



## Meeting of the Regional Planning Committee

**Date:** Wednesday 7 February 2018  
**Time:** 1.00pm  
**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 1 November 2017	
4.	Follow-ups from Previous Regional Planning Committee Meetings	3
5.	Call for Items of Business Not on the Agenda	7
<b>Decision Items</b>		
6.	Reconsideration of Policy Options for Addressing Urgent Tukituki (Plan Change 6) Implementation Matters	9
<b>Information or Performance Monitoring</b>		
7.	Verbal 2018-28 Long Term Plan Process Update	
8.	Update on Oil & Gas Plan Change Work Programme	17
9.	Update - Outstanding Water Bodies Plan Change	19
10.	February 2018 Resource Management Planning Project Update	21
11.	February 2018 Statutory Advocacy Update	25
12.	Discussion of Items of Business Not on the Agenda	33
<b>Public Excluded Items</b>		
13.	Verbal Update on Ngaruroro & Clive Rivers Water Conservation Order Hearings	35

## Parking

There will be named parking spaces for Tangata Whenua Members in the HBRC car park – entry off Vautier Street.

### Regional Planning Committee Members

Name	Represents
Karauna Brown	Ngati Hineuru Iwi Inc
Tania Hopmans	Maungaharuru-Tangitu Trust
Nicky Kirikiri	Te Toi Kura o Waikaremoana
	He Toa Takitini
Joinella Maihi-Carroll	Mana Ahuriri Trust
Apiata Tapine	Tātau Tātau O Te Wairoa
Matiu Heperi Northcroft	Ngati Tuwharetoa Hapu Forum
Peter Paku	He Toa Takitini
Toro Waaka	Ngati Pahauwera Development and Tiaki Trusts
Paul Bailey	Hawkes Bay Regional Council
Rick Barker	Hawkes Bay Regional Council
Peter Beaven	Hawkes Bay Regional Council
Tom Belford	Hawkes Bay Regional Council
Alan Dick	Hawkes Bay Regional Council
Rex Graham	Hawkes Bay Regional Council
Debbie Hewitt	Hawkes Bay Regional Council
Neil Kirton	Hawkes Bay Regional Council
Fenton Wilson	Hawkes Bay Regional Council

Total number of members = 18

### Quorum and Voting Entitlements Under the Current Terms of Reference

#### **Quorum (clause (i))**

The Quorum for the Regional Planning Committee is 75% of the members of the Committee

At the present time, the quorum is 14 members.

#### **Voting Entitlement (clause (j))**

Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the Committee members in attendance will be required. Where voting is required all members of the Committee have full speaking rights and voting entitlements.

Number of Committee members present	Number required for 80% support
18	14
17	14
16	13
15	12
14	11

# **HAWKE'S BAY REGIONAL COUNCIL**

## **REGIONAL PLANNING COMMITTEE**

**Wednesday 07 February 2018**

### **Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL PLANNING COMMITTEE MEETINGS**

**Item 4**

#### **Reason for Report**

1. On the list **attached** are items raised at Regional Planning Committee meetings that staff have followed up. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been reported to the Committee they will be removed from the list.

#### **Decision Making Process**

2. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### **Recommendation**

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

#### **Authored by:**

**Annelie Roets**  
**GOVERNANCE ADMINISTRATION**  
**ASSISTANT**

#### **Approved by:**

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

#### **Attachment/s**

- [!\[\]\(a16a19bbc0e991a431a3f945e52ea4ee\_img.jpg\) 1](#) Follow-ups from 1 November 2017 Regional Planning Committee meeting



## Follow-ups from Previous Regional Planning Committee Meetings

## Meeting held 1 November 2017

	Agenda Item	Action	Responsible	Status Comment
1	Item 4 Follow-ups	Paratyphoid in the Inner Harbour. Ask if NCC requires assistance with policing and enforcement of vessels in the Inner Harbour.	Liz Lambert /Iain Maxwell	Source of bacteria identified as human faeces, source of discharge not identifiable. HBRC working with DHB & NCC, and HBRC Compliance leading discussions with NCC and the Sailing Club re berthed vessels and discharges.
2	Item 7 TANK Iwi Engagement Plan	update on TANK Iwi Engagement and Maori issues	Tom Skerman	Mana Ahuriri representatives invited to give presentation to RPC at meeting on 6 December 2017.

Item 4

Attachment 1



# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 07 February 2018

### Subject: CALL FOR ITEMS OF BUSINESS NOT ON THE AGENDA

Item 5

#### Reason for Report

1. Standing order 9.12 states:

*"A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:*

*(a) the reason the item is not on the agenda; and*

*(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.*

*Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.*

*Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision making."*

2. In addition, standing order 9.13 allows "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

#### Recommendations

1. That the Regional Planning Committee accepts the following "Items of Business Not on the Agenda" for discussion as Item 12:

- 1.1. **Urgent** items of Business (*supported by tabled CE or Chairpersons' report*)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

- 1.2. **Minor** items for discussion **only**

Item	Topic	Councillor / Staff
1.		
2.		
3.		

Leeanne Hooper  
GOVERNANCE MANAGER

Liz Lambert  
GROUP MANAGER  
EXTERNAL RELATIONS





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 07 February 2018

Item 6

### **Subject: RECONSIDERATION OF POLICY OPTIONS FOR ADDRESSING URGENT TUKITUKI (PLAN CHANGE 6) IMPLEMENTATION MATTERS**

#### **Reason for Report**

1. This report re-presents the "Policy Options for Addressing Urgent Tukituki (Plan Change 6) Implementation Matters for the Committee's reconsideration as resolved by Council on 29 November 2017; being that Council:
  - 1.1. Requests that the Regional Planning Committee reconsider the "Policy Options for Addressing Urgent Tukituki (Plan Change 6) Implementation Matters" staff report presented to the 1 November 2017 meeting.
2. Before Christmas, Councillors had asked staff to re-present this report to the Committee meeting scheduled for 6 December 2017. At that time, the report's content was virtually a replica of that which was considered by the Committee at its meeting on 1 November 2017.
3. For reasons that will be outlined shortly, this paper now includes a discussion of a number of factors Committee members may wish to take into account when considering the wording the recommendations crafted on 1 November 2017.

#### **Updates since paper was first tabled on 1 November 2017**

4. Staff recommend that committee members take the following matters into account as a part of their deliberations on the re-submission of the original paper:

##### Time:

- 4.1. The original paper highlighted the inherent risks associated in using a plan change as the vehicle to achieve a deferral of the minimum flow regime in plan change 6. It was noted that timeframes for achieving a plan change were tight, even utilising the untested streamlined planning pathway (SPP).
- 4.2. With three further months having passed since the paper was first presented, staff have strong reservations that the plan change option remains a realistic method of achieving the outcomes originally sought in time for the 2018/19 summer. This is due to a number of factors including availability of staff resources as well as the material uncertainty of whether the Minister for the Environment will allow the SPP to be used in this instance.

##### Community Engagement:

- 4.3. Early in the New Year staff, met with a representative of the Central Hawke's Bay Surface Water Group – a committee representing consent holders for surface water takes in the Tukituki catchment. Consistent with previous representations to the committee by CHB community groups, this group is resolved to find the necessary solutions to what it sees as being the precarious issues its members face. In doing so the group firmly believe that the best and most enduring solutions will be those that solve for the collective and not for the individual.
- 4.4. As it stands, PC6 contains a number of mechanisms that were intended to mitigate the impacts of the higher minimum flow regime on water users. These include the provisions for community irrigation schemes, Tranche 2 water, the high-flow allocation regime for on-farm storage, graduated ban impacts depending of a water user's degree of connection to the waterbody, emergency 'crop survival' provisions, and policy that allows for the collective and co-ordinated management

of existing water allocations (similar to the Twyford Global consents scheme). The group believes that with sufficient time and resources they will be able to generate a consent holder advisory plan that identifies the preferred pathway for managing water allocation across surface water users within the PC6 framework. It is likely that this approach will identify a matrix of short, medium and long term solutions that requires the co-operation of water users that are unaffected by the minimum flow regime, or who have already secured provisional rights to (but not yet taken) previously unallocated water such as Tranche 2 and high-flow water.

- 4.5. Staff are considering a request from the group to support an urgent assessment and analysis of solutions by an independent expert consultant which has been shortlisted by the group's representative committee. It is likely that staff will recommend to the Chief Executive that this request be supported subject to certain conditions (including non-negotiable commitments for affected water users having farm plans in place in May 2018)
- 4.6. If the analysis is completed within projected timeframes and viable solutions can be both identified and successfully negotiated and resolved as between the holders of various water right allocations, HBRC consents and compliance staff, and other stakeholders as required, then it is possible that interim measures can be effected in time to offset the impacts of the minimum flows. However, it would be misleading to suggest that this approach will definitely resolve the issues for the groups members. It may be that viable solutions are either not identified for all or a sub-set of the affected water users.

#### **Stakeholder Discussions**

- 4.7. It was noted in the earlier paper that HBRC is committed to facilitating stakeholder discussions between water users, community groups, Tangata Whenua, NGO's, DoC and other relevant submitters to either the PC6 or surface take consent renewal process. While it has not been possible to commence these discussions over the Christmas period they are scheduled to commence in late February or early March. It is hoped that these community discussions will play a role in informing council's approach to the enforcement of consent conditions during potential ban periods in the 2018/19 summer.
5. That concludes the staff update section of this report – what follows is the original paper as prepared at the request of Councillors.

#### **Process for Reconsideration**

6. Following is the content copied directly from the 1 November 2017 item for the Committee to re-consider.
7. The "Recommendations" included are those moved and seconded at the 1 November 2017 meeting.

#### **Reason for Policy Options for Addressing Urgent Tukituki (Plan Change 6) Implementation Matters Report**

8. This report is prepared in response to a request from the Committee arising from its meeting on 2 August 2017:

*"Requests that staff take feedback from the meeting in order to report back to the Regional Planning Committee as soon as practicable on options (including scope, timing and resources) for progressing a narrow plan change to address urgent implementation matters in Tukituki Plan Change 6."* [emphasis added]

9. Committee members will recall (or at least can refer back to) the staff report presented to the 2 August meeting, so that is not repeated here. At the Committee's meeting on 4 October, a delegation from the Central Hawke's Bay community presented a case for deferral of new increased minimum flows coming into effect from June 2018. Consequently, this report focusses on:

- 9.1. Part 1 – deferral of new minimum flows

## 9.2. Part 2 – potentially urgent implementation challenges and plan change options.

**PART 1: deferral of new minimum flows**

10. The community delegates that presented to the Committee on 4 October made their case for deferral of new minimum flows based on a wide range of considerations. Those considerations included economic impact on farm businesses and the broader community impact beyond just the water users themselves. Factors for consideration also included:
  - 10.1. the reliance many water users had placed on the Ruataniwha Water Storage Scheme to mitigate the impact of the new flows rules
  - 10.2. the short period of adjustment available following the Supreme Court's RWSS land swap decision in July 2017, and
  - 10.3. the need for a period of time (notionally 5 years) to identify and execute long-term solutions (including land use change) to the challenges brought about by PC6.
11. PC6's policies, amongst many things, set new minimum flow regime and allocation limits (Policies TT7 & TT8). Under the policy, minimum flows increase while groundwater and surface water allocation limits are set based on the existing volume of consented allocation. Transition periods are also specified to implement the increased minimum flows. As identified, PC6 introduced new minimum flow conditions at a number of locations in the catchment:
  - 11.1. For the tributaries these take effect in 2018.
  - 11.2. For the Tukituki mainstem at the Red Bridge monitoring site the minimum flows are to be raised in two stages. They increase from the current 3,500 L/s to 4,300 L/s in 2018 and to 5,200 L/s in 2023.
  - 11.3. The stage one increase at the Red Bridge site affects all takes that are subject to minimum flow conditions. (There can be more than one minimum flow gauging point applying to a take in which case the consent holder must stop taking water when the first minimum flow point is reached).
  - 11.4. The stage two increase affects all takes upstream of Red Bridge including the tributaries. Takes downstream of the Red Bridge minimum flow site are only required to step up once, to the 4,300 L/s minimum flow.
12. Table 1 compares the predicted frequency of a year with a period of 10 or more consecutive days of restriction during January and February before and after new minimum flow regime comes into effect in July 2018. The greatest impact is predicted at the Tukituki River at Red Bridge site, with the 4300 l/s representing the 2018 minimum flow and the 5200 l/s to apply in 2023.

**Table 1**

Site	Current Minimum Flow (l/s)	Frequency of a year with a period during Jan-Feb of 10 or more consecutive days restriction	Proposed Minimum Flow (l/s)	Frequency of a year with a period during Jan-Feb of 10 or more consecutive days restriction
Waipawa River at RDS/SH2	2300	1 in 4.3 years	2500	1 in 3.3 years
Tukituki River at Tapairu Rd	1900	1 in 3 years	2300	1 in 2 years
Tukituki River at Red Bridge	3500	1 in 13 years	4300	1 in 6.5 years
	3500	1 in 13 years	5200	1 in 3 years

13. When resource consents<sup>1</sup> were replaced in 2013 the new minimum flow conditions were included to phase in as per the [then] proposed plan. As it stands those consent conditions will come into force and be subject to compliance from 1 July 2018. The consents were granted for seven years and are set to expire in 2020.
14. Bluntly, what this means is that even if PC6's new minimum flows were amended and deferred for some period of time, consents with the same minimum flow conditions would also need altering. Amending the RRMP's new minimum flow limits by a plan change would not automatically remove the need for consent holders to comply with consent conditions. A separate process is required for altering those consent conditions.
15. It is plausible for a plan change to be drafted that would alter one or more of the date(s) from which PC6's new minimum flows apply. Another plausible scenario is a plan change proposing cancellation (i.e. deletion) of the stage 1 increase at the Red Bridge site at 1 July 2018 but retain the stage 2 increase on 1 July 2023. In the event that the Committee were to agree to proceed with further work on this type of plan change proposal, then a fuller examination of wording options and respective benefits and costs would be necessary prior to public notification of the proposed plan change.
16. Based on a very focussed scope of a possible plan change as outlined above, timing resourcing implications have been broadly estimated. In making those estimations, senior planning staff considered two plan change pathways:
  - 16.1. the standard council-initiated plan change (CPC) and
  - 16.2. the newly introduced streamlined planning pathway (SPP).
17. Estimates of staff time and external expenditure resourcing needs for a standard CPC pathway are at least \$120,000 - \$200,000 (not including any Environment Court-related appeal costs).<sup>2</sup> In terms of timing, public notification could occur as early as March 2018, and if appropriately resourced, a hearing could be held by December 2018. Decisions and any appeals would run into 2019 and beyond. This is all subject to the necessary resourcing being in place.
18. In terms of the SPP, the author of this report has had preliminary discussions with MfE officials regarding logistics and realities of the SPP in this situation. Key points to note are:
  - 18.1. the SPP would be an appropriate vehicle for this type of plan change
  - 18.2. the 'entry criteria' for a SPP application to the Minister would be readily satisfied
  - 18.3. pre-application liaison with MfE officials and the Minister's office is crucial to testing and designing a streamlined plan change process that meets the Minister's approval
  - 18.4. the pre-application liaison phase could alone span 3-5 months given current and ongoing uncertainty for Ministry officials and the incoming Government's appetite for SPP until fuller briefings of the yet-to-be-named new Minister for the Environment
  - 18.5. the SPP does not involve an opportunity for submitters to appeal the outcome of the plan change to the Environment Court, and so 'saves' a potentially lengthy 'tail-end' to a proposed plan change process.
19. Accordingly, staff would recommend utilising the SPP approach for this plan change only on matters that staff can secure in-principle support from those PC6/ consent

<sup>1</sup> There are currently 76 consents with minimum flow conditions and these include the transition to the higher PC6 minimum flows in 2018. Of these 48 are surface takes and 28 are groundwater takes in the upper Tukituki with stream depletion effects. Of the 28, eight are classified as direct and twenty are classified as high. Direct stream depletion effect takes must cease taking entirely at the minimum flow. High stream depletion effect takes must reduce to half their daily allocation at the minimum flow.

<sup>2</sup> Estimates of Environment Court appeal proceedings have not been attempted - not because an appeal is considered unlikely, but rather there are so many variables which could influence costs of responding to one or more appeals.

submitters referred to above. If support is not apparent, then the standard CPC process could still be pursued if that is the Committee's preference.

20. Assuming a relatively uncontested process, resourcing and timing for a SPP to defer timing of PC6's new minimum flows have been roughly estimated<sup>3</sup> to be around \$100,000 to \$150,000. There are no Environment Court appeal-related costs with a SPP process. In terms of timing, a formal application to the Minister could be made in early 2018, with the remainder of the SPP phases (consultation with specified parties, submissions, decision on submissions and Ministerial approval) likely to extend through the remainder of 2018.
21. Remember, notwithstanding any plan change that the Committee may agree to prepare and notify to alter timing of new minimum flows:
  - 21.1. the timing and actual outcome of a plan change cannot be guaranteed because it is subject to a quasi-judicial process of evidence-based decision-making, and
  - 21.2. existing consent conditions would also need to be modified.

## **PART 2: PC6 Implementation Challenges and Policy Options**

22. Following the Committee's request in August for staff to provide further advice on a "narrow" plan change for "urgent" implementation matters, key staff involved in implementing PC6 have focussed on matters relating to:
  - 22.1. Urgent process alignment
  - 22.2. Urgent process improvement
  - 22.3. Urgent minor/technical fixes.
23. This focus was framed by a number of key questions, including:
  - 23.1. Is the amendment a 'must have' or a 'nice-to-have' for implementation success?
  - 23.2. Is the amendment required to be in place in the next 1-2 years or something else?
  - 23.3. Is the amendment a substantive alteration in PC6 policy approach, or is it more akin to a fix/tidy-up/process alignment or similar?
24. The staff assessment also considered what degree of community interest (i.e. support or opposition) might exist for the amendment and how that might influence swift passage through a plan change process. The assessment revealed one stand-out candidate for a remedial plan change. That was in relation to how practical implementation of PC6 needs to accommodate version updates to a third-party provider modelling tool called OVERSEER. However, this challenge is not unique to PC6. It is faced in other regions, and it is virtually inevitable that the challenge will also need to be addressed for managing land and water within limits in the region's other catchments.
25. Taking any of the candidates for technical and process amendments in isolation, costs of a plan change to remedy obsolete dates or improve processes would far outweigh any meaningful benefits for practical implementation. However, planning staff consider that if several process improvements, process alignments and technical fixes were bundled into an 'omnibus' plan change, or several discrete plan changes in parallel, then the collective benefits would more likely outweigh the Council's costs of preparing and notifying any proposed amendments. For example, if a fix dealing with OVERSEER versions was supported, then a few other technical fixes and improvements could also be bundled with the OVERSEER amendment. The assessment rated the following as the top two 'add-on' amendments in the event of an 'omnibus type plan change being proposed:

<sup>3</sup> There are no previous experiences with the SPP anywhere in New Zealand from which approximate costs and timeframes could be assumed. The SPP option only came into effect in mid 2017.

- 25.1. Adding a requirement that when requested by HBRC, a landholder must provide the council with a copy of the landholder's farm environmental management plan (FEMP)
- 25.2. Amendment to fill a gap in the stream depletion management regime set in Policy TT1 and Table 5.9.7.
26. Importantly however, as noted in the 'Financial and Resourcing Implications' section below, there is no financial budget or staff time allocation in place for any type of PC6 'fix' plan change – no matter how big, small, urgent or otherwise.
27. The prudent course of action would be to first establish the relative priority of an omnibus-type plan change to address relevant PC6 implementation issues<sup>4</sup>, then Council decide upon the appropriate resourcing if a plan change was indeed a priority in the Council's overall resource management plan programme. Another option is to 'park' potential PC6 fixes and tidy-ups and incorporate into the upcoming wider review of the RRMP (which, in the current 2015-25 LTP is scheduled to commence in the 2020-21 period). A number of other potential RRMP 'fixes' have been parked already in anticipation of that upcoming review.<sup>5</sup>
28. In the event that the Committee were supportive of further work being done on a plan change deferring dates for PC6's new minimum flows, then our recommendation is that that proposition remains the plan change's sole focus. That would mean avoiding (as tempting as it might be to some) 'hitching' additional fixes and tidy-ups onto the same plan change. We consider doing so would pose large risks to the timely conclusion of amending minimum flow dates because:
  - 28.1. Pre-notification scoping, drafting, s32 evaluation and mandatory consultation requirements lead to delayed notification of a proposed plan change, and
  - 28.2. the quantity and complexity of submissions lodged would stretch the phase between notification and council issuing decisions on those submissions (i.e. the steps of summarising submissions and inviting further submissions, staff evaluating submissions and reporting their recommendations to a hearings panel, a panel hearing submissions and forming recommendations etc), and
  - 28.3. the greater probability of some or all of the plan change being subject to one or more appeals to the Environment Court.

### **What would be the effect of any proposed Plan Change?**

29. A plan change is an inherently lengthy process, but timeframes can be condensed by careful management of scope, design and drafting to fashion minimal opposition to the proposal. More recently, there is now the potential to apply for Ministerial permission to follow the RMA's new 'streamlined' planning pathway for plan changes. However, a great deal of uncertainty exists regarding a cost-effective ability to conclude any of the potential plan changes discussed in this report within a timeframe that provides practical solutions or relief to affected parties. Consultation with, and support of, key submitters on PC6 and the parties that submitted on the latest consent reviews for Tukituki surface water/depleting groundwater takes will be decisive. These and other external factors present uncertainty and risk of the process and final outcome. Accordingly, should the Committee recommend that Council prepares such a plan change it should be careful to remind stakeholders that both the scope and timing of the outcome cannot be guaranteed.
30. Upon public notification of a plan change, the proposal is something that the consent authority (i.e. HBRC) can consider in its decisions. However, the context of those decisions can have their own additional limitations to this rule of thumb.

<sup>4</sup> Not all challenges with implementing PC6 are capable of being resolved by a change to the regional plan.

<sup>5</sup> For example, updating the classification of appropriate, inappropriate and 'reserve' residential greenfield growth areas following adoption of the 2017 Heretaunga Plains Urban Development Strategy. Chapter 3.1B of the RRMP currently retains the classifications as described in the original 2010 HPUDS.

31. It is important to note that until such time as the proposed plan change becomes operative there is little scope for Council to ignore, suspend or otherwise act contrary to the scope and timing of the low-flow regime introduced by PC6. While in reality these do not 'bite' until the 2018/19 irrigation season, this timeframe still represents a challenge for even the streamlined planning process. Should Committee members agree to proceed with a plan change deferring dates of the new minimum flows, they should also be aware that:
- 31.1. Under s128 of the RMA, HBRC can only initiate a review of consent conditions (which in this case would be the fact that the new flow regime sits both as a rule under PC6 and also as a condition of most surface and connected groundwater takes) when a plan becomes operative. Notification of a proposed plan change is an insufficient milestone for s128 reviews.
  - 31.2. Consent holders can under s127 of the RMA apply for a review of consent conditions, but it is not certain that the if the notification of a new policy direction via a plan change would be enough of a counterbalance to justify a change to consent conditions until and unless the plan change was all but operative. This would be have to be managed on a case by case basis at the time.
  - 31.3. Council's approach to the enforcement of irrigation bans that result from the new flow regime remain subject to a matrix of considerations including the legislation, MfE guidelines, Regional Council best practice and HBRC's enforcement policy. Accordingly, while there is always a common-sense approach to enforcement of consent conditions it is impossible at this juncture to provide any sense of certainty or comfort to affected parties (ahead of a plan change becoming operative) without knowing the timing and circumstances any alleged breach. For example, if the plan change was well advanced by the summer of 2018/19, Council could well exercise a discretion not to enforce irrigations bans in anticipation of the proposed changes becoming operative.

### Considerations for Tangata Whenua

32. PC6 and the proposed RWSS has effects on Tangata Whenua values and interests that were addressed during the Board of Inquiry hearing and decision-making process (i.e. 2014-2015). Social and economic benefits were expected from involvement in construction of the scheme and possible equity investment. If a plan change was to be prepared, then tāngata whenua interests would need to be considered further, as well as consultation with tāngata whenua through the relevant iwi authorities.

### Financial and Resource Implications

33. Financial and resource implications of proceeding with a plan change are not insignificant.
34. In the current 2017/18 Annual Plan and 2015-25 Long Term Plan, there are no budgets in place for staff time allocations nor external expenditure to provide resource to a plan change of any kind to address PC6 implementation challenges – urgent or otherwise. This could potentially be resolved through decisions and choices to be made during the 2018-28 Long Term Plan process currently under way.
35. The significance of the decision will ultimately be influenced by what the decision actually is. Because the staff's recommendation is for the Committee to consider matters raised in this report, then provide direction to staff according to the Committee's preference, the precise form and character of the decision cannot be assessed at the time of writing this report.
36. During its discussion and deliberations on matters presented in this report, the Committee should carefully consider whether or not any of its potential decision(s) are indeed verging on significant. If a decision were to be significant, then there are additional procedural requirements regarding decision-making under the Local Government Act, notwithstanding that a plan change is also bound to follow legislative requirements by the RMA.

**Decision Making Process**

37. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). As noted in paragraphs 33-36 of this report, staff have not fully assessed the requirements in relation to this item. The Committee itself needs to carefully consider LGA's decision-making requirements.

**Recommendations**

1. That the Regional Planning Committee receives and notes the "Policy Options for Addressing Urgent Tukituki (Plan Change 6) Implementation Matters" staff report.
2. The Regional Planning Committee recommends that Council:
  - 2.1. Considers the Local Government Act decision-making requirements in relation to what approach(es) may be preferred.
  - 2.2. Directs staff to undertake further discussions with Ministry for the Environment officials, relevant iwi authorities and key stakeholders (namely HB Fish and Game Council, NZ Royal Forest and Bird Society and the Department of Conservation) regarding:
    - 2.2.1. The potential of an application from the Council to use a streamlined plan change pathway for a plan change proposing to defer dates from which Tukituki Plan Change 6 increased minimum flows take effect; and
    - 2.2.2. The potential of a standard council-initiated plan change in relation to a short list of other potential amendments to ease challenges with implementing elements of Tukituki Plan Change 6 subject to relevant resourcing being provided through the 2018-28 Long Term Plan.
  - 2.3. In relation to 2.2.1 above, requests staff report back to the Regional Planning Committee meeting on 7 February 2018 outlining preliminary responses from the parties.
  - 2.4. Directs staff to report back to the Regional Planning Committee on the range of options currently available to consent holders under the provisions of Tukituki Plan Change 6.
  - 2.5. The irrigators affected be invited to submit to Council, either individually or collectively, what plans they have for the use of the time afforded by the extension and what achievements they would expect to achieve by such a delay as requested.

**Authored by:**

**Gavin Ide**  
**MANAGER, STRATEGY AND POLICY**

**Approved by:**

**Tom Skerman**  
**GROUP MANAGER**  
**STRATEGIC DEVELOPMENT**

**James Palmer**  
**CHIEF EXECUTIVE**

**Attachment/s**

There are no attachments for this report.



# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 07 February 2018

### Subject: UPDATE ON OIL & GAS PLAN CHANGE WORK PROGRAMME

Item 8

#### Reason for Report

1. This report provides an update to Committee members of the stakeholder and iwi engagement phase of preparing a proposed oil and gas plan change. This is an interim update of the consultation progress, and outlines themes of the feedback to date. This update is not a comprehensive account of all viewpoints of iwi and stakeholders as the engagement phase is still in progress.
2. The iwi and stakeholder engagement plan was presented, reviewed and agreed at the RPC meeting on the 6 September as an appropriate way in which Opus and Council officers would consult with the community. Update reports to the RPC on stakeholder engagement were part of the engagement plan.

#### Stakeholder Engagement

3. Since the project's engagement plan was agreed in September, planning staff have contacted those stakeholder groups identified in the plan. To date acceptance to the offer of a meeting/presentation has been reasonably limited.
4. The table below provides a summary of the meetings that have been held, and a summary of the feedback (verbal) which has been received.

Who	Sub-groups	When (2017)	Feedback to date
TLA senior planning staff	Central HBDC Hastings DC	3 Nov	<ul style="list-style-type: none"><li>• Taking a 'wait and see' approach and will respond to any proposals as required.</li><li>• Appreciated content of the pre-circulated 'information pack.'</li><li>• Did not see regional plan change proposal as conflicting with district plan controls/functions.</li></ul>
Marine and Coastal Group Meeting (Chaired by HBRC)	Recreation & commercial fishers NKII, Tamatea Taiwhenua, Te Ohu Kaimoana, FINZ, LegaSea MPI	3 Nov	<ul style="list-style-type: none"><li>• Concerns were mostly focused on the impacts of seismic surveying in marine area.</li><li>• Did not seem too concerned about sharing space in the coastal marine area.</li><li>• No opinion for or against the plan change proposal</li><li>• Concerns about the potential impacts arising from oil and gas activities on fish stocks.</li></ul>
HB Horticultural Sector meeting (Convened by HBRC)		13 Nov	<ul style="list-style-type: none"><li>• Not a strong position against the oil and gas industry but a general appreciation of protecting important water resources. Seemed comfortable with regulating aquifer areas with a prohibition.</li></ul>
Petroleum Exploration and Production NZ (PEPANZ)		15 Nov	<ul style="list-style-type: none"><li>• PEPANZ is mostly opposed to the use of prohibited activity status for aquifers and especially aquifer recharge areas. Feel this is an arbitrary approach and would like to see some robust evidence that prohibited activity status is necessary for oil &amp; gas activities relative to other activities having same/similar effects around aquifers.</li><li>• Open to some no-go areas such as culturally and ecologically sensitive areas.</li><li>• Want rules to focus on the effects, or potential effects, of activities – not target particular activities and not others with same/similar effects.</li></ul>
HB District Health Board / Medical Officer of Health		5 Dec	<ul style="list-style-type: none"><li>• Would like to be notified of any consent applications where there are any impacts on community drinking water sources</li><li>• Noted no objection to a proposed plan change</li><li>• Concerns regarding transmission and transportation of oil, gas and waste.</li></ul>

5. Arrangements are currently being made (at the time of writing this report) to meet with Central Hawkes Bay District councillors. This is likely to occur in early February 2018 and has been initiated at the request of CHBDC's chief executive.
6. It should be noted that some stakeholder groups have declined to meet and equally do not wish to make any comment at this stage in the process. In those cases, the person/group contacted explained they either wish to remain neutral at this stage or they do not have the mandate to provide an opinion on the proposal.

#### **Engagement with iwi authorities**

7. It was suggested at the RPC meeting on the 6 September that it would be logical to arrange hui which sought to bring together a number of the iwi authorities, rather than trying to meet with each iwi authority individually about this plan change project. RPC tangata whenua representatives were asked to advise staff about how this might be accomplished. Advice has been received from the tangata whenua representative's Co-Chair in January 2018 as to how best to arrange the hui-a-iwi. As a consequence of the Co-Chair's advice, staff are in the process of arranging three hui, with dates and venues yet to be confirmed.
8. It should be noted that when opportunities arise staff are informing iwi authorities of the proposed plan change. For example, a meeting was held on the 14 November with Ngai Tahu representative and the oil and gas plan change was one item for discussion on the agenda (at which councillors Barker and Wilson were in attendance).

#### **Other matters**

9. Committee members will recall a project webpage has been established on the Council's website. There is now an opportunity for the public to make comment on the plan change via the HBRC website. The feedback form allows for informal comments to be made in respect to the oil and gas plan change proposals. This is not intended to be a formal submission or lead to any hearing presentations, but rather offer another way for comments to be made during the early stages of plan change preparation.

#### **Decision Making Process**

10. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### **Recommendation**

That the Regional Planning Committee receives and notes the "Update on Oil & Gas Plan Change Work Programme" staff report.

#### **Authored by:**

**Ceri Edmonds**  
**PLANNER**

**Gavin Ide**  
**MANAGER, STRATEGY AND POLICY**

#### **Approved by:**

**Tom Skerman**  
**GROUP MANAGER**  
**STRATEGIC DEVELOPMENT**

#### **Attachment/s**

There are no attachments for this report.

## HAWKE'S BAY REGIONAL COUNCIL

### REGIONAL PLANNING COMMITTEE

Wednesday 07 February 2018

#### Subject: UPDATE - OUTSTANDING WATER BODIES PLAN CHANGE

Item 9

#### Reason for Report

1. To provide an update on the progress of the outstanding waterbody plan change workstream which the Regional Planning Committee (RPC) previously agreed to progress in June 2017.

#### Background

2. Since June, planning staff have been focussing on Parts 1 and 2 of the agreed project approach (see paragraph 7 below). In particular, the focus has been on those publications which discuss the cultural and spiritual values associated with various waterbodies across the region and ensuring they are accurately recorded.
3. The first part of this work is now complete, and the findings have been provided to each of the Treaty settlement entities in Hawke's Bay inviting their feedback. This includes those entities represented on the RPC, plus Ngāi Tūhoe, Ngāti Kahungunu Iwi Incorporated, Ngāti Manawa, Ngāi Tāmanuhiri, Ngāti Kahungunu ki Wairarapa and Rongowhakaata.
4. That information has been deliberately left in draft form so any comments and amendments from the Treaty settlement entities can be incorporated before the cultural values literature review is finalised.

#### Key dates

5. The following key dates apply in the short to medium term.
  - 5.1. **Dec 2017/Jan 2018:** complete high level review of region's waterbodies for ecological, recreational and landscape values.
  - 5.2. **mid Feb 2018:** all comments and amendments to draft cultural values literature review must be received from Treaty settlement entities.
  - 5.3. **March 2018:** report findings of high level review back to RPC members and consider short list of 'candidate outstanding waterbodies.'
  - 5.4. **April 2018:** Commence secondary analysis on 'candidate outstanding waterbodies'.

#### Recap

6. In June 2017, the Regional Planning Committee endorsed an approach co-designed with the RPC tangata whenua representatives, to identify outstanding waterbodies (OWB) across the region, considering all values at the same time.
7. The project approach can be broadly split up into the following 5 parts.
  - Part 1:** Comprise an initial list of named waterbodies from Draft Change 5 and those waterbodies of significance to Tāngata whenua as listed in deeds of settlement, statutory acknowledgements, treaty settlements, customary usage reports, Waitangi tribunal reports, supplied affidavits and several court cases.
  - Part 2:** Carry out a high level review of all waterbodies on the 'initial list', presenting the findings in a table format featuring the following value headings for each waterbody: importance to Tāngata whenua, water quality, recreation, ecology, natural features, landscape and scientific.
  - Part 3:** Report findings of high level review back to RPC. Confirm short list of 'candidate outstanding waterbodies' followed by a secondary analysis and consultation with iwi authorities and district councils.

- Part 4:** Report findings back to RPC of the secondary analysis on short listed waterbodies, plus comments from consultation. RPC to confirm waterbodies which are outstanding in Hawke's Bay for the purposes of the NPSFM.
- Part 5:** Draft a plan change accordingly, carry out consultation, and present a draft outstanding waterbody plan change to RPC for adoption and notification.

### **Implications of this update report for Tāngata whenua**

8. Tāngata whenua have a special cultural, spiritual, historical and traditional associations with freshwater. The relationship between Tāngata whenua and freshwater is founded in whakapapa, which is the foundation for an inalienable relationship between Māori and freshwater that is recorded, celebrated and perpetuated across generations. Freshwater is recognised by Māori as a taonga of paramount importance.
9. All waterbodies are important for spiritual, physical and customary reasons, and the RPC's agreed project approach is intended to ensure tāngata whenua values are addressed as part of a robust process to identify OWB in Hawke's Bay.
10. It is important to note that the OWB plan change does not act to lessen the importance of waterbodies that are not labelled 'outstanding' or 'significant' or change the way in which these waterbodies are managed. The NPSFM and council's overall work programme will continue to recognise that water is a taonga of paramount importance to Maori, and tāngata whenua's special cultural, spiritual, historical and traditional associations with all waterbodies.

### **Decision Making Process**

11. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

### **Recommendation**

That the Regional Planning Committee receives and notes the "Update on Identification of Outstanding Freshwater Bodies Work Programme" staff report.

#### **Authored by:**

**Belinda Harper**  
**SENIOR PLANNER**

**Gavin Ide**  
**MANAGER, STRATEGY AND POLICY**

#### **Approved by:**

**Tom Skerman**  
**GROUP MANAGER**  
**STRATEGIC DEVELOPMENT**

### **Attachment/s**

There are no attachments for this report.

## HAWKE'S BAY REGIONAL COUNCIL

### REGIONAL PLANNING COMMITTEE

Wednesday 07 February 2018

#### SUBJECT: FEBRUARY 2018 RESOURCE MANAGEMENT PLANNING PROJECT UPDATE

Item 10

#### Reason for Report

1. To provide a brief outline and update of the Council's various resource management projects currently underway.

#### Discussion

2. The projects covered in this report are those involving reviews and/or changes under the Resource Management Act to one or more of the following planning documents:
  - 2.1. the Hawke's Bay Regional Resource Management Plan (RRMP)
  - 2.2. the Hawke's Bay Regional Policy Statement (RPS) which is incorporated into the RRMP
  - 2.3. the Hawke's Bay Regional Coastal Environment Plan (RCEP).
3. From time to time, separate reports additional to this one may be presented to the Committee for fuller updates on specific plan change projects.
4. The table in **Attachment 1** repeats the relevant parts of the resource management planning work programme's required actions from the 2017-18 Annual Plan.
5. Similar periodical reporting will also be presented to the Council as part of the quarterly reporting and end of year Annual Plan reporting requirements.

#### Decision Making Process

6. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### Recommendation

That the Regional Planning Committee receives and takes note of the '**February 2018 Resource Management Planning Projects Update**' staff report.

#### Authored by:

Gavin Ide  
MANAGER, STRATEGY AND POLICY

#### Approved by:

Tom Skerman  
GROUP MANAGER  
STRATEGIC DEVELOPMENT

#### Attachment/s

- [1](#) Resource Management Plan Change Preparation & Review Projects - February 2018



## Status Report on HBRC Resource Management Plan Change Preparation &amp; Review Projects

as at 15 January 2018

Current Project	Proposed 2017-18 Required Actions	Update
<a href="#">Regional Coastal Environment Plan</a> (RCEP)	Participate in project to jointly prepare the Clifton to Tangoio Coastal Hazard Management Strategy's Phase 3 works.	Website dedicated to the project has been established: <a href="http://www.hbcoast.co.nz">www.hbcoast.co.nz</a>
Implementation of, and reporting on, NPS for Freshwater Management (NPSFM)	<b>Each year</b> , prepare report on implementation of NPSFM	Revised progressive implementation programme ('PIP') was notified in November 2015. This can be viewed on <a href="#">HBRC's website</a> . Following amendments to the NPSFM in 2017, that PIP must be reviewed and revised if necessary. A further revised third edition of the PIP must be adopted notified by Council by 31 Dec 2018. Annual progress reporting on implementation during 2017/18 period will feature as part of the Council's Annual Report due late 2018.
<a href="#">Oil and gas regulation</a>	Prepare a draft regional plan change on regulation of oil and gas exploration activities in the region for consideration by the Regional Planning Committee.	Iwi and stakeholder engagement is underway in accordance with engagement plan agreed by RPC in September. Previously, webpage for this project had been established. Workshop was held in early June with RPC members facilitated by the Opus consultants. Update on feedback from engagement phase is in a separate report to RPC's 7 February 2018 meeting.
<a href="#">Greater Heretaunga/Ahuriri catchment area plan change</a> (a.k.a. TANK project)	RRMP plan change prepared for consideration by the Regional Planning Committee and subsequently publicly notified to implement the NPSFM within the 'TANK' catchment area.	Under preparation. Not yet notified. TANK Group's last meeting for 2017 (held on 22 Nov) turned its focus to managing wetlands, then considered how climate change should be reflected in the TANK Plan. The Group agreed how to reduce water taken from TANK's rivers and aquifer for irrigation. There was a segment on water allocation from a consenting perspective, followed by a session on economic modelling. More on this meeting and previous meetings can be found in the <a href="#">online 'ThinkTANK' newsletters</a> . Upcoming TANK Group meetings are scheduled for 30 January, 22 February, 22 March, 19 April and 15 May. Matters to be covered in the new year's upcoming meetings include (in no particular order) stormwater management draft policy, economic analysis reporting, reporting back from the drinking water working group, water augmentation policy options and approaches, and nutrient and sediment management options from working groups. TANK Science programme aiming for completion of modelling and running scenarios by mid-2018 to further inform TANK Group's option evaluation.
<a href="#">Taharua/Mohaka Catchment plan change</a>	RRMP plan change prepared for consideration by the Regional Planning Committee and subsequently publicly notified to implement the NPSFM within the Mohaka River catchment.	Under preparation. Not yet notified. Draft Mohaka plan change work programme prepared and was presented to RPC's 21 Sept 2016 meeting. Meeting of Stakeholder Reference Group scheduled for March 2017 was postponed due to other staff commitments and priorities. Further progress on policy options and stakeholder engagement is subject to recruitment of senior planning expertise. Project re-design to be initiated in early 2018.
<a href="#">Outstanding waterbodies plan change</a>	RRMP plan change prepared for consideration by the Regional Planning Committee and subsequently publicly notified identifying HB's outstanding freshwater bodies for NPSFM purposes.	Refer separate update report on RPC's 7 February 2018 meeting agenda.

Current Project	Proposed 2017-18 Required Actions	Update
<a href="#">Change 5 to Regional Resource Management Plan</a>	Not stated	Part of the last remaining appeal (by Fish and Game) relating to wetlands in the RRMP and Plan Change 5 is unresolved. Environment Court hearing was held 11-12 September and adjourned, awaiting closing legal submissions from parties and Court-facilitated caucusing of expert witness planners. ETA of Environment Court's decision is not known.
Regional Resource Management Plan effectiveness reporting	Prepare a report on effectiveness of the RRMP where this is not otherwise being reviewed through the policy work programme or having been reviewed by recent past plan changes 1-6.	Project has commenced using services of a Consultant due to other work programme commitments for planning staff. Consultant's work programme was aiming to deliver a draft report by the end of 2017, but that has now been postponed until early 2018. The final effectiveness report is intended to be presentation to the Regional Planning Committee (likely to be 2 May 2018).
Responsiveness to 'National Direction' (i.e. legislation incl NPSS, national Regulations, national standards, etc).	<p><b>n/a</b></p> <p><i>NB: Instead, this update serves as a brief description of responses to:</i></p> <p>a) Recent past national direction; b) Anticipated imminent proposals for new or revised national direction.</p> <p><i>The update is not intended as an exhaustive list of responses to all past or foreseeable national instruments.</i></p>	<p><b>NES for Plantation Forestry</b> – NES has been finalised and will come into effect 1 May 2018.</p> <p><b>Review of NES on Air quality</b> – officially was not being progressed prior to 2017 election leaving it as a matter for the incoming Minister to determine any next steps. No further status report available from MFE.</p> <p><b>Resource Legislation Amendment Act ('RLAA')</b> – legislation passed early 2017. Some amendments had immediate effect, others have transitional arrangements or came into effect in October 2017. A RLAA overview was presented at the RPC meeting on 2 August.</p> <p><b>NPS on Urban Development Capacity</b> – in effect Dec 2016. Will likely influence HBRC's role in ongoing implementation of the Heretaunga Plains Urban Development Strategy ('HPUDS') and also the RPS. NPSUDC will also have implications for all TLAs, irrespective of projected rates of residential and business land growth demands.</p> <p>Much of the other national direction remains uncertain until new Labour-led government and its Ministers are briefed and reset their respective Ministries work programme direction.</p>
<a href="#">Statutory Acknowledgements of Treaty settlements</a>	<b>n/a</b>	<p>Several Deeds signed/to be signed, but Treaty settlement legislation still to be passed by Parliament before Statutory Acknowledgements in effect. As at 1 November 2017, Treaty Settlement legislation in effect for parts of Hawke's Bay region are:</p> <ul style="list-style-type: none"> <li>• Ngati Pahauwera Treaty Claims Settlement Act 2012</li> <li>• Rongowhakaata Claims Settlement Act 2012</li> <li>• Ngāti Manuhiri Claims Settlement Act 2012</li> <li>• Ngāti Manawa Claims Settlement Act 2012</li> <li>• Ngāti Whare Claims Settlement Act 2012</li> <li>• Ngai Tāmanuhiri Claims Settlement Act 2012</li> <li>• Maungaharuru-Tangitu Claims Settlement Act 2014</li> <li>• Tuhoe Claims Settlement Act 2014</li> <li>• Te Urewera Act 2014</li> <li>• Hineuru Claims Settlement Act 2016</li> </ul> <p>Refer to Pātaka online mapping tool for further information <a href="#">[website link]</a>.</p>



## HAWKE'S BAY REGIONAL COUNCIL

### REGIONAL PLANNING COMMITTEE

Wednesday 07 February 2018

#### SUBJECT: FEBRUARY 2018 STATUTORY ADVOCACY UPDATE

Item 11

##### Reason for Report

1. To report on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project since the last update in October 2017.
2. The Statutory Advocacy project (Project 196) 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 outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in. This period's update report excludes the numerous Marine and Coastal Area Act proceedings little has changed since the previous update.

##### Decision Making Process

5. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

##### Recommendation

That the Regional Planning Committee receives and notes the **February 2018 Statutory Advocacy Update** staff report.

##### Authored by:

Ceri Edmonds  
PLANNER

##### Approved by:

Tom Skerman  
GROUP MANAGER  
STRATEGIC DEVELOPMENT

##### Attachment/s

[1](#) Statutory Advocacy Update - February 2018



## Statutory Advocacy Update (as at 15 January 2018)

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
13 December 2017	NCC	<b>Public Notification of Resource Consent</b>  Application for Land Use Consent for a retirement village and care home at 25 and 35 Ulyatt Road, Napier. Comprising 99 retirement villas, 19 retirement apartments, 49 care home rooms, as assoc. care facilities	<b>Applicant</b>  Bupa New Zealand  <b>Agent</b>  Wasley Knell Consultants Limited	<b>Notified, submission period closes 1<sup>st</sup> February</b>	<b>Current...</b>  Council staff are currently reviewing this application to consider if a submission is warranted on matters of relevance to HBRC's roles and activities.
6 December 2017	NCC	<b>Public Notification of Plan Change 11</b>  Park Island reconfiguration. Comprising a reduction in the overall number of sports fields, and increase in the number of artificial turfs, and the establishment of HBRC high performance training facility, and enlargement of the residential area.	Napier City Council	<b>Notified, submission period closes 9<sup>th</sup> February</b>	<b>Current...</b>  Council staff are currently reviewing this application to consider if a submission is warranted on matters of relevance to HBRC's roles and activities.
9 December 2017	n/a	<b>HB Fish and Game Council's Draft Sports Fish and Game Management Plan</b>  A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	<b>Notified, submission period closes 2<sup>nd</sup> March</b>	<b>Current...</b>  Council staff are currently reviewing this draft management plan to consider if a submission is warranted on matters of relevance to HBRC's roles and activities.

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
19 October 2017	HDC	<b>Notice of Requirement for Designation by Minister of Education</b>  Designate land for educational purposes at Bennett Road, Waipatu, Hastings.	<b>Applicant</b> Minister of Education  <b>Agent</b> The Property Group Limited	<b>Submission period closed. HDC hearing pending.</b>	<b>Current...</b>  Council staff reviewed the application and concluded that a submission was unnecessary for HBRC's resource management interests to be recognised. Instead, a letter was sent to the Minister's agent, highlighting a number of matters of importance to the Regional Council should the proposal move forward, e.g. resource consents required directly from the regional council.  HBRC will not have any further role in the hearing to be held by HDC.
13 July 2016	HDC	<b>Howard Street Rezoning Variation 3</b>  Variation to rezone 21.2 hectares of land from its current Plains zone to General Residential zone in between Howard Street and Havelock Road.	<b>Hastings District Council</b>	<b>HDC Decisions issued</b>  <b>Subject to appeal, mediation pending.</b>	<b>Latest...</b>  A further extension of time (to the 31 January 2018) was requested by memorandum to the Environment Court (dated 19 December). This would allow a further stage of investigations to the geotechnical assessment to be undertaken, to complete the investigations.  <b>Previously...</b> <ul style="list-style-type: none"><li>• HDC issued its decisions on 25<sup>th</sup> March. Decisions adopt recommendations made by Hearings panel. Staff have assessed merits of decisions on HBRC's submissions and concluded appeal was not warranted.</li><li>• Meanwhile an appeal has been lodged by Karen Cooper (a landholder in the Howard Street rezoning area). Key matters raised in that appeal relate to methods of stormwater collection, treatment and disposal from new development in the rezoned area, so staff applied to Environment Court to join those appeal proceedings as an interested party (28<sup>th</sup> May 2017).</li><li>• A mediation meeting was held on the 3rd August 2017, between the Appellant, HDC and HBRC. It was agreed that the engineers from each party would consider what alternative stormwater management and attenuation options could be feasible within the wider site, with the intention of reporting back the conclusions of their assessment by the end of September.</li><li>• Parties to the appeal agreed to do further evaluation of geotechnical issues arising from some of the stormwater management options under consideration. Appeal remains unresolved, but parties are cooperating towards an agreed resolution of HBRC's interests re: stormwater management issues.</li></ul>

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
24 July 2017	n/a	<b>Application for Water Conservation Order (WCO)</b>  Application for a WCO for the Ngaruroro River & Clive River	<b>Applicants</b>  NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Ngāti Hori ki Kohupatiki; Royal Forest & Bird Protection Society	<b>Notified, Submission period closed.</b>  <b>Special Tribunal commenced Stage 1 (of 2) hearing</b>	<p><b>Latest...</b></p> <ul style="list-style-type: none"> <li>Special Tribunal commenced its hearing on 14 November. Stage 1 of the hearing focusses on the Upper Ngaruroro catchment (above the Whanawhana cableway). The Tribunal has indicated Stage 1 hearing proceedings will continue through early December, and that Stage 2 (lower Ngaruroro &amp; Clive) will occur around May 2018.</li> <li>HBRC's case was presented to Tribunal's Stage 1 hearing (re Upper Ngaruroro) on 21 November. Case included expert witness statements on native birds, water quality, native fish, planning, and statements from James Palmer and legal counsel.</li> <li>In a memorandum to the Special Tribunal, counsel for the co-applicants provided some clarification of matters raised regarding the naming of Kohupatiki Marae as a co-applicant. This follows correspondence received by HBRC from the Chair of Kohupatiki Marae Trustees clearly stating that Kohupatiki Marae Trustees do not support the WCO application, and that they strongly disagree with inferences being made to one the application being made by, and with the agreement of, Ngati Hori and/or Kohupatiki Marae). <a href="#">View co-applicants' memorandum online.</a></li> <li>A Special Tribunal Pronouncement was issued on the 6 December 2017 notifying a period of adjournment until the Stage 2 hearing commencement. It proposed to reconvene in July 2018. HBRC are to report to the Special Tribunal by January and the science to be reported and made available April 2018. <a href="#">View the Special Tribunal's Pronouncement online.</a></li> <li>A <a href="#">Second Draft Order</a> was issued by the Applicants' solicitors on the 8<sup>th</sup> December highlighting amendments to the draft WCO submitted in 2015. The second draft provided amendments in relation to 'existing consents', 'Kaweka Lakes' and 'Water quality standards for the Upper Ngaruroro Waters'. The memorandum noted that it anticipates a third draft will be issued prior to the commencement of Stage 2.</li> </ul> <p><b>Previously...</b></p> <ul style="list-style-type: none"> <li>HBRC lodged a submission on the WCO application opposing the application in its entirety. A total of 388 submissions were received by the Special Tribunal.</li> <li>A copy of HBRC's submission can be found at <a href="#">HBRC Submissions</a>. Further information about the WCO application, the Applicants' associated documents plus hearing-related documents are available on the <a href="#">EPA's website</a>.</li> </ul>

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
13 July 2016	HDC	<b>Irongate Industrial Variation 2</b> Variation to rezone 118 hectares of land from current Deferred Industrial (70 hectares) and Plains zone to a General Industrial zone.	Hastings District Council	HDC Decisions issued  Subject to appeal	<b>Latest...</b> <ul style="list-style-type: none"><li>Environment Court mediation held late September 2017 with parties reaching agreement on a settlement package. Currently awaiting Environment Court's approval of that settlement.</li></ul> <b>Previously...</b> <ul style="list-style-type: none"><li>HBRC opposed the Variation in its [then] proposed form primarily because on balance HBRC was not satisfied that the Variation gives effect to Chapter 3.1B of the Regional Policy Statement (RPS) and the proposed stormwater solution does not give effect to other policies in the RPS particularly Objectives 21 and 22.</li><li>HDC issued its decisions on 25<sup>th</sup> March. Decisions adopt recommendations made by Hearings Commissioners. Staff have assessed merits of decisions on HBRC's submissions and concluded appeal was not warranted.</li><li>Meanwhile, an appeal had been lodged by Navilluso Holdings Ltd et al (several landholders in the Irongate industrial area). Some matters raised in that appeal relates to HBRC's interests in the Irongate area, so staff applied to Environment Court to join those appeal proceedings as an interested party (28<sup>th</sup> May 2017).</li></ul>
18 January 2016	WDC	<b>Resource Consent Application</b> Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	<b>Applicant</b> R & L Thompson  <b>Agent</b> Insight Gisborne Ltd	Limited Notified  WDC hearing pending	<b>Previously...</b> <ul style="list-style-type: none"><li>HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at <a href="#">HBRC Submissions</a>.</li><li>HBRC staff and applicants have held discussions about potential alternative clearance proposals.</li></ul>
9 June 2015	NCC	<b>Resource Consent Application</b> Consent is sought to create four additional lots (total 5) to subdivide Lots 7-10 Deeds Plan 96 (1.8919 ha) into five (5) lots at 258 Meeanee Road.	<b>Applicant</b> A & F Partnership  <b>Agent</b> OPUS	Notified  NCC hearing pending	<b>Previously...</b> <ul style="list-style-type: none"><li>HBRC opposed 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 and it is in an area with limiting physical characteristics and limited infrastructure and servicing</li><li>A copy of the submission can be found at <a href="#">HBRC Submissions</a></li></ul>

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
8 November 2013	HDC	<b>Proposed Hastings District Plan</b>  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.	Hastings District Council	Notified  HDC decisions issued, subject to appeals	<b>Previously...</b> <ul style="list-style-type: none"> <li>Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. To date seven (7) appeals to which HBRC is a s274 party to proceedings have been resolved and the remaining will follow now the HPUDS Review process is complete.</li> <li>HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected.</li> </ul>





# HAWKE'S BAY REGIONAL COUNCIL

## REGIONAL PLANNING COMMITTEE

Wednesday 07 February 2018

**Subject: DISCUSSION OF ITEMS OF BUSINESS NOT ON THE AGENDA**

**Item 12**

### Reason for Report

1. This document has been prepared to assist Committee Members to note the Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

1.1. ***Urgent*** items of Business (*supported by report tabled by CE or Chair*)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

1.2. ***Minor*** items (*for discussion only*)

Item	Topic	Councillor / Staff
1.		
2.		
3.		
4.		
5.		



# **HAWKE'S BAY REGIONAL COUNCIL**

## **REGIONAL PLANNING COMMITTEE**

**Wednesday 07 February 2018**

### **Subject: VERBAL UPDATE ON NGARURORO & CLIVE RIVERS WATER CONSERVATION ORDER HEARINGS**

That Council excludes the public from this section of the meeting, being Agenda Item 13 Verbal Update on Ngaruroro & Clive Rivers Water Conservation Order Hearings with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

<b>GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION</b>	<b>GROUND'S UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION</b>
Verbal Update on Ngaruroro & Clive Rivers Water Conservation Order Hearings	7(2)(g) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to maintain legal professional privilege.	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Item 13**