



## MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

**Date:** Wednesday 12 December 2018

**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 – *Ngāti Hineuru Iwi Inc*  
Cr A J Dick  
Cr D Hewitt  
T Hopmans – Deputy Co Chair *-Maungaharuru Tangitū Trust (via Skype)*  
N Kirikiri – *Te Toi Kura O Waikaremoana*  
Cr N Kirton  
J Maihi-Carroll – *Mana Ahuriri Trust*  
J Nelson-Smith – *Heretaunga Tamatea Settlement Trust*  
P Paku – *He Toa Takitini*  
A Tapine – *Tātau Tātau o Te Wairoa Trust*  
Cr F Wilson

**In Attendance:** M Mohi – Chairman Maori Committee  
J Palmer – Chief Executive  
P Munro – Te Pou Whakarae  
T Skerman – Group Manager Strategic Planning  
L Hooper – Principal Advisor Governance  
M Baker – Senior Planner  
C Edmonds – Senior Planner

## 1. Welcome/Apologies/Notices

The Chairman called the meeting to order before Pieri Munro offered a karakia and an explanation of the purpose and relevance of the karakia to keep in mind.

### Resolution

RPC48/18 That the apology for absence from Matiu Heperi-Northcroft be accepted.

**Tapine/Mohi  
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 31 October 2018

### RPC49/18 Resolution

Minutes of the Regional Planning Committee meeting held on Wednesday, 31 October 2018, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Waaka/Tapine  
CARRIED**

## 4. Follow-ups from Previous Regional Planning Committee Meetings

Tom Skerman advised that Napier City Council's mapping of drinking water Source Protection Zones will be completed by Tonkin & Taylor, including peer review, by the end of March 2019.

### RPC50/18 Resolution

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

**Paku/Bailey  
CARRIED**

## 5. Call for Items of Business Not on the Agenda

### Recommendations

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.	Status of unconsented feedlots in HB including those on Māori land	Cr Wilson
2.	Independent advice provided to RPC	Cr Beaven
3.	Results of tests on tuna killed recently	Mr Tapine

## 6. TANK Plan Change (Version 8) Recommendation to Council

The Chair advised his wish for the Committee to consider this item combined with the two other TANK related items 10 and 11.

Tom Skerman introduced the item, noting that the Committee's decisions today are sought to enable pre-notification consultation with iwi authorities, territorial authorities and ministers as well as TANK stakeholder group members and key stakeholder organisations, which will run for a period of six weeks from about 18 January.

Feedback from the pre-notification consultation will then be provided to the Committee. Staff tabled a 2 page summary document tabled as requested for inclusion in the pre-notification consultation by tangata whenua representatives, and a response in relation to that document provided a translation of Pou-tiri-Ao, which is a collective or collaborative approach to environmental protection and care.

Discussions traversed:

- High flow allocation of water for Māori well-being/ development, with still more work to be done to clarify who can apply for that water, define eligibility and what uses it is available for. Policies and rules need to be refined from specific feedback from iwi authorities in particular, provided through the pre-notification consultation process. TANK allocation for Māori well-being/ development is for 8 m<sup>3</sup> at flows above 20 m<sup>3</sup> from the Ngaruroro River.
- Clarity around section 32 evaluation report and the part that it plays in the plan change process, including an explanation that it's developed through an iterative process (as an outcome of the plan change consultation processes with iwi and RPC tangata whenua) which will include the document tabled today and the pre-notification consultation feedback received from iwi.
- Version 8 of the draft plan change will be provided in evidence to the WCO tribunal when the stage 2 hearings commence in February 2019
- Once pre-notification consultation has been completed, the RPC will consider the Plan Change again before adopting the draft for the public notification and the public consultation process. The draft Plan Change is available to the public during the pre-notification consultation process, however the public's opportunity to formally submit comes at the point of public notification.
- Suggested some context around the need to allocate water for Maori well-being be provided for the consultation processes, to assist with understanding the rationale.

#### RPC51/18 **Resolutions**

1. That the Regional Planning Committee:
  - 1.1 receives and notes the **TANK Plan Change (PC9 Version 8)** staff report.
  - 1.2 makes an in-principle decision about the spatial extent of the SPZ for the draft TANK Plan Change 9 following a verbal report of the findings from the Drinking Water JWG.
  - 1.3 Agrees that Draft TANK Plan Change 9 as provided, be recommended to the Council for adoption as a draft for targeted consultation with relevant iwi authorities, territorial local authorities, and relevant Ministers of the Crown.
  - 1.4 Recommends that Hawke's Bay Regional Council
    - 1.4.1 Agrees that pre-notification consultation should commence early in 2019, and
    - 1.4.2 Agrees to provide for a pre-notification consultation period of six weeks.

**Graham/Waaka  
CARRIED unanimously**

#### **10. Draft TANK Plan Change (PC9) – Pre-Notification Planning Pathway**

The item was taken as read as considered in conjunction with item 6.

#### RPC52/18 **Resolution**

That the Regional Planning Committee receives the ***“Draft TANK Plan Change (PC9) – Pre-Notification Planning Pathway”*** report.

**Graham/Waaka**

## 11. Draft TANK Plan Change (PC9) – Update on Supporting Documents

The item was taken as read as considered in conjunction with item 6.

### RPC53/18 Resolution

That the Regional Planning Committee receives the **“Draft TANK Plan Change (PC9) – Update on Supporting Documents”** report.

Graham/Waaka  
CARRIED

## 7. Tangata Whenua Remuneration Review

James Palmer introduced the item, noting that the Terms of Reference for the RPC does prescribe a remuneration review process, involving the appointment by the Co-chairs of 2 individuals to undertake the review, and which was not strictly adhered to for the previous review in 2017. The proposed review is again a departure from the ToR process, however is intended to draw upon the guiding principles in the terms of reference. Discussions traversed:

- Suggestion that Co-Chairs should decide the reviewers while the counter view that the entire committee should agree the scope of the review and the reviewers to be appointed.
- Comparators used for assessment of the tangata whenua role on the committee in 2017 not appropriate, and this further review will use comparators as per terms of reference
- Previous reviewer unfortunately provided with incorrect RPC terms of reference and not well briefed and assessing roles of this nature outside his area of expertise
- Governance role as well as responsibilities for liaison with and report-back to PSGE appointers need consideration through the review.
- Tangata whenua agreed with previous remuneration arrangements with the proviso that a thorough review be carried out within 6 months.
- Final ‘decision’ lies with Council, which will be resolved once agreed with RPC tangata whenua.

### RPC54/18 Resolutions

That the Regional Planning Committee:

1. receives and notes the **“Tangata Whenua Remuneration Review”** staff report.
2. instructs the Chief Executive to work collaboratively with the Regional Planning Committee Co-chairs to commission an independent review of the remuneration of RPC tāngata whenua members in accordance with the Regional Planning Committee Terms of Reference, as adopted by Hawke’s Bay Regional Council 26 February 2014, for agreement by the Committee prior to any appointment(s) being made.

Barker/Beaven  
Against: Tapine  
CARRIED

*Tania Hopmans left the meeting at 2.40pm*

## 8. RPC Performance Review - Summary of Feedback from Appointers

Tom Skerman introduced the item, and discussions traversed:

- Only 2 of the PSGE appointers and Council responded to the request for feedback on the committee’s performance – those documents as attached to the 31 October RPC agenda item comprise the review in its entirety.

- Suggested that resourcing and funding of post settlement governance entities is insufficient to enable those bodies to properly respond to requests for feedback, and James Palmer advised that discussions with Central Government in relation to the Crown providing adequate resourcing to the PSGEs to meet their governance obligations
- No guidance in the Act about how the review was to be carried out or the scope of the feedback sought – the RPC agreed the process and scope of the review, by way of each PSGE feeding into the process individually, and associated timelines, at its 2 May 2018 meeting.
- It was agreed that staff will redistribute the feedback provided to the 31 October Committee meeting agenda to all RPC members
- It is not the role of staff to wade in or make any qualitative or subjective comments around the formulation of the review, and have simply provided the comments as received
- Pieri Munro is progressing through one on one meetings with each of the appointers as part of understanding the component parts of Council across all of its committees, and a suggestion made that he also seek informal ‘review’ feedback through that process
- The committee was advised that there is discretion for the appointing bodies to undertake another review at any stage.

#### RPC55/18 Resolutions

1. That the Regional Planning Committee receives and notes the “**RPC Performance Review – Summary of Feedback from Appointers**” staff report.
2. That the Regional Planning Committee resolves that the Hawke’s Bay Regional Planning Committee Act Section 10(2)(a) review of the performance of the RPC has been completed.

**Dick/Wilson**  
**Against: Bailey, Kirikiri, Brown, Tapine, Waaka**  
**LOST**

As the resolution was lost, staff sought feedback on how to proceed, however were not provided with any guidance or direction on how, or whether, to draw the statutory review to a close.

*The meeting adjourned at 3.00pm and reconvened at 3.15pm*

#### 9. Request from the Tukituki Water Taskforce

Alex Walker, Mayor of Central Hawke’s Bay District Council, spoke to the taskforce’s request as their representative, with discussions covering:

- The Water taskforce is comprised of representatives of the district Council, regional council, te taiwhenua o Tamatea, Fish & Game, Forest & Bird, surface water consent holders users group, Ruataniwha water Users Group, residents of Ongaonga and Tikokino as well as Tranche 2 applicants
- Community led group to work through the science and issues to find short term and long term, sustainable solutions to water allocation and access issues
- Nub of issue today is one part of the Tukituki catchment plan that talks about the dates of implementation of low flow mechanisms in the Tukituki river

*Tania Hopmans re-joined the meeting at 3.20pm*

- Timeline to adapt to lower river flows too short, and seeking a change to the dates when new minimum flows come into effect, not the flow levels, with reliability becoming the issue
- Solutions for conserving water already in practice, including the phased Surface Water Conservation Plan, the result of research by the Group (50 members) with the support of HBRC, and endorsed by the Taskforce 19 November, which includes sharing volumes, sharing time and rationing, and smoothing out of water

takes over the summer period as well as identifies the water shortfall they have. Not the complete solution.

- Design and construction under way on small number of on-farm dams to seek consents for about half of the high flow allocations available under the Plan
- Taskforce request a little muddled because of how things have transpired with the Forest & Bird national office stepping in
- Ultimately the request is to create some space for the community to come together to find the solutions to take them from short term to long term thinking, with a real risk that short term actions/solutions could jeopardise the CHB position in the long run, with water insecurity viewed as being an impediment to good decision-making in terms of best or most suitable land use
- Results of Ongaonga and Tikokino survey will be reported to the Taskforce next week, with preliminary indications that of the 2/3 of the community who have responded to date, ½ of those have resilience issues requiring assistance
- Any plan change would be very narrow and focused and not address any issues other than those requested as those could have major cost and time implications, and the reality is that no solution will be in effect for this summer
- Proposed delay requested is for deferral of the effective date in 2018 to 2020 and to retain the 2023 date.
- In response to concerns about the resourcing implications of a “short term deferral of minimum flow changes” plan change, staff advised that a “Fast Fail” approach would be taken i.e. if in the early stages of consultation staff encounter significant opposition or objection to the deferral then the RPC would be briefed and further guidance sought on whether to continue.
- Tamatea Taiwhenua has several representatives participating on the taskforce and is absolutely supportive of the community developing and implementing the best long term solutions for the community and the rivers
- Community view that Tranche 2 applications are connected to the other issues
- The change from the previous request to RPC is the actions undertaken by the community to prepare for the minimum flow changes and respond with best endeavours to find and implement solutions, particularly working with tangata whenua and water user groups and the formation of the Taskforce comprised of a wider range of community representatives
- Water conservation activities in CHB intended to lessen impacts of water takes and the delay of minimum flow implementation on the river

#### RPC56/18 **Resolutions**

1. That the Regional Planning Committee receives and notes the request from the Tukituki Water Taskforce and the letter from the national office of the Royal Forest and Bird Protection Society.
2. The Regional Planning Committee directs staff to scope and initiate a preliminary Tukituki plan change process.

**Graham/Waaka**  
**Against: Bailey, Belford**  
**CARRIED**

*Toro Waaka left the meeting at 4.18pm*

#### **12. Resource Management Policy Project Updates**

The item was taken as read, with one query in relation to Outstanding Water Bodies and the additional protection provided for the specific values identified.

#### RPC57/18 **Resolution**

That the Regional Planning Committee receives the “**Resource Management Policy Project Updates**” report.

**Dick/Barker**  
**CARRIED**

**13. Statutory Advocacy Update**

The item was taken as read.

RPC58/18 **Resolution**

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

**Dick/Barker  
CARRIED**

**14. Discussion of Items of Business Not on the Agenda**

Item	Topic	Raised by
1.	Status of unconsented feedlots - request for an update on feedlots across the region, with Compliance Officers having followed up on 2 unknown, unconsented feedlots after recent flyover	Cr Wilson
2.	Independent advice provided to RPC – previous resolution that all independent advice be made available to all committee members following the tangata whenua hui the day prior to the RPC members, which will be done retrospectively to 13 August 2018	Cr Beaven
3.	tuna killed 6 weeks ago – compliance staff followed up on the deaths and no specific cause of death has been identified. Dr Andy Hicks advised that work is ongoing to improve the condition of the waterway as opposed to investigating a specific cause of a particular incident.	Mr Tapine

Pieri Munro closed the meeting with a karakia.

**Closure:**

There being no further business the Chairman declared the meeting closed at 4.35pm on Wednesday 12 December 2018.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....