SUBJECT: MINOR ITEMS NOT ON THE AGENDA

Reason for Report

This document has been prepared to assist Committee members note the Minor Items Not on the Agenda to be discussed as determined earlier in Agenda Item 7.

ITEM	TOPIC	COUNCILLOR/COMMITTEE MEMBER / STAFF
1.		
2.		
3.		
4.		
5.		