



MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

Date: Wednesday 21 March 2018

Time: 1.00pm

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

Present: T Waaka – Co Chair *Ngāti Pāhauwera Development & Tiaki Trust*
Cr R Graham – Co Chair
Cr P Bailey
Cr R Barker – Deputy Co Chair
Cr T Belford
K Brown – *Ngāti Hineuru Iwi Inc*
Cr A J Dick
M Heperi Northcroft – *Ngāti Tūwharetoa Hapū*
Cr D Hewitt
T Hopmans – Deputy Co Chair *-Maungaharuru Tangitū Trust*
N Kirikiri – *Te Toi Kura O Waikaremoana*
Cr N Kirton
J Nelson-Smith – *Heretaunga Tamatea Settlement Trust*
J Maihi-Carroll – *Mana Ahuriri Trust*
P Paku – *He Toa Takitini*
A Tapine – *Tātau Tātau o Te Wairoa Trust*
Cr F Wilson

In Attendance: M Mohi – Council Appointee
J Palmer – Chief Executive
E Lambert – Group Manager External Relations
I Maxwell – Group Manager Resource Management
T Skerman – Group Manager Strategic Development
A Roets – Governance Administration Assistant

Record of Attendance at Preceding Workshop

Date: Wednesday 21 March 2018

Time: 10.00am Workshop

Venue: Council Chamber
Hawke's Bay Regional Council

Present: Cr R Graham – Co Chair (Chaired the workshop)
T Waaka – Co Chair *Ngāti Pāhauwera Development & Tiaki Trust*
Cr P Bailey
Cr R Barker – Deputy Co Chair
Cr T Belford
K Brown – *Ngāti Hineuru Iwi Inc*
M Heperi Northcroft – *Ngāti Tūwharetoa Hapū*
T Hopmans – Deputy Co Chair *-Maungaharuru Tangitū Trust*
N Kirikiri – *Te Toi Kura O Waikaremoana*
J Nelson-Smith – *Heretaunga Tamatea Settlement Trust*
A Tapine – *Tātau Tātau o Te Wairoa Trust*

In Attendance: J Palmer – Chief Executive
T Skerman – Group Manager Strategic Development
B Harper – Senior Planner
G Ide – Manager, Strategy and Policy

1. Welcome/Apologies/Notices

The Chairman welcomed everyone to the meeting and Mike Mohi offered a karakia.

Councillor Peter Beaven extended his apology for absence.

Karauna Brown advised that he needs to be excused at 2.30pm.

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Planning Committee meeting held on 7 February 2018

RPC9/18 Resolution

Minutes of the Regional Planning Committee held on Wednesday, 7 February 2018, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Maihi-Carroll/Barker
CARRIED

The Chairman introduced and welcomed the new member appointed by *Heretaunga Tamatea Settlement Trust*, Ms Jenny Nelson-Smith who replaces Liz Munroe.

4. Follow-ups from Previous Regional Planning Committee Meetings

There were no follow-ups raised.

5. Call for Items of Business Not on the Agenda

Recommendations

That the Regional Planning Committee accepts the following ***“Items of Business Not on the Agenda”*** for discussion as Item 13

Item	Topic	Raised by
1.	Maori Tourism	Jenny Nelson-Smith

9. Oil & Gas Plan Change Process and Progress Update

Ms Rina Douglas provided an update on Stakeholder engagement to date and moving on to the next steps including:

- Opus working on options for the next step for the Plan Change and will report back to the RPC over the coming months.
- Concerns were expressed by one member about the Opus report “Oil and Gas Plan Change - Background Information Review” not addressing issues such as traffic on roads, especially on rural roads, industrialisation of landscapes, water use by the industry, Climate change and social consequences
- Staff reiterated that the Opus report was a review of existing information for the purposes for a plan change and the scope did not include the preparation of new information.
- Committee members were invited to liaise directly with the staff project team to raise issues in the Opus report and if they are appropriate to address in the project’s next phases.

This project overview and recap was followed by two presentations which the Committee Co-Chairs had previously invited:

- Cameron Madgwick, on behalf of the Petroleum Exploration and Production Association (PEPANZ), talked about planning law and resource consent considerations including set-backs, amenity values and fossil fuels before expressing willingness to engage with the public throughout the plan change processes as decided appropriate by the Committee. Further discussions covered well construction and associated consent conditions, risks of aquifer contamination from wells, and liabilities. It was noted a copy of Mr Madgwick's presentation (not circulated at the meeting) is to be distributed to committee members.
- A presentation from Walter Breustedt traversed his overview of potential risks to the HB Region and its unique geological location, viewpoints described in published information, the potential consequences for the region of water contamination from oil and gas, scientific knowledge about risks of fracking technology, unrecovered toxic chemicals (in abandoned wells) used in the fracking process, short and long term economic effects of the oil and gas activities for the region, the International history of accidents and contamination on water, land and air, and international bans on fracking.

RPC10/18 **Resolution**

That the Regional Planning Committee receives the ***“Oil and Gas Plan Change Process and Progress Update”*** report.

Dick/Tapine
CARRIED

8. List of Candidate Outstanding Water Bodies in Hawke's Bay

The paper was taken as read and the committee considered the recommendations. Queries and discussions traversed:

- Request for Co-Chairs to write a letter to the Minister for the Environment re cultural values and outstanding fresh waterbody provisions in the NPSFM.
- Additional candidate water bodies to be added to the list for secondary analysis to be undertaken by staff.

RPC11/18 **Resolutions**

1. That the Regional Planning Committee receives and notes the ***“List of Candidate Outstanding Water Bodies in Hawke's Bay”*** staff report.

Hopmans/Bailey
CARRIED

2. The Regional Planning Committee recommends that Council:

2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted 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.

Hopmans/Bailey
CARRIED

2.2. Agrees that the list of candidate outstanding water bodies which will be subject to a secondary analysis as per Option R4 for the recreational, landscape and ecology value sets as follows.

- 2.2.1. Te Whanganui a Orotu (Ahuriri Estuary)
- 2.2.2. Upper Mohaka River
- 2.2.3. Lake Waikaremoana
- 2.2.4. Upper Ngaruroro River
- 2.2.5. Taruarau River
- 2.2.6. Ruakituri River
- 2.2.7. Lake Whakakī

- 2.2.8. Mangahouanga Stream
- 2.2.9. Wairoa River
- 2.2.10 Heretaunga Aquifer

Hopmans/Bailey
Against: Barker, Paku, Nelson-Smith, Maihi-Carroll, Waaka
LOST

Jenny Nelson-Smith moved an amendment, seconded by Joinella Maihi-Carroll, being:

To add Ruataniwha Aquifer, Tukituki and Waipawa rivers and Lake Whatuma to the list of candidate outstanding water bodies for secondary analysis so that resolution 2.2 reads:

- 2.2. Agrees that the list of candidate outstanding water bodies which will be subject to a secondary analysis as per Option R4 for the recreational, landscape and ecology value sets as follows.
 - 2.2.1. Te Whanganui a Orotu (Ahuriri Estuary)
 - 2.2.2. Upper Mohaka River
 - 2.2.3. Lake Waikaremoana
 - 2.2.4. Upper Ngaruroro River
 - 2.2.5. Taruarau River
 - 2.2.6. Ruakituri River
 - 2.2.7. Lake Whakakī
 - 2.2.8. Mangahouanga Stream
 - 2.2.9. Wairoa River
 - 2.2.10 Heretaunga Aquifer
 - 2.2.11 Ruataniwha Aquifer
 - 2.2.12 Tukituki River
 - 2.2.13 Waipawa River
 - 2.2.14 Lake Whatuma.

Nelson-Smith/Maihi-Carroll
CARRIED

- 2.3. Agrees that the list of candidate outstanding water bodies which will be subject to a secondary analysis as per Option C5 for the cultural and spiritual value set will be provided by Tangata Whenua representatives at the 2 May 2018 Regional Planning Committee meeting.

Hopmans/Bailey
CARRIED

- 2.4. Agrees to staff proceeding with consultation with the following parties in relation to the secondary analysis for the candidate outstanding waterbodies as listed in 2.2 above and 2.3 once provided.
 - 2.4.1. Iwi authorities in Hawke's Bay
 - 2.4.2. Local authorities, being Central Hawke's Bay District Council, Hastings District Council, Wairoa District Council, Napier City Council, Taupo District Council, Rangitikei District Council and Gisborne District Council
 - 2.4.3. Hawke's Bay Fish and Game Council, Department of Conservation and the Hawke's Bay branches of the NZ Forest and Bird Protection Society.

Hopmans/Bailey
CARRIED

- 2.5. Acknowledges the potential risk to the TANK plan change project and Council's wider freshwater planning work programme if an outstanding waterbodies plan change is not notified prior to the TANK plan change.

**Hopmans/Bailey
CARRIED**

- 2.6 Agrees to write a letter to the Minister for the Environment requesting reconsideration and clarification of the Outstanding Water Bodies cultural values provisions in the National Policy Statement for Freshwater Management.

**Hopmans/Bailey
CARRIED**

The substantive motion therefore CARRIED was:

2. The Regional Planning Committee recommends that Council:
 - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted 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.
 - 2.2. Agrees that the list of candidate outstanding water bodies which will be subject to a secondary analysis as per Option R4 for the recreational, landscape and ecology value sets as follows.
 - 2.2.1. Te Whanganui a Orotu (Ahuriri Estuary)
 - 2.2.2. Upper Mohaka River
 - 2.2.3. Lake Waikaremoana
 - 2.2.4. Upper Ngaruroro River
 - 2.2.5. Taruarau River
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 - 2.2.7. Lake Whakakī
 - 2.2.8. Mangahouanga Stream
 - 2.2.9. Wairoa River
 - 2.2.10 Heretaunga Aquifer
 - 2.2.11 Tukituki River
 - 2.2.12 Waipawa River
 - 2.2.13 Ruataniwha Aquifer
 - 2.2.14 Lake Whatuma.
 - 2.3. Agrees that the list of candidate outstanding water bodies which will be subject to a secondary analysis as per Option C5 for the cultural and spiritual value set will be provided by Tangata Whenua representatives at the 2 May 2018 Regional Planning Committee meeting.
 - 2.4. Agrees to staff proceeding with consultation with the following parties in relation to the secondary analysis for the candidate outstanding waterbodies as listed in 2.2 above and 2.3 once provided.
 - 2.4.1. Iwi authorities in Hawke's Bay
 - 2.4.2. Local authorities, being Central Hawke's Bay District Council, Hastings District Council, Wairoa District Council, Napier City Council, Taupo District Council, Rangitikei District Council and Gisborne District Council
 - 2.4.3. Hawke's Bay Fish and Game Council, Department of Conservation and the Hawke's Bay branches of the NZ Forest and Bird Protection

Society.

- 2.5. Acknowledges the potential risk to the TANK plan change project and Council's wider freshwater planning work programme if an outstanding waterbodies plan change is not notified prior to the TANK plan change.
- 2.6. Agrees to write a letter to the Minister for the Environment requesting reconsideration and clarification of the Outstanding Water Bodies cultural values provisions in the National Policy Statement for Freshwater Management.

Hopmans/Bailey
CARRIED

6. Remuneration Review

Item withdrawn at the direction of Co-Chairs.

7. Regional Planning Committee Terms of Reference and Review

The item was taken as read, with discussions covering:

- Consensus decision making similar to the way this works on marae
- Need to align terms of reference with the RPC Act, and required to review the performance of the Committee within 3 years of the first meeting being held
- Concerns about the transfer of some E&S functions to RPC and the need for better communications between committees and their membership.
- Fully marked up version to be provided to the next RPC meeting so that agreed amendments can be adopted, with contentious matters identified in paragraph 12, 12.1 – 12.4, to be considered through the review of the Committee
- Whether consultation on the review will include the public, and the view that the public's consultation on the review is not relevant or appropriate as the RPC has been established by legislation.

RPC12/18 Resolutions

1. That the Regional Planning Committee receives and notes the ***“Regional Planning Committee Terms of Reference and Review”*** staff report.
2. The Regional Planning Committee agrees that a fully marked up version of the Terms of Reference as recommended by the Co-Chairs and Deputy Co-Chairs and reflecting the amendments required by the statute, will be brought to the 2 May 2018 Committee meeting for approval, and that the matters identified following be considered as part of the first statutory review of the performance of the Regional Planning Committee.
 - 2.1 Voting and Quorum:
 - 2.1.1 The process by which the number of Council members eligible for voting will be reduced to ensure equal numbers of appointed tāngata whenua representatives
 - 2.1.2 The setting of the Quorum
 - 2.1.3 Consensus decision making and the 80% voting threshold.
 - 2.2 The presumption that the current Standing Orders of Council apply to the operation of the committee unless amended by the committee.
 - 2.3 Confirmation of functions and powers of the committee (noting the legal advice that the broader scope in draft terms of reference is not inconsistent with the specified legislation).
 - 2.4 Refer back provisions and clarification of the options available to Council in the event that no recommendation is received from the Committee. This

issue relates in particular to section 12(4) of the Act which provides that *“In the event of an inconsistency between the obligations of Council under the terms of reference and its obligations under the specified legislation, the specified legislation prevails.”*

- 3.. The Regional Planning Committee agrees that staff will work with the Co-chairs and Deputy Co-chairs and independent advisors to prepare recommendations for the Committee on the terms and scope of the statutory review, including:
 - 3.1 Appointment of review panel including appropriate cultural and legal expertise
 - 3.2 Agreed matters for review
 - 3.3 Consultation and discussion process
 - 3.4 Meeting and reporting timeframes.

**Dick/Barker
CARRIED**

Item - 8. List of Candidate Outstanding Water Bodies in Hawke’s Bay – was considered immediately following item 9, as the second item of business.

Item - 9. Oil & Gas Plan Change Process and Progress Update – was considered as the first item of business.

Karauna Brown left the meeting at 2.32pm.

10. Regional Resource Management Plan – Effectiveness Report

Gavin Ide provided an overview of RMA planning documents, with discussions covering:

- RRMP level of importance in relation to territorial local authorities and their planning processes and the legal obligations on City and District councils to be consistent with its provisions through their own plans and consent decisions.
- Significant investment by the Council since the current RRMP went operative, and considerable additional investment proposed in the LTP in soil science, land cover and water science to assist in measuring whether or not the rules are effective and have been met.
- Adequacy of actions by TLAs to give effect to provisions in the RRMP and feedback received from them indicates that the plan, in many respects, is not providing the guidance they need to develop their own plans in relation to a number of issues.
- Effectiveness, in terms of Maori and Tangata Whenua partnerships, has not been considered by this report as that was not within the scope agreed by the Committee in June 2017, particularly because this report focussed on stated anticipated environmental results (AERs).
- Considerable work devoted to ensuring that the values, aspirations and expectations of Tangata Whenua are reflected in the policies, objectives and rules through the TANK plan change – could, as an alternative, step back to focus on the effectiveness region wide however at this time this is being undertaken on a catchment by catchment basis
- Internal review of some of HBRC’s own practices, e.g. grazing on flood protection river berms – a trial under way to assess the effects of precluding stock from these areas, in terms of the performance of the flood monitoring network with results to be considered by the Environment and Services Committee. Council has a programme to monitor the effects of gravel extraction on its flood protection assets.
- Request for a work programme, timeframes and resource consequences of any changes to the RRMP required to address issues raised in 2004 and 2018 reviews.
- Planning cycles can take years, context around appropriate measures that are cost and/or resource effective

- Suggested that Dr Anthony Cole, who presented at the Tangata Whenua hui about social and cultural measures be invited to the 2 May RPC meeting.

RPC13/18 Resolutions

That the Regional Planning Committee:

1. Receives and notes the **“Regional Resource Management Plan – Effectiveness Report”**.
2. Requests a report to the 2 May 2018 Regional Planning Committee meeting, setting out a timetable of next steps to amend the RRMP in order to address the issues raised in the 2004 and 2018 RRMP effectiveness reviews.

**Kirton/Barker
CARRIED**

The meeting adjourned at 3.16pm and reconvened at 3.35pm, with Cr Alan Dick absent

11. Pathway to Draft TANK Plan Change Adoption by the Regional Planning Committee

Tom Skerman introduced the item, which is to update the Committee on the TANK plan change process as well as provide context to the RMA plan change processes and obligations. Discussions traversed:

- the HBRC Regional Resource Management Plan which contains the Regional Policy Statement provides the framework for the management, sustainable use and development of the region’s resources
- RPC Act notes key role of RPC is to review and recommend policy and plan changes affecting natural resources – so this committee is responsible for developing and advancing the RRMP from what it was, to what it needs to be in the future – as reflective of the views and values around the RPC table
- TANK plan change is an incredibly hard and challenging project due to physical scale and complexity of the catchment, which contains most of HB population, 4 significant water bodies and deals with urban use and impacts of water. The social and historic context add to the challenge of achieving consensus decisions.
- RRMP gets changed in parts, over time, with each catchment based plan change – and in ongoing processes
- TANK process is working collaboratively with community to develop outcomes focus and adaptive management aspirations that will come out of the process for RPC to adopt as draft for consultation with the wider community.
- Iwi management plans and cultural value assessments are being reviewed and will be taken into account when drafting the plan change.
- The RPC will need to work collectively through meetings and workshops, given the complexity of the plan, to review and assess the plan change provisions provided from the TANK engagement process to develop and agree the Proposed Plan Change that goes out to the Public for formal submissions.
- More focus required on tangata whenua interests, cultural values and matauranga Māori in addition to the science
- WCO tribunal has recognised the collaborative TANK process and staff are striving to get a set of recommendations from that process through the RPC at least once prior to passing on to the WCO Special Tribunal
- Mana whenua funding for cultural values assessments and the need for effective engagement
- Need presentation to walk through how tangata whenua can be satisfied the plan change is as close to perfect as it can be
- Suggestion that RPC awaits the outcomes of the TANK Group collaborative process and recommendations, and then assesses how to take the plan change forward rather than worrying about hurdles that may not eventuate

Cr Barker left the meeting at 4:10pm

- Request for a timetable outlining the work plan for the TANK plan change notification process for the Committee

RPC14/18 **Resolution**

That the Regional Planning Committee receives and notes the **“Pathway to draft TANK plan change adoption by RPC”** staff report.

Bailey/Tapine
CARRIED

12. **Verbal Update on Ahuriri Estuary**

James Palmer introduced Anna Madarasz-Smith, who is leading the HBRC science response to incidents of high *Enterococci* and *E-Coli* results in Pandora Pond and Ahuriri Estuary. Discussions traversed:

- On 12 Feb 2018 an action level exceedance for *Enterococci* from the Recreational Water Quality Monitoring sample was notified to the Public Health Unit, who then determines whether to issue a public health advisory in accordance with National Guidelines developed in 2003. In this case, the PHU notified the public the area was not swimmable due to elevated health risks. Follow up sampling indicated lower levels, but the following Monday (19 February) levels spiked up again. Levels were down again on Wednesday (2 days later), before spiking again on Friday.
- HBRC set up an holistic sampling program to try and identify the sources of contaminations and daily sampling continued from 12 Feb through to 16 March in several locations around the catchment
- Contamination could be various things – stock, dogs, avian (birds) or human, and coming through the area from stormwater drains, sewerage systems and in/out with the tides.
- NCC have undertaken CCTV in stormwater systems to check for cracks in pipes, roots of trees and any other obstructions that may be contributing to contamination issues
- James Palmer provided an update on the compliance and enforcement activities for Ahuriri Estuary following on from the decision NCC made last year to divert wastewater into the stormwater network for discharge into the estuary during a heavy rainfall event. NCC provided HBRC with a work program to address the capacity constraints within their wastewater system including investigating illegal connections where people are diverting their stormwater into the wastewater network (e.g. 5x more stormwater than sewerage in the network).
- 4 March there was a raw sewerage discharge from a manhole cover into the estuary, advised immediately to NCC and resolved as quickly as possible, now subject to enforcement action. 6 March there was a further overflow of sewerage during heavy rainfall. Wastewater system should not have stormwater in it, and should therefore not be affected by rain. Enforcement action also to be taken in relation to a campervan discharging its wastewater directly into the stormwater drain next to Hawke’s Bay Seafoods, which flows into the estuary. A Press release will communicate current situation.
- Request for organisation wide plan showing how HBRC plans to remedy the issues in the Estuary including timelines and mechanisms to be used.

RPC15/18 **Resolution**

That the Regional Planning Committee receives and notes the verbal Update on Ahuriri Estuary.

Tapine/Bailey
CARRIED

Tania Hopmans left the meeting at 4:42pm, and the quorum was LOST.

13. Discussion of Items of Business Not on the Agenda

That the Regional Planning Committee accepts the following ***“Items of Business Not on the Agenda”*** for discussion as Item 13

Item	Topic	Raised by
1.	<p>Maori Tourism</p> <ul style="list-style-type: none"> • query about the reduction of HB Tourism funding and whether there is separate or additional support for Maori Tourism • Requirement in agreement with HBRC that HB Tourism works with the Maori Tourism sector, and has recently employed a Maori Tourism intern • Maori representative on the HB Tourism Board to focus on Maori outcomes and as a result, the relationship with some of the more established Maori tourism groups is now very strong • HB Tourism role to attract visitors to the region, but the Board does not provide funding to start up new tourism ventures of any sort out of that funding • HBRC proposal to reduce HB Tourism funding still to go through the LTP consultation process • suggested no engagement with Maori tourism in CHB • Request for a report on the effectiveness of the engagement of Maori Tourism, but unlikely through the Regional Planning Committee as not within its Terms of Reference. 	Jenny Nelson-Smith

Closure:

There being no further business the Chairman declared the meeting closed at 4:53pm on Wednesday, 21 March 2018.

Signed as a true and correct record.

DATE:

CHAIRMAN: