



MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

Date: Wednesday 3 June 2020

Time: 10.05am

Venue: Online by Zoom invitation

Present: Cr R Graham – Co-chair
J Maihi-Carroll – Co-chair *Mana Ahuriri Trust*
Cr R Barker – Deputy Co-chair
K Brown – *Te Kopere o te Iwi Hineuru*
Cr W Foley
Cr C Foss
T Hopmans – *Maungaharuru Tangitū Trust*
T Huata – *Ngāti Pāhauwera Development & Tiaki Trust*
N Kirikiri – *Te Toi Kura O Waikaremoana*
Cr C Lambert
Cr N Kirton
M Mohi – *Ngāti Tuwharetoa Hapu Forum*
L Munroe – Deputy Co-chair *Heretaunga Tamatea Settlement Trust*
Cr H Ormsby
P Paku – *Heretaunga Tamatea Settlement Trust*
A Tapine – *Tātau Tātau o Te Wairoa Trust*
Cr J van Beek
Cr M Williams

In Attendance: J Palmer – Chief Executive
T Skerman – Group Manager Strategic Planning
P Munro – Te Pou Whakarae Māori Partnerships
J Lawrence – Group Manager Office of the CE & Chair
L Lambert – Group Manager Regulation
A Roets – Governance Administration Assistant
M Taiaroa – Senior Advisor Māori Partnerships
C Edmonds – Manager Policy & Planning
M Baker – Senior Planner
Dr A Hicks – Team Leader/Principal Scientist Water Quality & Ecology
Dr K Kozyniak – Principal Scientist (Air)
G Ide – Principal Advisor Strategic Planning

1. Karakia /Welcome/Apologies/Notices

Councillor Hinewai Ormsby offered a karakia to begin, before the Chair welcomed everyone to the meeting.

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Extraordinary Regional Planning Committee meeting held on 18 March 2020

RPC5/20 Resolution

Minutes of the Extraordinary Regional Planning Committee meeting held on Wednesday, 18 March 2020, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

van Beek/Barker
CARRIED

4. Follow-ups from Previous Regional Planning Committee Meetings

The item was taken as read.

RPC6/20 Resolution

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

Barker/Foss
CARRIED

5. Call for Minor Items Not on the Agenda

There were no minor items raised for discussion.

6. Mana Ahuriri Trust - Post Settlement Governance Entity Presentation by Piri Prentice

The Chair welcomed and introduced Piri Prentice and Barry Wilson of Mana Ahuriri Trust, inviting them to address the Committee to share the Mana Ahuriri Trust treaty settlement journey.

- Treaty partnerships and recognition of the Treaty of Waitangi as a founding document
- Journey to get recognition of the Treaty was everything except smooth, including a period of 24 years during which the Treaty was nullified by Chief Justice Prendergast and Māori suffered huge losses of land and resources before the Privy Council reinstated the Treaty in 1901.
- It took 135 years to finally pass the Treaty of Waitangi Act in 1975, to enforce the acceptance of Treaty obligations and provide a forum (Waitangi Tribunal) to hear Māori grievances against the Crown. The Waitangi Tribunal Act was amended in 1985 to allow grievances to be considered from any point since 1840.
- With the unanimous ruling by a special Court of Appeal consisting of 5 Judges in 1987 confirming the partnership established by the Treaty, Chief Appeal Court Judge Drury issued the following statement. "The Treaty of Waitangi is the founding document of our Nation. Our modern independent state was not based on colonial conquest, or the illegitimate invasion of settlers. New Zealand is founded on an agreement that continues today as an active partnership. A partnership between Māori and Pakeha."
- In 1916, Piri's grandfather, Pita Hohepa, and others made application to the Native

Land Court for Ahuriri, and a further petition to Judge Harvey was lodged in 1932. They waited 16 years (1948) for a decision from Judge Harvey, which was immediately embargoed by the Crown.

- Mana Ahuriri Trust was established 23 September 2016 as a private trust and Post Settlement Governance Entity to receive, manage, hold and administer the Trust's assets on behalf of and for the benefit of the present and future beneficiaries of Mana Ahuriri Trust in accordance with its Deed.
- The Deed of Settlement for Ahuriri was signed in November 2016, and is available online
- Endeavor to continue a positive, transparent partnership relationship with the Council
- To close, a mihi was offered to acknowledge Piri Prentice and his kōrero.

7. Presentation of Petition

Paul Bailey presented his petition which requests that council maintains its current policy requiring that consent applications for water bottling plants be publicly notified, following on from discussions at the 29 April Regional Council meeting.

Discussions traversed:

- Could not run a paper based petition it was conducted during lockdown, so used online form
- Policy seen as the next best way (second to expensive plan change) to effectively 'ban' water bottling in HB as not possible within RMA parameters
- Believes that Council should consult with the public before making any final decision to amend the policy.

RPC7/20 Resolution

That the Regional Planning Committee receives the petition, which reads "*We ask that Hawke's Bay Regional Council maintain its current policy of making consent application for water bottling plants publicly notifiable*" from Mr Paul Bailey.

**Barker/van Beek
CARRIED**

8. HBRC TANK Plan Change Submission

Tom Skerman introduced the item, which was taken as read, and Mary-Anne Baker provided an overview of the proposed submission, with discussions covering:

- the proposed submission seeks the amendment of Policy 39 and associated provisions, and does not attempt to change the content of the Plan that has been notified
- Council's submission will be considered by a hearing panel alongside all other submissions, and does not have greater weight than other submissions. It will be available for other submitters to support or oppose through the further submissions process.
- Community engagement through the webinar series on Facebook has been very successful
- proposed submission provides opportunity to consider alternative solutions that enable the same objectives to be met in a more cost effective, simpler and efficient way
- the Twyford model used for Raupare Stream was outlined
- tangata whenua members expressed support for a Council-led response to stream flow maintenance in partnership with iwi and tangata whenua
- costs associated with different solutions and who those will be borne by under different funding models, with water users being part of the solutions
- the revised approach proposed provides opportunity to develop solutions that allow water to be used more effectively along longer stretches of waterways and for the

benefit of more streams across the catchment

- water security programme is not dependent on the proposed policy amendment, but can be a significant chunk of the solution, more elegantly and more efficiently

RPC8/20

Resolutions

1. That the Regional Planning Committee receives and considers the “HBRC TANK Plan Change Submission” staff report.
2. The Regional Planning Committee recommends that Hawke’s Bay Regional 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 the Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
 - 2.2. Lodges a submission on the Proposed TANK Plan Change 9 before 3 July 2020 that seeks replacement of Policy 39 with a new policy along the following lines.

Hawke’s Bay Regional Council will:

- 2.2.1. consult with iwi and other relevant parties to investigate the environmental, technical, cultural and economic feasibility of options for stream flow maintenance and habitat enhancement schemes including water storage and release options and groundwater pumping and discharge options that:
 - (i) maintain stream flows in lowland rivers above trigger levels where groundwater abstraction is depleting stream flows and:
 - (ii) improve oxygen levels and reduce water temperatures:
- 2.2.2 determine the preferred solutions taking into account whether:
 - (i) wide-scale aquatic ecosystem benefits are provided by maintaining stream flow across multiple streams
 - (ii) multiple benefits can be met including for flood control and climate change resilience
 - (iii) the solutions are efficient and cost effective
 - (iv) scheme design elements to improve ecological health of affected waterbodies
 - (v) opportunities can be provided to improved public access to affected waterways.
- 2.2.3 develop and implement a funding mechanism that enables the Council to recover the costs of developing, constructing and operating stream flow maintenance and habitat enhancement schemes from permit holders, including where appropriate,
 - (i) management responses that enable permit holders to manage local solutions and
 - (ii) commitment to develop any further plan change within an agreed timeframe if necessary to implement a funding solution
- 2.2.4 ensure that stream flow maintenance and habitat enhancement schemes are constructed and operating within ten years of the operative date of the Plan while adopting a priority regime according to the following criteria:
 - (i) solutions that provide wide-scale benefit for maintaining stream

flow across multiple streams

- (ii) solutions that provide flow maintenance for streams that are high priority for management action because of low oxygen levels

2.2.5 review as per Policy 42 if no schemes are found to be feasible.

- 2.3. Makes amendments to TANK Rules 9 and 18 and Schedule 36, plus other consequential amendments as necessary to enable the new policy to be implemented including removing a choice between contribution to stream flow maintenance and a ban on abstraction at trigger flows.

**Williams/van Beek
CARRIED**

9. Proposed Plan Change 6A: Tukituki Catchment Table 5.9.1D
18. Feedback from Tukituki Catchment Proposed Plan Change Pre-consultation

Liz Lambert introduced the item, which is the combined item 9 and the additional information provided to the Committee as late item 18, including providing an overview of the background. Queries and discussions covered:

- No changes to the rules or instream water quality limits, the sole purpose of the proposed technical plan change is to rectify the issue arising from the nitrogen leaching table being based on an old (2015) version of Overseer which is no longer available
- staff received feedback from around 50 key organisations and iwi authorities during lockdown
- Because this is a very straight forward, technical plan change and Government announced last week that they are not ready to introduce the Resource Management Reforms, staff recommend the streamlined plan process is used
- Section 32 report required to provide the options assessment and thinking behind decisions made on any notified plan change proposal
- RMA requires that numbers must be fixed in a plan and cannot be open to change without further plan change process being undertaken
- A nutrient budget is required to be included in Farm Environment Management Plan which is required for landowners to get a resource consent, and those nutrient budgets have to be modelled using a tool such as Overseer (currently best available tool)
- Sought to engage with PSGEs and Taiwhenua within the affected geographic area – sole formal response received from Heretaunga Taiwhenua not in support, however no other formal responses received from Taiwhenua or PSGEs.
- Tamatea Taiwhenua expressed agreement with the proposal, subsequent to participating in the online engagement; and Forest & Bird submitted in support of the proposed change.

RPC9/20 Resolutions

1. That the Regional Planning Committee receives and considers the staff reports on *Proposed Plan Change 6A: Tukituki Catchment – Table 5.9.1D* and *Feedback from Tukituki Catchment Proposed Plan Change Pre-consultation*.
2. The Regional Planning Committee recommends that Hawke's Bay Regional 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 or persons likely to have an interest in the decision.
 - 2.2 Approves Proposed Plan Change 6A Tukituki Catchment – Table 5.9.1D for

notification and the associated report, *Section 32 Evaluation of proposed plan change 6A Tukituki Catchment – Table 5.9.1D*.

- 2.3 Requests staff apply to the Minister for the Environment to use the streamlined planning process.
- 2.4 As a default, should there no response from the Minister for the Environment by 15 July 2020, then approve the use of the Part 1 Schedule 1 RMA plan making process to enable a Council decision for the date of notification.
- 2.5 Requests staff inform all those who provided pre-notification feedback of the Regional Planning Committee's decision to approve Proposed Plan Change 6A Tukituki Catchment – Table 5.9.1D for notification.
- 2.6 Requests staff contact iwi authorities of the Tukituki Catchment to nominate a suitably qualified and accredited RMA hearing commissioner.
- 2.7 Requests staff prepare a proposal to review nutrient management as part of the review of freshwater management provisions in the Regional Resource Management Plan, with notification of the reviewed provisions to occur by 31 December 2024. Resourcing for this review will be included in the Proposed Long Term Plan 2021-2031.

**Barker/Kirton
1 Abstained
CARRIED**

The meeting adjourned at 12:30pm, with Rex Graham relinquishing the Chair, and reconvened at 1pm with Joinella Maihi-Carroll assuming the Chair.

12. Air Quality June 2020 Update

Christian Jirkowsky gave a presentation on air quality and air pollution control systems, including an overview of biomass residue waste problems, sources of air pollution including from wood burning, emission limits, and emission control systems.

Dr Kathleen Kozyniak updated the Committee on the current state of Hawke's Bay Air Quality with discussions covering:

- NZ studies have shown an increase in health issues hospital admissions with every 15ug/m³ increase in PM₁₀
- The ambient air quality in defined Airsheds must remain within the standards stated in the National Environmental Standards for Air Quality (NESAQ)
- Where no national environmental standards exist, the ambient air quality should remain within the MfE 2002 NZ Ambient Air Quality Guidelines
- 2017-21 Strategic Plan goal set "to consistently meet WHO guidelines by 2025"
- Concentrations of PM₁₀ in the Napier and Hastings Airsheds have decreased with implementation of Council's HeatSmart (Clean Heat) programme, which has been hugely successful, and wood burner requirements
- The main reason for the disparity in air quality between Napier and Hastings is the influence of sea breezes in Napier
- The proposed NESAQ amendments include new limits on annual and daily averages of PM_{2.5} in line with WHO guidelines and is currently open for submissions (submissions close on 31 July 2020)
- The air quality rules will be reviewed as part of the RRMP review due to commence during the 2020-21 financial year, to align with the 2020 NESAQ.

RPC10/20 Resolution

That the Regional Planning Committee receives and notes the "*Air Quality June 2020 Update*" staff report and presentation made by Mr Christian Jirkowsky.

**Graham/van Beek
CARRIED**

10. Policy on Notification of Water Bottling Related Consent Applications

Liz Lambert led the discussion, which traversed:

- Seeking the Committee's feedback on five options relating to the potential amendment of the Policy Council adopted in 2016 that requires public notification of any consent application relating to water bottling regardless of the RMA-prescribed notification assessment process – to ensure public transparency of applications for water bottling and providing the opportunity for the public to submit their concerns through the resource consent application process
- There are water allocation limits preventing new water takes on the Heretaunga Plains for any reason at present
- Potential policy change stems from Apollo Foods application for a change to their current consent to use part of their existing water take to expand their product range to include beverages that contain more than 90% water
- Current threshold defines 'water bottling' as beverages containing more than 90% water – and policy did not intend to capture the production of beverages like beer, fruit juice, etc.
- Much of the opposition to water bottling is and was based around concerns such as foreign ownership and plastic containers and not the environmental effects of the water take itself
- Concerns remain around water quantity and several expressed a view supporting retention of the status quo.

RPC11/20 Resolutions

1. That the Regional Planning Committee receives and considers the "Policy on Notification of Water Bottling Related Consent Applications" staff report.
2. The Regional Planning Committee provides feedback to Hawke's Bay Regional Council in relation to how resource consent applications for activities relating to water bottling should be assessed for notification.

**Barker/Hopmans
CARRIED**

11. Update on Tukituki Regulatory Implementation

Louise McPhail provided an update on implementation of Tukituki PC6, including:

- majority of FEMPs completed by 31 May 2018 deadline
- Last 3 months delayed some implementation due to Covid-19 and drought, with Tukituki Catchment having been particularly adversely affected by the drought and impacts on communities have been severe
- Next major regulatory deadline is the requirement for production land use consents by 1 June 2020
- Staff have worked with primary industry stakeholders to produce the required Procedural Guidelines and had sub-catchment meetings, direct communication and substantial media communications
- Due to the combined impact of the ongoing drought and Covid-19, Council staff have had discussions with MfE to determine whether a 12 month extension of the 31 May deadline would be possible
- An interim process was established for applicants unable to submit a full application by the deadline to allow them to submit a simpler 'placeholder' pre application
- 273 potential land use resource consent applications were due by 31 May - to date 20 full applications and 118 pre applications have been lodged

RPC12/20 Resolution

That the Regional Planning Committee receives and notes the "*Update on Tukituki Regulatory Implementation*" staff report.

**Tapine/Foley
CARRIED**

13. **Update on Government's Healthy Waterways Reform Package**

Gavin ide introduced the item, with queries and discussions covering:

- Most recent amendments to the Healthy Waterways reform package and key features that signal high level proposals that have yet to be seen in detail
- A new NPS for freshwater will be released later this year, anticipated prior to the September general election
- Comprehensive water reform package will have significant impact on councils with solid regulations that councils will need to enforce, and requires more active monitoring of the highest risk activities like discharges into waterways
- Government has set a deadline of 31 December 2024 for councils to adhere to regulations, which will require this committee to work at a much faster pace.

Councillor Rick Barker left the meeting at 2.56pm

RPC13/20 **Resolution**

That the Regional Planning Committee receives and notes the “*Update on Government’s Healthy Waterways Reform Package*” staff report.

**van Beek/Ormsby
CARRIED**

14. **Resource Management Policy Projects Update**

Ceri Edmonds introduced the item, with discussions covering the current status of the Mohaka and Outstanding Water Bodies plan changes, and next steps in the processes for each including:

- A summary of the submissions received on the Outstanding Water Bodies Proposed Plan Change 7 will be presented to the next RPC meeting, and the Committee will be asked to consider and decide on a pool of hearing commissioners, including nominations from iwi authorities
- A pan-iwi hui will now be arranged to discuss participation in the Mohaka Plan change process and input to the RPC.

RPC14/20 **Resolution**

That the Regional Planning Committee receives and notes the “*Resource Management Policy Projects Update*” staff report.

**Williams/Hopmans
CARRIED**

15. **June 2020 Statutory Advocacy Update**

Ceri Edmonds introduced the item which was taken as read, advising:

- Marine and Coastal Act application hearings are starting to commence and HBRC has received a number of requests for archival information by those researching applications on behalf of their clients
- All HBRC archives are now held in Fielding and a link directly to Archive Central will be added to the HBRC website.

RPC15/20 **Resolution**

That the Regional Planning Committee receives and notes the “*June 2020 Statutory Advocacy Update*” staff report.

**Foss/van Beek
CARRIED**

16. **Discussion of Minor Matters Not on the Agenda**

There were no minor items raised for discussion.

Pieri Munro offered a karakia to close the meeting.

Closure:

There being no further business the Chairman declared the meeting closed at 3.10pm on Wednesday, 3 June 2020.

Signed as a true and correct record.

DATE:

CHAIRMAN: