



MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

- Date:** Wednesday 1 March 2017
- Time:** 10.00am
- Venue:** Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER
- Present:** Cr Rex Graham - Chair
Toro Waaka – Co Chair *Ngati Pahauwera Development & Tiaki Trust*
Cr Paul Bailey
Cr Rick Barker – Deputy Co Chair
Cr Peter Beaven
Cr Tom Belford
K Brown – *Ngati Hineru Iwi Inc*
Cr Alan Dick
Matiu Heperi Northcroft – *Ngati Tuwharetoa Hapū*
Cr Debbie Hewitt
Pare Hill – *Tuhoe Te Uru Taumatua*
Tania Hopmans – Deputy Co Chair *-Mangaharuru Tangitū Trust*
Nicky Kirikiri – *Te Toi Kura O Waikaremoana*
Cr Neil Kirton
Roger Maaka – *He Toa Takitini*
Joinella Maihi-Carroll – *Mana Ahuriri Trust*
Mike Mohi – *HBRC*
Peter Paku - *He Toa Takitini*
Allen Smith – *Te Tira Whakaemi o Te Wairoa*
Cr Fenton Wilson
- In Attendance:** J Palmer – Group Manager Strategic Planning
L Lambert – Group Manager External Relations
I Maxwell – Group Manager Resource Management
G Ide – Manager Strategy and Policy
B Harper – Senior Planner
J Buttery – Governance Administration Assistant

1. Welcome/Apologies/Notices

Karakia – Dr Roger Maaka

RPC10/17 Resolution

That apologies for lateness from Councillors Alan Dick and Fenton Wilson, and from Karauna Brown; and advice from Councillor Debbie Hewitt that she will be leaving early to attend a funeral and Councillor Peter Beaven that he will be leaving early to attend a coastal hazards panel discussion be accepted.

**Barker/Bailey
CARRIED**

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Planning Committee Meeting Held on 8 February 2017

RPC11/17 Resolution

Minutes of the Regional Planning Committee meeting held on Wednesday, 8 February 2017, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Waaka/Hill
CARRIED**

4. Call for Items of Business Not on the Agenda

Recommendations

1. The Regional Planning Committee accepts the following “Minor items for discussion only” for discussion as Item 9.

Item	Topic
1.	Waihi Dam - Allen Smith
2.	Gisborne Erosion Control – Tom Belford
3.	Matatini – Rex Graham
4.	Taniwha Dragon Conference – Rex Graham
5.	Mohaka Catchment Plan Change – Matiu Heperi Northcroft

5. Follow-up Items from Previous Regional Planning Committee Meetings

Mr James Palmer advised that the Special Tribunal to hear the Water Conservation Order Application for the Ngaruroro River has been appointed by the Minister for the Environment, but until the tribunal has met for the first time there is no information available regarding timing and the process. There was discussion around possible approaches to the WCO application and how those might be aligned with, or timed around the TANK Plan Change process.

There was discussion about Dr Roger Maaka’s selection as a member of the Special Tribunal to hear the WCO application and the need for him to declare a conflict of interest in relation to any future items on RPC agendas requiring consideration and/or decisions on matters relating to the WCO application and TANK plan change processes.

RPC12/17 **Resolution**

That the Regional Planning Committee receives and notes the report "Follow-up Items from Previous Regional Planning Committee Meetings".

**Belford/Maihi-Carroll
CARRIED**

Karauna Brown arrived at 10.18am.

Councillor Hewitt left the meeting at 10.40am

Councillors Dick and Wilson joined the meeting at 10.40am

6. Indicative Milestones and Approach for Identifying Outstanding Waterbodies in Hawke's Bay

Mrs Belinda Harper presented the background to the National Policy Statement for Freshwater Management provisions for outstanding fresh waterbodies and outlined an the staff's preferred three stage approach for the preparation of a plan change to identify outstanding fresh waterbodies in Hawke's Bay.

Subsequent discussion questioned city and district council consultation during preparation of the Plan Change; whether the NPSFM has made plan development unnecessarily more complicated and costly; timing implications of a Plan Change process not in accordance with staff's preferred approach as outlined; and the absence of consideration for tangata whenua values in Parts 1 and 2 of the preferred approach. Tangata Whenua are more concerned with protecting all water bodies than selecting specific water waterbodies because they are 'outstanding.'

RPC13/17 **Resolutions**

1. That the Regional Planning Committee receives and takes note of the "Indicative milestones and approach for identifying outstanding waterbodies in Hawke's Bay" report.
2. That the Regional Planning Committee requests further advice to assist it with consideration of the direction the Committee will recommend to Council, including a short-list of potential outstanding freshwater bodies in Hawke's Bay and associated cost estimates for the Plan Change process options.

**Graham/Bailey
CARRIED**

7. Plan Change for Regulation of Oil and Gas Exploration Activities

Mr Gavin Ide advised that the legal advice responds to Council's three key questions and provides the opinion that Council does have the authority to produce the requested Plan Change.

Mr James Palmer warned the meeting that the Plan Change could be a tough and costly battle.

It was suggested that the Council should make a stand on this issue and not be intimidated by perceived threats from outside the region.

RPC14/17 **Resolutions**

1. That the Regional Planning Committee receives and considers the "Plan Change for Regulation of Oil and Gas Exploration Activities" report.
2. That the Regional Planning Committee receives and notes the preliminary draft legal advice received from Simpson Grierson and, in particular, notes that this preliminary draft advice indicates that Council is empowered under the Resource Management Act to proceed with a Plan Change provided that it has clear, robust justifications and evidence to do so
3. The Regional Planning Committee recommends that Council:

- 3.1 Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion 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
- 3.2 Agrees in principle to the indicative work programme considered at today's meeting, subject to enhancements to be finalised between Staff and the contractor engaged to prepare a Plan Change
- 3.5 Agrees to the amendment of the Regional Resource Management Plan to incorporate minor technical matters recommended by the van Voorthysen Environmental Limited and the Environmental Management Services Limited reports into the draft plan change.

**Dick/Belford
CARRIED**

8. **Summary of Legal Issues Associated with Placing a Moratorium on the Release in Hawke's Bay of GMOs**

Mr James Palmer gave context around the regulation of GMOs in New Zealand, advising that there has never been an approval by the Environmental Protection Authority for a commercial release of a genetically modified crop, plant or animal, and that the only releases have been for veterinary and human medicines. There is no imminent threat of a GMO being released in New Zealand. Most activities are carried out in laboratories because it is now very heavily regulated and therefore too costly to conduct field trials. also quite a lot of consumer resistance. There are still a lot of questions in the science community of what exactly is a GMO. To proceed with a regional plan change prohibiting release of GMOs in Hawke's Bay at the present time would be an imprudent use of Council's financial and staffing resources.

The Committee was referred to the preliminary draft legal advice attached to the agenda which indicated several legal proceedings in other parts of NZ were unresolved regarding use of regulation of GMOs under RMA.

RPC15/17 **Resolutions**

1. That the Regional Planning Committee receives the "Summary of legal issues associated with placing a moratorium on the release in Hawke's Bay of GMOs" report.
2. That the Regional Planning Committee indicates its intention to explore a precautionary approach to GMO introduction in Hawke's Bay, if the Supreme Court confirms Regional Council authority to take action.

**Dick/Barker
CARRIED**

9. **Items of Business Not on the Agenda**

Minor items (for information only)

Item	Topic	Councillor / Staff
1.	Waihi Dam Mr Smith passed on a big thank you from the iwi and hapū of Wairoa and Waikaremoana for the resolution of the Waihi Dam issue.	Allen Smith
2.	Gisborne Erosion Control Cr Belford noted that Gisborne has just received \$30m for erosion control and wondered if it were possible for HB to receive similar funds. It was advised that HBRC has made representation but been declined.	Tom Belford

3.	Matatini Cr Graham reported the huge success of Te Matatini and how it had proved a stunning event for the region, with in excess of 50,000 tickets sold.	Rex Graham
4.	Taniwha Dragon Conference Cr Graham reported the huge success of the Conference and how it had proved a stunning event for the region.	Rex Graham
5.	Mohaka Catchment Mr Northcroft raised concerns about the postponement of the proposed meeting regarding the Mohaka Plan Change. Mr Palmer explained that meeting was postponed because staff were underprepared and this is just a small pause.	Matiu Heperi Northcroft

Co-Chairman Toro Waaka announced that Allen Smith has resigned from the Committee, speaking of his disappointment at this news, he thanked Mr Smith for his huge contribution that came from his love for the region.

Dr Roger Maaka closed the meeting with a Karakia.

Closure:

There being no further business the Chairman declared the meeting closed at 12.10pm on 1 March 2017.

Signed as a true and correct record.

DATE:

CHAIRMAN: