



Unconfirmed

MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

- Date:** Wednesday 3 July 2019
- Time:** 10.00am
- Venue:** Council Chamber
Hawke's Bay Regional Council
159 Dalton Street, NAPIER
- Present:** Cr R Graham – Co-Chair
T Waaka – Co-Chair *Ngāti Pāhauwera Development & Tiaki Trust*
Cr P Bailey
Cr R Barker – Deputy Co-Chair
Cr P Beaven
Cr T Belford
K Brown – *Te Kopere o te Iwi Hineuru*
Cr A J Dick
Cr D Hewitt
T Hopmans – Deputy Co-Chair, *Maungaharuru Tangitū Trust*
N Kirikiri – *Te Toi Kura O Waikaremoana*
Cr N Kirton
J Maihi-Carroll – *Mana Ahuriri Trust*
M Mohi – *Ngati Tuwharetoa Hapu Forum*
J Nelson-Smith – *Heretaunga Tamatea Settlement Trust*
P Paku – *Heretaunga Tamatea Settlement Trust*
A Tapine – *Tātau Tātau o Te Wairoa Trust*
- In Attendance:** J Palmer – Chief Executive
P Munro – Te Pou Whakarae Māori Partnerships
L Lambert – Group Manager Regulation
J Lawrence – Group Manager Office of the CE & Chair
I Maxwell – Group Manager Integrated Catchment Management
T Skerman – Group Manager Strategic Planning
C Edmonds – Manager Policy & Planning
G Ide – Principal Advisor Strategic Planning
M-A Baker – Senior Planner
B Harper – Senior Planner
A Minster – Senior Advisor Māori Partnerships
B Brough – Independent Advisor
R Ellison – Independent Advisor
M Apatu – Te Taiwhenua o Heretaunga
N Tiuka – Ngati Kahungunu Iwi Inc
L Munroe – Heretaunga Tamatea Settlement Trust
A Roets – Governance Administration Assistant

1. Welcome/Apologies/Notices

The Chair welcomed everyone to the meeting and Pieri Munro opened with a karakia.

Jenny Nelson-Smith advised that this is her last meeting as representative of the Heretaunga Tamatea Settlement Trust as she has accepted a full time role with Department of Conservation and is resigning from the Committee.

Concerns were raised in relation to receiving agendas late and having sufficient time to absorb the information necessary to make informed decisions. In response, James Palmer advised staff will review the entire meeting process, including meeting frequency, to see where improvements can be made.

Resolution

RPC14/19 That the apologies from Cr Fenton Wilson for absence be accepted.

**Mohi/Hewitt
CARRIED**

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3. Confirmation of Minutes of the Regional Planning Committee meeting held on 15 May 2019

RPC15/19 **Resolution**

Minutes of the Regional Planning Committee held on Wednesday, 15 May 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Hewitt/Paku
CARRIED**

4. Follow-ups from Previous Regional Planning Committee Meetings

In relation to the Committee's Terms of Reference it was agreed that the next meeting of the Co-Chairs and Co-Deputy Chairs would pick this up again and progress it as agreed 2 May 2018 that "*this version as accepted by PSGEs - to be considered and discussed by the Co-Chairs and Deputy Co-Chairs prior to being brought back to RPC as 'recommended' by them for adoption*".

RPC16/19 **Resolution**

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

**Barker/Hopmans
CARRIED**

5. Call for Items of Business Not on the Agenda

Topic	Raised by
It would be useful to understand the roles and responsibilities of the Māori Partnerships Team members introduced previously.	T Hopmans

6. Making Plan Change 5 Operative

Gavin Ide introduced the item with discussions highlighting:

- Last steps in the process to make Plan Change 5 operative are adoption, affixing

- Council's seal, public notification and publication
- Environment Court issued its final decision on 7 June 2019
- Provisions relating to wetland areas on private property and whether they increase Council's rights to the properties, particularly Lake Poukawa and Lake Whatumā
- PC5 does not extend the impact of the rules but clarifies the areas where the "wetland rules" apply as identified on the maps
- Request for staff to provide further clarification regarding the implications for the implementation of PC5 in relation to both Council's functions and obligations and responsibilities of private land owners
- Request for staff to provide further information regarding Council's approach to managing riparian margins as a consequence of Plan Change 5.

RPC17/19 Resolutions

1. That the Regional Planning Committee receives and considers the "*Making Plan Change 5 Operative*" staff report.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
 - 2.1. Agrees that the decisions to be made are the result of Resource Management Act plan change consultation processes and Environment Court proceedings and therefore able to be made without re-consulting directly with the community.
 - 2.2. Approves Change 5 (Land and Freshwater Management) to the Hawke's Bay Regional Resource Management Plan in accordance with Clause 17 Schedule 1 of the Resource Management Act.
 - 2.3. Agrees to staff making the necessary administrative arrangements (including a mandatory public notice) that Change 5 will become operative on a date sometime before 31 August 2019.

**Bailey/Waaka
CARRIED**

7. TANK Plan Change - Feedback and Recommendations Following Pre-Notification Consultation

The Chair introduced the item, noting that the previous day's TANK workshop had been useful and requesting that the Committee focus on fundamental outstanding issues requiring discussion. Key discussion points included:

- The purpose of today's meeting is to clearly identify what the problems and issues are and to navigate around them.
- Tangata whenua members were at first opposed to flow enhancements, and proposed that the allocation limit of 90 million m³ be reduced to 80 million m³ over 10 years and requested modelling of the current actual use.
- Tangata whenua requested the addition of some interim targets to reduce water usage, and if reductions are going to be implemented that the "savings" be re-allocated back into the environment and not re-allocated for other usage
- Tangata whenua requested that the Plan better provide details for values like the relationship of Māori and their taonga, kaitiakitanga, and take account of the principals and values of the Treaty of Waitangi
- Committee members were supplied with a summary document from the Technical Advisors prior to commencement of the meeting, outlining the outstanding issues from the tangata whenua hui.
- It was suggested that the Committee work through the issues not yet addressed prior to the next Regional Planning Committee so that staff could bring a revised version of the Plan Change to that meeting for notification
- S32 report is to be presented at the 14 August RPC meeting
- It was agreed that a smaller workshop group will undertake discussions on the

outstanding items, namely Stream flow enhancement, groundwater allocation limits, provisions for tāngata whenua (sections 6e, 7a, and 8) and alignment between the outstanding water bodies and TANK plan changes.

- James Palmer invited the independent advisors, Riki Ellison and Billy Brough, and representatives from the TANK Treaty Partner Working Group, Marei Apatu and Ngaio Tiuka, to be party to the discussions at both the workshop and the RPC meeting to address any concerns and issues raised.

The meeting adjourned at 11.25am and reconvened at 11.44am.

- Tangata whenua want to ensure the sustainable management of the resource and consider it appropriate for this Plan Change to set targets for reducing water usage.
- Staff noted that the Heretaunga Plains integrated ground and surface model was used to predict the effectiveness of a range of management options to manage the stream depletion effects, including restrictions or bans, allocation reductions and stream flow enhancement.
- Independent advice received from a tangata whenua appointed hydrologist noted that even at zero water take, flow enhancement is needed.
- The Plan enables permit holders to collectively consider other measures to ensure stream flow does not fall below the triggers and to cease takes when trigger flow is reached. The Policy must clearly indicate that it is an enabling provision and provides opportunity for flow enhancement as an alternative to more stringent water take bans.
- The policy currently states that the Council will remedy, or offset if remedying is not practicable, the stream depletion effects and effects on tikanga and matauranga Māori. In the absence of augmentation, to provide for those values would require high level spring-fed contributions to the low-land streams, resulting in significant reduction of water takes during dry periods.
- The policies and rules provide a comprehensive ruleset of measures to address the issues and cannot be considered in isolation
- suggested a remedies table be included before Policy 34 under Heretaunga Plains Freshwater Quantity Management.
- Flow enhancement and restrictions are temporary tools to achieve better outcomes and to maintain the ecosystem health of the stream and the economy.
- Agreed that efficiency reduction and restrictions be placed on all water users and that no increases in allocation will be made
- Tangata whenua sought feedback and any related legal advice (if available) on the statement *“The Council must have particular regard to any advice received on a draft proposed policy statement or plan from iwi authorities. This does not mean that the Plan Change must be amended as requested by the iwi authorities, but the RPC must at least consider that feedback alongside the many other considerations”*.

The item was not resolved

The meeting adjourned at 1.03pm and reconvened at 1.38pm with Cr Paul Bailey and Apiata Tapine not in attendance.

8. TANK Plan Change Options for Notification and Beyond

Considered in conjunction with Item 7 and deferred to the 14 August RPC meeting.

It was suggested that the Planning Team approach the Ministry for the Environment to explore a streamlined planning process, and that a targeted workshop group meets to discuss the four fundamental issues raised by the tāngata whenua representatives, prior to the 14 August 2019 RPC meeting.

The item was not resolved

9. Outstanding Water Bodies Plan Change 7

Belinda Harper provided an overview of the process prior to 2017 including the rationale for the plan change direction. Key discussion points covered:

Cr Paul Bailey and Apiata Tapine returned to the meeting at 1.41pm

- Outstanding Water Bodies identified for outstanding values only
- Originally twenty two candidate outstanding water bodies identified by the RPC
- information gaps filled through hui with iwi authorities, key stakeholders and district and city councils
- 43 water bodies identified as outstanding despite a recognised lack of supporting information for some of those
- 15 May RPC meeting decided that the full list was retained for pre-notification consultation
- Pre-notification consultation received 13 responses from 55 parties feedback was sought from
- Key concerns raised included a lack of clarity of the difference between outstanding and significant values and implications for resource consent applications.
- Key amendments made include:
 - Defer application of Policies LW3A & C2 until a relevant catchment based plan change is operative, RCEP review is complete or after 31 December 2025 whichever is sooner and specify what activities they relate to
 - Definition of “outstanding”
 - Amended Schedule 25 to re-join water bodies previously separated into lower/upper, include descriptions of outstanding values and only include water bodies with sufficient information to support an outstanding status
 - Removed Boundary Stream/Shine Falls
 - Include descriptions of significant values – water bodies in TANK catchments
- Option 1 supported due to the risks associated with delaying/not progressing Plan Change 7 if RPC cannot agree to “short list”
- Key difference between options is the number of water bodies identified, with Option 2 identifying only those (20) with robust evidence base
- Next step is to adopt the proposed Plan Change 7 for notification
- Tangata whenua tabled an alternative “option 3” to delay notification of the plan change until after tangata whenua are provided with the opportunity, including resourcing, to provide additional evidence to support all 43 water bodies identified by 30 November 2019.
- It was highlighted that should Option 3 be accepted, progressing Plan Change 7 and subsequent plan changes (e.g. TANK) would be at risk.
- Tangata whenua requested the meeting adjourn for a short period to allow them to further discuss the options.

The meeting adjourned at 2.33pm and reconvened at 2.58pm.

- Option to delay notification of the plan change until after 30 November 2019 was withdrawn and Tāngata whenua agreed to accept Option 1 subject to funding being provided for identified iwi authorities to provide additional evidential information to support the outstanding status of the water bodies listed where gaps have been identified.

RPC18/19 Resolutions

1. The Regional Planning Committee recommends that Hawke’s Bay Regional Council:
 - 1.1. Adopts Draft Plan Change 7 as proposed, with the list of 20 identified Outstanding Water Bodies and including amendments agreed by the 3 July 2019 Regional Planning Committee meeting, as Proposed Plan Change 7 to

the Regional Resource Management Plan for public notification.

Belford/Kirton

For: Dick, Hewitt, Barker, Bailey, Beaven, Belford, Kirton, Graham

Against: Hopmans, Paku, Mohi, Nelson-Smith, Kirikiri, Brown, Maihi-Carroll, Tapine

Abstained: Waaka

LOST

1. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
 - 1.1 Requests that staff assist iwi authorities to provide information and commit reasonable funding for iwi to undertake the analysis of information gaps in cultural and spiritual values for the outstanding water bodies identified in Draft Proposed Plan Change 7 and that such information be provided by 30 November 2019.

Hopmans/Nelson-Smith

WITHDRAWN

The motion was withdrawn and the **substantive** motion put.

1. That the Regional Planning Committee receives and notes the "*Notification of Proposed Plan Change 7: Outstanding Water Bodies*" staff report.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
 - 2.1 Adopts Draft Plan Change 7 as proposed, including the list of 38 outstanding water bodies and including amendments agreed at the 3 July 2019 Regional Planning Committee meeting, as Proposed Plan Change 7 to the Regional Resource Management Plan for public notification.
 - 2.2 Acknowledges the need for further evidence to support the outstanding classification for some of those bodies listed for cultural and spiritual values.
 - 2.3 Provides funding for the four identified iwi authorities (Heretaunga Tamatea, Te Rohe o Te Wairoa, Hineuru, and Ngati Ruapani ki Waikaremoana) to provide further evidence and information regarding cultural and spiritual values to support the outstanding status of water bodies where information gaps have been identified.
 - 2.4 Publicly notifies Proposed Plan Change 7: Outstanding Water Bodies before 31 August 2019, and calls for submissions in accordance with clause 5 Schedule 1 Resource Management Act 1991.
 - 2.5 Confirms that the closing date for receipt of submissions on Proposed Plan Change 7 will be extended beyond the statutory timeframe and be set at a date six months after notification.
 - 2.6 Adopts the '*Section 32 Evaluation Report: Plan Change 7 - Regional Resource Management Plan: Outstanding Water Bodies*', including amendments agreed at the 3 July 2019 Regional Planning Committee meeting, and makes it available for public inspection.
 - 2.7 Requests staff identify a shortlist of suitable qualified and experienced Resource Management Act accredited Hearing Commissioners for consideration by the Regional Planning Committee for appointment to the Hearing Panel to hear and make recommendations on the proposed Plan Change 7 in response to submissions and further submissions received.

Hopmans/Nelson-Smith
CARRIED unanimously

10. Update on Central Government Policy Announcements

The item was taken as read.

RPC19/19 **Resolution**

That the Regional Planning Committee receives and notes the "Update on Central Government Policy Announcements" staff report.

**Dick/Belford
CARRIED**

11. Resource Management Policy Project July 2019 Updates

The item was taken as read.

A request was made for a list Council's resource management plans including their review dates.

RPC20/19 **Resolution**

That the Regional Planning Committee receives and notes the "**Resource Management Policy Project July 2019 Updates**" staff report.

**Barker/Beaven
CARRIED**

12. Statutory Advocacy July 2019 Update

The item was taken as read.

A request was made for the outcome of the Wairoa District Council hearing for the resource consent application to clear 248 hectares of Manuka and Kanuka on in Mahia.

RPC21/19 **Resolution**

That the Regional Planning Committee receives and notes the "*Statutory Advocacy July 2019 Update*" staff report.

**Waaka/Belford
CARRIED**

13. Discussion of Minor Items of Business Not on the Agenda

There were no items for discussion.

The meeting was closed with a karakia by Pieri Munro.

Closure:

There being no further business the Chairman declared the meeting closed at 3.12pm on Wednesday, 3 July 2019.

Signed as a true and correct record.

DATE:

CHAIRMAN: