



MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

Date: Wednesday 18 September 2019

Time: 1.00pm

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

Present: Cr R Graham – 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*
P Paku – *Heretaunga Tamatea Settlement Trust*
A Tapine – *Tātau Tātau o Te Wairoa Trust*
Cr F Wilson

In Attendance: J Palmer – Chief Executive
J Lawrence – Group Manager Office of the CE & Chair
T Skerman – Group Manager Strategic Planning
P Munro – Te Pou Whakarae Māori Partnerships
C Edmonds – Manager Policy & Planning
M Baker – Senior Planner
B Brough – Independent Advisor
A Roets – Governance Administration Assistant

1. Welcome/Apologies/Notices

The Chairman, Rex Graham welcomed everyone to the meeting, including members of the TANK stakeholder group.

Resolution

RPC22/19 That the apology for absence from Liz Munroe be accepted.

**Barker/Hopmans
CARRIED**

Cr Rick Barker and Karauna Brown advised that they need to depart at 3.30pm and 4.00pm respectively.

Ceri Edmonds advised that the Ministry of Environment (MfE) is having roadshow about the consultation on Central Government's Essential Freshwater package, and proposed National Policy Statements for Highly Productive Land and Urban Development, and that dates, times and venues can be found on the MfE website.

2. Conflict of Interest Declarations

There were no conflict of interest declarations.

3.a Confirmation of Minutes of the Regional Planning Committee meeting held on 3 July 2019

RPC23/19 Resolution

Minutes of the Regional Planning Committee held on Wednesday, 3 July 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Bailey/Wilson
CARRIED**

4.b Confirmation of Minutes of the Regional Planning Committee meeting held on 14 August 2019

RPC24/19 Minutes of the Regional Planning Committee held on Wednesday, 14 August 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Bailey/Waaka
CARRIED**

4. Follow-ups from Previous Regional Planning Committee Meetings

The item was taken as read, with an explanation of the Annual budgets relevant to the RPC work provided, including for funding for the Māori Partnerships team, funding for the independent advisors and remuneration for tangata whenua representatives on the RPC and Māori Committee as well as a discretionary budget for the preparation of iwi management plans.

RPC25/19 Resolution

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

**Hopmans/Beaven
CARRIED**

5. Call for Items of Business Not on the Agenda

Recommendation

That the Regional Planning Committee accepts the following "Minor Items of Business

Not on the Agenda” for discussion as Item 14.

Item	Topic	Raised by
1.	Query about Air Quality Policy Currently awaiting an announcement from the Ministry for the Environment on the review and upgrade of the National Environmental Standards for Air Quality expected within the next 12 months. The review will flow into changes which will then be addressed through HB Regional Resource Management Plan policy changes. RPC to decide in new triennium whether to proceed with its own review ahead of National review.	T Waaka

6. Proposed TANK Plan Change 9 Adoption for Notification

The Item was taken as read, with questions and discussions covering:

- Amendments proposed by the RPC sub-committee are included in version 9.3 as presented
- Tangata whenua propose the adoption of an interim groundwater allocation limit of 80 M m³/year, as a result of concerns raised and discussions about whether tangata whenua’s aspirations and values will be met through stream flow enhancement, and as the best estimate of actual use modelled during 2012-13
- New permits issued subject to this Plan will only be issued where there is an existing permit due for expiry, and each permit will be subject to an actual and reasonable assessment of water use that results in a defined annual or seasonal amount through the resource consent application process
- A non numerical allocation limit is defensible under the national policy statement, however with no numerical limit Council will not know if the catchment is over allocated or not
- The Plan currently provides for management of adverse stream depletion effects through stream flow maintenance provisions, and groundwater levels are currently at an equilibrium
- Tangata whenua tabled an amended motion as the most pragmatic way forward, to notify TANK Plan Change 9 with further changes to Table A and to proceed with a Schedule 1, Part 1 process.
- Key changes tangata whenua proposing are an interim allocation limit of 80 Mm³/year and amending Table 53 “Social and Cultural” of Section 32 report to expand more on values.
- The Committee was advised that a new Section 4.6 will be included in the Section 32 report to address the social and cultural issues mentioned, and that the Plan Change Process is dealt with in a separate agenda item.

The meeting adjourned at 3.00pm and reconvened at 3.30pm.

- Tangata Whenua expressed their disappointment that their proposal was rejected, but believe there is merit in notifying the Plan Change.

Recommendations

1. That the Regional Planning Committee:
 - 1.1. Receives and considers the “Proposed TANK Plan Change 9 – Agree Amendments for Notification” staff report.
 - 1.2. Agrees to the amendments described in this report being incorporated the amended Tables 1, 2 ,3, 4, 5b, 6, 7, 8, 9, 10, into the proposed TANK Plan Change 9 as proposed, as Draft Plan Change version 9.3 and incorporated into the Section 32 report.
 - 1.3. Requests that staff prepare Proposed Plan Change 9 and complete the

Section 32 report according to the amendments as noted in 1.2 above and subject to amendments identified by the Section 32 peer reviewer.

2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
 - 2.1. Adopts the draft TANK Plan Change 9, as amended, as Proposed Plan Change 9 to the Regional Resource Management Plan for notification at the meeting on 25 September 2019.
 - 2.2. Makes the Section 32 report available for public inspection when the Proposed Plan Change 9 is notified.

Dick/Mohi

Tania Hopmans moved an amendment, seconded by Apiata Tapine, being:

1. That the Regional Planning Committee:
 - 1.1. Receives and considers the "Proposed TANK Plan Change 9 – Agree Amendments for Notification" staff report. (*unchanged*)
new
 - 1.2. Agrees to the amendments set out following, as a, b and c tabled by Tangata Whenua, being incorporated into Draft Plan Change version 9.3 and into the TANK Plan Change 9 Section 32 report.
 - (a) Amend Policy 34B(a) of PC9 [ver 9.3] to read:
Adopt an interim groundwater allocation limit of 80 M m³/year
 - (b) Amend rule TANK9 by deleting b(ii) following:
~~(ii) stream flow enhancement~~
 - (c) Amend Table 53 "Social and Cultural" of TANK Plan Change 9 section 32 report to read:
"It is acknowledged however, that tāngata whenua representatives have stated their opposition to Stream Flow Maintenance Schemes through the taking of groundwater to supplement stream flows. ~~concerns with the ability of this approach to~~ In addition, tāngata whenua have serious concerns about the likelihood of those scheme to effectively mitigate the stream depletion effects of groundwater takes on their cultural values. For these reasons, tāngata whenua maintain the inclusion of Stream Flow Maintenance Schemes in this plan must be a temporary and short-term mechanism that reflects the uncertainties with the long-term sustainability of the interim groundwater allocation limit of 80Mm³/year."
 - 1.3. Requests that staff prepare Proposed Plan Change 9 and complete the Section 32 report according to the amendments as noted in 1.2 above and subject to amendments identified by the Section 32 peer reviewer [as tabled at this meeting of the Regional Planning Committee]. (*unchanged*)
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
 - 2.1. Adopts the draft TANK Plan Change 9, as amended, as Proposed Plan Change 9 to the Regional Resource Management Plan for notification at the meeting on 25 September 2019. (*Unchanged*)
 - 2.2. Makes the Section 32 report available for public inspection when the Proposed Plan Change 9 is notified. (*Unchanged*)
new
 - 2.3. Notes the statements tabled by the Tāngata Whenua at this hui.

**Hopmans/Tapine
8 For: 9 Against**

The meeting adjourned at 3.00pm and reconvened at 3.30pm

The amendment was **LOST**, and the substantive motion put.

1. That the Regional Planning Committee:
 - 1.1. Receives and considers the “Proposed TANK Plan Change 9 – Agree Amendments for Notification” staff report.
 - 1.2. Agrees to all the additions and amendments made to Version 9 of the Plan as reported to the 3 July 2019 Regional Planning Committee meeting, changes to Objectives 2 and 15 as follows, the amendments described in Table 1 [following], and consequential amendments to the proposed TANK Plan Change 9 being incorporated into proposed Draft Plan Change version 9.3 and into the Section 32 report.
 - 1.1.1. **Objective 2-** Amend clause (e) to read:

“The significant values of the outstanding water bodies in schedule 25 and the values in the plan objectives are appropriately protected and provided for.
 - 1.1.2. **Objective 15**

Insert new clause “(f) the protection of the outstanding values of the Kaweka Lakes, Lake Poukawa and Pekapeka Swamp and the Ngamatea East Swamp”.
 - 1.1.3. **Table 1: List of issues and amendments**

	Issue	Amendments	Risk and Opportunities
1	The stream flow maintenance scheme does not fully remedy impacts on mauri or reflect tikanga or matauranga Māori.	Adverse effects of groundwater abstraction on mātauranga Māori and tikanga clearly acknowledged in Policy 34 as over-riding concern. Section 32 report to reflect nature of these concerns	Tangata whenua concerns may not be fully addressed by the Plan – but plan review process will enable reassessment about the extent to which adverse effects are to be further avoided or remedied and mitigated
2	Staged (or interim) approach to management	Policy 34 amended to describe components of staged management approach and new Policy 34 B describes allocation regime. Policy 39 for review remains with amendments to clarify what is being assessed.	Policy 34 more clearly describes the steps being used to develop sustainable groundwater allocation management for Heretaunga Plains groundwater.
3	The re-allocation of water based on the defined ‘actual and reasonable’ assessment.	Allocation for new water use is avoided as re-allocation is only in respect of existing permits and defined ‘actual and reasonable’ assessment. An exception for urban takes who have to meet planned urban development (HPUDS) within existing allocations. Policy 34B and 35 and 45	Existing investment is provided for, although is more constrained than previously to drive more efficient water use and management systems.

	Issue	Amendments	Risk and Opportunities
4	Any water that is unallocated, even if the total allocation is less than the specified limit, would not be re-allocated to any use until a review had been carried out- a sinking lid approach	If there is unallocated water it is left unused to provide additional protection for ecosystem values. Policy 43 deleted. Policy 34B and 47	Policy 45 previously allowed for re-allocation to urban use. Urban use must meet future demand within existing limits and through efficiency gains. Avoids further investment into water that might need to be clawed back if the allocation limit is further reduced
5b	No specific allocation limit be included but the combination of actions relied on to prevent new allocations and reduce current allocations	Combination of other provisions means limit is provided by preventing any new allocation of water to actual and reasonable and otherwise managing the HPs aquifer as over-allocated until review of plan provisions carried out	This more accurately reflects the uncertainties about the sustainable allocation limit and the impacts on water abstraction resulting from any changes beyond those already modelled. This also reflects the strong commitment for review of all aspects of water management for the aquifer because of the nature of the uncertainties and the significant potential costs and benefits associated with this decision.
6	Prohibited activity for new water uses	Non-complying rule now made prohibited and no consent can be applied for.	Prohibited provides greater level of control and better reflects concerns about the current level of allocation. Enables further over-allocation to be prevented. Avoids risk of allowing additional minor takes to add to the cumulative effects of all water takes. New water uses will rely on transfer of existing allocated water (subject to some limitations on site to site transfers). Risk that a future water use that might be contemplated in exceptional circumstances cannot be applied for.
7	The outcomes from stream flow maintenance and habitat enhancement scheme development and operation are more clearly provided for	Provides more clarity about obligations and expectations in respect of the design and operation of such schemes Policy 36 and new Schedule 11	Enables both flexibility and innovation while establishing minimum requirements.
8	Further direction included about how success of the stream flow maintenance and habitat enhancement scheme would be assessed.	Assessment criteria included in the policy and reflected in monitoring requirements for the schemes New Policy 37 and Schedule 11	Provides more clarity in relation to expectations and performance.

9	Concern that new clauses about constraints for developing large infrastructure over time creates a loophole for new use. (V9.1; Policy 34 Clause (h)(v).	The clause has been removed. More targeted amendment to Rule TANK 7.	The provision was not intended allow new development but to protect existing authorised commitments to water use. It has very limited application.
10	The development of the stream maintenance schemes needs to be in advance of water permit expiry	The implementation plan needs to be more explicit about council's role in making sure the schemes are able to be developed and rolled out as consents expire and new applications are made.	Provides more clarity for consent applicants.

- 1.3. Requests that staff prepare Proposed Plan Change 9 and complete the Section 32 report according to the amendments as noted in 1.2 above and subject to amendments identified by the Section 32 peer reviewer.
2. The Regional Planning Committee recommends that Hawke's Bay Regional Council:
 - 2.1. Adopts the draft TANK Plan Change 9, as amended, as Proposed Plan Change 9 to the Regional Resource Management Plan for notification at the meeting on 25 September 2019.
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Dick/Mohi
1 Against; 1 Abstained
CARRIED

Crs Alan Dick and Rick Barker, Nicki Kirikiri and Karauna Brown left the meeting at 4.08pm.

The Chair advised that the quorum was lost and the meeting lapsed at 4.08pm, with the following items outstanding.

- 7. TANK Plan Change 9 Options for Notification and Beyond**
- 8. Hawke's Bay Regional Planning Committee Terms of Reference**
- 9. Tangata Whenua Remuneration Review**
- 10. TANK Decision Making Under the RMA - S32**
- 11. Regional Planning Committee Orientation Handbook**
- 12. Resource Management Policy Project September 2019 Updates**
- 13. Statutory Advocacy September 2019 Update**

Pieri Munro offered a karakia to close the meeting.

Closure:

There being no further business the Chairman declared the meeting closed at 4.09pm on Wednesday 18 September 2019.

Signed as a true and correct record.

DATE:

CHAIRMAN: